

### 3.8.1 INTRODUCTION AND METHODOLOGY

This section is based on a number of surveys and reports of the biological resources found on the project site. This section is based on a Biological Resources Survey Letter Report for the proposed project prepared by Dudek (January 2006). This letter report is presented in **Appendix 3.8** of this EIR. The Biological Resources Survey Letter Report is intended to: (1) describe the existing condition of biological resources within the project site in terms of vegetation, flora, wildlife and wildlife habitats; (2) quantify impacts to biological resources that would result from implementation of the proposed project and describe those impacts in terms of biological significance in view of federal, state and local laws and policies; and (3) recommend mitigation measures for impacts to sensitive biological resources, if necessary.

This section is also based on a Focused California Gnatcatcher Survey for the proposed project prepared by Dudek (January 2006). The focused survey is presented in **Appendix 3.8** of this EIR. The purpose of this report was to determine whether the federally-listed California Gnatcatcher species was present on site. In addition, the section is based on a Biological Resources Report for the Jefferson Property (Jefferson was the prior owner of the site) prepared for the proposed project by Merkel & Associates, Inc. (June 2004). This technical report is presented in **Appendix 3.8** of this EIR. Finally, this section is based on a Gnatcatcher Survey prepared by Merkel & Associates, Inc. (June 2004). The technical report is presented in **Appendix 3.8** of this EIR.

The methodology utilized to prepare the Biological Resources Survey Letter Report by Dudek and the Biological Resources Report by Merkel & Associates, Inc. included a general biological resources assessment of the entire site, conducted on foot. During this assessment, the entire project site was walked to thoroughly complete the resource inventory. Vegetation and plant communities were mapped and classified. Additionally, a general wildlife and botanical survey was performed, sensitive habitat was assessed, and a biological resources map was prepared. The Biological Resources Report by Merkel & Associates, Inc. also conducted a wetlands delineation. Following completion of the field work, all vegetation polygons were transferred to a topographic base and digitized or downloaded into an AutoCAD drawing, and using ArcCAD, a Geographic Information System (GIS) coverage was created. Once in ArcCAD, the acreages of each vegetation type present onsite were determined.

The Biological Resources Survey Letter Report and the Biological Resources Report utilized the following references:

- Bowman, R. H. 1973. Soil Survey, San Diego Area, California, Part 1. United States Department of Agriculture;
- 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual (Technical Report Y-87-1);
- U.S. Fish and Wildlife Service ("USFWS") National List of Plant Species that Occur in Wetlands: California (Region 0);

- USFWS (2000), California Department of Fish and Game ("CDFG") (2005 a-d), and California Native Plant Society's ("CNPS") Inventory of Rare and Endangered Plants of California (CNPS website, June 2005);
- California Natural Diversity Database ("CNDDB") (CDFG 2005e);
- Unitt, P.A. 1984. Birds of San Diego County. Memoir 13, San Diego Society of Natural History;
- Bond, S.I. 1977. An Annotated List of the Mammals of San Diego County, California. Trans. San Diego Soc. Nat. Hist. 18:229-248;
- Stebbins, R.C. 2003. A Field Guide to Western Reptiles and Amphibians. Houghton Mifflin Co., Boston, Massachusetts;
- Emmel, T.C. and J.F. Emmel. 1973. The Butterflies of Southern California. Natural History Museum of Los Angeles County, Science Series 26:1-148;
- Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. Nongame-Heritage Program, California Department of Fish and Game; and
- Hickman, J.C. 1993. The Jepson Manual: Higher Plants of California. University of California Press, Berkeley.

The methodology utilized to prepare the Focused California Gnatcatcher Survey, performed by Dudek, and the Gnatcatcher Survey, performed by Merkel & Associates, included focused surveys for the coastal California Gnatcatcher. The surveys were performed on October 5, 2004, October 12, 2004, October 29, 2004, November 14, 2005, November 21, 2005, and November 28, 2005. All surveys utilized the USFWS Coastal California Gnatcatcher 1997 Presence/Absence Survey Protocol, for which biologists map all on-site vegetation communities and slowly walk survey routes in appropriate Gnatcatcher habitat, while utilizing taped recordings of Gnatcatcher vocalizations, as well as "pishing," in order to elicit initial vocal responses. An approximate 5 to 10 minute time interval was allowed for a response, particularly from advantageous viewpoints.

Additionally, the Focused California Gnatcatcher Survey, performed by Dudek, and the Gnatcatcher Survey, performed by Merkel & Associates, utilized the following references:

- USFWS Coastal California Gnatcatcher 1997 Presence/Absence Survey Protocol;
- Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. Nongame-Heritage Program, California Department of Fish and Game;
- Hickman, J.C. 1993. The Jepson Manual: Higher Plants of California. University of California Press, Berkeley;
- Oberbauer, T. 1996. Terrestrial Vegetation Communities in San Diego Based on Holland's Descriptions. San Diego Association of Governments. San Diego, California;

- Baldwin, B.G., S. Boyd, B.J. Ertter, R.W. Patterson, T.J. Rosatti and D.H. Wilken. 2003. Jepson Interchange List of Currently Accepted names of Native and Naturalized Plants of California. Jepson Flora Project, Jepson Online Interchange. [http://ucjeps.berkeley.edu/interchange/I\\_status\\_1+2.html](http://ucjeps.berkeley.edu/interchange/I_status_1+2.html); Regents of the University of California. Accessed October 28, 2004;
- American Ornithologists' Union 1998. Checklist of North American Birds. 7th Ed. American Ornithologists' Union. Washington D.C.; and
- American Ornithologists' Union 2004. Forty-fifth Supplement to the American Ornithologists' Union Checklist of North American Birds. Auk 121(3): 985-995.

### 3.8.2 EXISTING CONDITIONS

The project site is comprised of approximately 2.4 acres in the City of Del Mar, California, located at the southeast corner of Jimmy Durante Boulevard and San Dieguito Drive. The project site is located within the Del Mar Quadrangle 7.5 minute series topographic map. The elevation of the area surrounding the project area is approximately between 12 and 90 AMSL. Local topography is mostly level, with a manmade plateau in the northern portion of the site and a series of natural sandstone bluffs to the south. Adjacent land uses include single-family residences to the south and southwest, Jimmy Durante Boulevard and limited commercial development and governmental buildings to the north and west, and San Dieguito Drive and Liberty waste recycling center to the northeast.

The site is currently vacant and undeveloped. The site has been partially cleared and previously graded, as demonstrated by the manmade plateau in the northern/central portion of the site. The more accessible portions of the site are used as seasonal racetrack and fairground parking.

The project site supports two different soil types comprised of the following series: Tujunga sand, 0 to 5 percent slopes (TuB) and Loamy alluvial land-Huerhuero complex, 9 to 50 percent slopes, severely eroded (LvF3). Soils in the Tujunga series are derived from granitic alluvium and consist of very deep, excessively drained soils. They tend to occur on alluvial fans and within floodplains. Soils in the Loamy alluvial land-Huerhuero complex occur on old coastal ridges and consist of steep slopes, severely eroded soils, and alluvial fills.

#### **Vegetation Communities**

Five vegetation communities or land cover types were identified on-site, and are listed below. Three of these vegetation communities, coastal bluff scrub, disturbed coastal bluff scrub, and coastal brackish marsh, are deemed sensitive by state, local and federal agencies. The ornamental landscaping/non-native vegetation and disturbed habitat areas are not considered to be sensitive vegetation communities. Sensitive habitats are those that are considered to support unique vegetation communities, sensitive plants, and wildlife species, or function as corridors for wildlife movement. For more information regarding these species, please refer to **Appendix 3.8** (Biological Resources Survey Letter Report and (Biological Resources Survey).

**Southern Coastal Bluff Scrub (.27 acre).** Southern coastal bluff scrub is a vegetation community dominated by low-growing woody and succulent shrubs typically adapted to marine sandstone substrate subjected to moist winds and morning fog. Coastal bluff scrub has been severely depleted in San Diego County due to an increase in coastal development, resulting in the fragmentation of otherwise contiguous blocks of coastal bluff scrub habitat. On-site, lemonadeberry (*Rhus integrifolia*) dominates this community with a diverse understory comprised of coastal sagebrush (*Artemisia californica*), flat-top buckwheat (*Eriogonum fasciculatum* var. *foliosum*), ladies fingers (*Dudleya edulis*), coastal dudleya (*Dudleya lanceolata*), and deerweed (*Lotus scoparius*). Several local endemic species also occur within this community including the Del Mar mesa sand aster (*Corethrogyne filaginifolia* var. *linifolia*), California Native Plant Society List 1B, Cooper's piperia (*Piperia cooperi*), CNPS List 1B, and the Torrey Pine (*Piperia torreyana*), CNPS List 1B. This plant community is considered sensitive by state and federal resource agencies, most southern California jurisdictions, and local conservation organizations.

**Disturbed Southern Coastal Bluff Scrub (.35 acre).** Disturbed southern coastal bluff scrub is similar in species composition to the native southern coastal bluff scrub but contains at least 40 percent cover of non-native species including pampas grass (*Cortaderia selloana*), hottentot fig (*Carpobrotus edulis*), and myoporum (*Myoporum laetum*). Coastal bluff scrub (including disturbed forms) has been severely depleted in San Diego County due to an increase in coastal development, resulting in the fragmentation of otherwise contiguous blocks of coastal bluff scrub habitat. This plant community (including disturbed forms) is considered sensitive by state and federal resource agencies, most southern California jurisdictions, and local conservation organizations.

**Coastal Brackish Marsh (.09 acre).** Coastal brackish marsh is a wetlands community similar to coastal salt marshes, but brackish from freshwater input. This community usually develops at the interior edges of coastal bays and lagoons, and is dominated by perennial herbaceous monocots. On-site, coastal brackish marsh occurs as a narrow strip at the base of the sandstone bluffs along the northeast side of the property. This community is dominated by broad-leaved cattail (*Typha latifolia*), salty susan (*Jaumea carnosa*), southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*) and common woody pickleweed (*Salicornia virginica*) with approximately 30 percent cover of giant reed (*Arundo donax*), pampas grass (*Cortaderia selloana*), and hottentot fig (*Carpobrotus edulis*).

Coastal brackish marsh is considered a wetlands community and as such is under the jurisdiction of the CDFG, pursuant to Section 1602 of the California Fish and Game Code, the California Coastal Commission pursuant to the Coastal Act of 1976, and the Regional Water Quality Control Board ("RWQCB") pursuant to Section 401 of the federal Clean Water Act and the Porter-Cologne Act. Because there is no surface flow connectivity to a navigable water body (*i.e.*, San Dieguito River), the coastal brackish marsh may be considered an isolated water body. Therefore, the U.S. Army Corps of Engineers ("Corps") may or may not take jurisdiction over this community.

Waters of the United States or of California, including wetlands, are considered sensitive and may be regulated by local, state, and federal agencies. As a wetland community, any impacts to the coastal brackish marsh would be considered significant.

**Ornamental Landscaping/Non-Native Vegetation (.24 acre).** Ornamental landscaping/non-native vegetation refers to those areas where ornamental plant species and landscaping have been installed in place of native plantings for slope stabilization or aesthetic purposes. Within the project site, ornamental landscaping/non-native vegetation refers to a section of trees and shrubs adjacent to a housing development near the southwestern edge of the site. Species observed appear to be self-propagating from the adjacent landscaped areas. Species observed on-site include Sydney golden (*Acacia longifolia*), red gum eucalyptus (*Eucalyptus camaldulensis*), pampas grass, and hottentot fig.

**Disturbed Habitat (1.64 acres).** Disturbed habitat refers to areas where persistent mechanical/vehicular disturbance has resulted in severely limited natural vegetation growth. Disturbed habitat typically includes dirt roads, abandoned pads, and other man-made land covers. These areas generally are the result of severe or repeated mechanical perturbation. The vegetation present in disturbed areas is often dominated by non-native species, although some disturbance-adapted natives may occur. On-site, disturbed habitat refers to the relatively flat, bare lot adjacent to Jimmy Durante Boulevard and San Dieguito Drive. This area is subjected to intense pedestrian and vehicular traffic and is used seasonally as overflow parking for the Del Mar Fairgrounds. Dominant species include bromes (*Bromus diandrus*, *Bromus madritensis* ssp. *rubens*), tree tobacco (*Nicotiana glauca*), English plantain (*Plantago lanceolata*), hottentot fig, deerweed (*Lotus scoparius*), and spreading goldenbush (*Isocoma menziesii* ssp. *menziesii*).

### **Plants and Animals**

A total of 69 species of vascular plants, including 36 native and 33 non-native plants were recorded on-site during the 2004 and 2005 surveys. A list of these plants is attached as Appendix D to the Biological Resources Survey Letter Report, found in **Appendix 3.8** of this EIR. The plants classified as "sensitive" that were observed during the 2004 Merkel survey include the Del Mar mesa sand aster (CNPS List 1B), Cooper's piperia (CNPS List 1B), southwestern spiny rush (CNPS List 4) and the Torrey Pine (CNPS List 4). All sensitive species locations were mapped in the field directly onto topographic base maps of the site. The recorded flora of the project area is presumed to be limited as a consequence of the disturbed nature of the site, and the lack of large natural and native plant communities.

A total of 31 wildlife species were observed within the project site during the 2004 and 2005 surveys. These included one (1) amphibian species, twenty-one (21) bird species, two (2) mammal species, and seven (7) butterfly species. The animals detected during the on-site general biological resources assessment are listed in the Biological Resources Survey Letter Report, found in **Appendix 3.8** of this EIR. No state- or federally-listed endangered or threatened wildlife species were observed or are expected to occur on-site.

In November 2004, Merkel & Associates conducted a series of three protocol-level focused surveys for the coastal California Gnatcatcher (*Polioptila californica californica*; *gnatcatcher*), in accordance with the 1997 U.S. Fish and Wildlife Service's Coastal California Gnatcatcher

Presence/Absence Survey Protocol (see, **Appendix 3.8**). No coastal California Gnatcatchers were detected on the project site during these focused surveys.

In November 2005, Dudek performed an additional series of three protocol-level presence/absence surveys for the coastal California Gnatcatcher on the project site (see, **Appendix 3.8**). Surveys took place on three separate occasions by wildlife biologists, in conformance with the currently accepted protocol of the U.S. Fish and Wildlife Service Coastal California Gnatcatcher 1997 Presence/Absence Survey Protocol. The surveys took place in the areas of suitable habitat for this species, which included the .27 acre of southern coastal bluff scrub on the site and the .35 acre of disturbed southern coastal bluff scrub on the project site. No federally-listed threatened California Gnatcatchers were observed on-site during the protocol-level surveys.

### **Wetlands Delineation and Jurisdiction of Wetlands and Waterways**

Wetlands and jurisdictional waters existing on the project site are regulated by one or both of the following jurisdictions: the Corps, which has regulatory authority over the discharge of dredged or fill materials into the water of the United States; and the California Coastal Commission, which regulates wetlands occurring in the coastal zone through the coastal zone permitting process. Areas under the jurisdiction of the RWQCB generally coincide with waters of the United States. However, waters may be under the jurisdiction of the RWQCB as waters of the State as provided by the Porter-Cologne Act.

A wetlands delineation was conducted by Merkel biologists on May 3, 2004, in accordance with the Corps' 1987 Wetlands Delineation Manual. In addition, the delineation effort was expanded to identify Non-Wetland Waters under federal jurisdiction and streambeds under the jurisdiction of the CDFG. Wetlands and other jurisdictional waterways within the study area were plotted using both aerial photographs and topographic maps of the project site, and were then mapped directly onto a 1" = 20' scale topographic map.

Vegetation, hydrology, and soils were examined at each of the potential wetland sites. The channel banks were examined for evidence of an ordinary high water mark ("OHWM"), including sediment deposition and water marks. Drift lines were noted, where present. Munsell soil color charts were used to determine soil chroma and value. Soil pits were dug to depths ranging from 10-16 inches. Excavated soils were examined for evidence of hydric conditions, including low chroma values and mottling, vertical streaking and high organic matter content in the upper horizon. A total of four data stations were prepared on site. See, **Appendix 3.8** (Biological Resources Survey Letter Report).

The coastal brackish marsh was the only jurisdictional wetland habitat found on-site. The water in the marsh is discontinuous with the nearby lagoon and perennial standing water was determined to be sustained by groundwater seepage. For additional information regarding hydrology impacts on the project site, please refer to **Section 3.4** of this EIR.

### **3.8.3 THRESHOLDS OF SIGNIFICANCE**

Appendix G of the CEQA Guidelines provides that a project may result in a potentially significant impact to biological resources if the project would:

- (A) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service (**Threshold A**).
- (B) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service (**Threshold B**).
- (C) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (**Threshold C**).
- (D) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (**Threshold D**).
- (E) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (**Threshold E**).
- (F) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (**Threshold F**).

### **3.8.4 POTENTIAL IMPACTS OF THE PROJECT**

**3.8.4.1 Threshold A: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

**Threshold B: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?**

**Threshold D: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Biological field investigations conducted in May 2004 noted that no sensitive species were observed during the biological survey site visits. A second set of biological field investigations were conducted in November 2005, and, again, no state- or federally-listed endangered or threatened wildlife species were observed, including coastal California gnatcatcher, for which

species-specific surveys were conducted. The January 30, 2006 Biological Resources Survey Letter Report stated that no state- or federally-listed endangered or threatened wildlife species are expected to occur on-site. See, **Appendix 3.8**.

The project site is comprised of five vegetation communities or land cover types. Three of these vegetation communities, coastal bluff scrub, disturbed coastal bluff scrub, and coastal brackish marsh, are deemed sensitive by state, local and federal agencies. The ornamental landscaping/non-native vegetation and disturbed habitat areas are not considered to be sensitive vegetation communities. The buildings will be constructed primarily on the ornamental landscaping/non-native vegetation and disturbed habitat areas, with a small portion of the sensitive disturbed coastal bluff scrub (.08 acres) to be impacted by building. All other sensitive areas will be preserved. For a breakdown of sensitive habitat acreage on the project site, see **Table 3.8-1**, below.

No evidence on the project site demonstrated that it was within an established native resident or migratory wildlife corridor. Therefore, the project's impacts to the movement of any native resident or wildlife species is less than significant. However, Mitigation Measure Bio-3, below, will further ensure migratory birds nesting on the site will be protected, so that project construction does not encroach into the riparian habitat or disrupt avian breeding.

**Table 3.8-1  
Sensitive Habitat Acreage and Project Impacts**

Vegetation Community	Acreage on Project Site	Percent of Total Site	Acreage disturbed on project site	Impacts
Southern Coastal Bluff Scrub	.27 acre	10.4%	0	Project Will Not Directly Impact – No Construction on Bluffs
Disturbed Southern Coastal Bluff Scrub	.35 acre	13.5%	.08 acre	3% of Total Project Site of Disturbed Southern Coastal Bluff Scrub Will Be Directly Impacted By Project. (Mitigation Measure: Bio-1)
Coastal Brackish Marsh (Wetland)	.09 acre	3.5%	0	Conservation Easement – Project Will Not Directly Impact

Because the proposed project would impact .08 acre of disturbed southern coastal bluff scrub, which is considered a sensitive habitat, impacts would be significant. The proposed project site contains Torrey Pine trees and native plants, which would remain and be enhanced in an undisturbed portion of the site. No impact would occur to those species.

The site supports a diverse assemblage of trees and shrubs, which could serve as potential nesting habitat for resident songbirds. Breeding birds can be significantly affected by short-term construction-related noise, which can result in the disruption of foraging, nesting, and reproductive activities. While no sensitive species were detected onsite, two raptors were

detected offsite in proximity to the property including the northern harrier and red-tailed hawk. If these raptors as well as other sensitive birds breed in areas adjacent to the property, their reproductive activities could be adversely impacted by construction-related noise. Therefore, indirect impacts to nesting birds due to construction-related noise may occur as a result of the proposed project. This potential indirect impact is considered significant and mitigation has been incorporated to reduce impacts to less than significant. No other habitats or sensitive animal or plant species would be affected by the proposed project.

**3.8.4.2 Threshold C: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

The proposed project site contains approximately .09 acre of coastal brackish marsh. This wetland habitat would not be directly impacted by construction or operation of the proposed project; however, indirect impacts may occur from project lighting, site runoff, trash and debris, and/or human interactions, therefore mitigation has been incorporated into the project to reduce potentially significant impacts.

**3.8.4.3 Threshold E: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**Threshold F: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

The proposed project would not conflict with the City of Del Mar's local policies or ordinances protecting biological resources. The project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. However, the City of Del Mar is located within the City of San Diego MSCP Subarea Plan. Progress on this subarea plan has currently stalled. The draft plan focuses on six areas with significant resources in the mostly built-out city. The primary consideration is the southern area of the city, which includes a portion of the San Dieguito Lagoon. A draft plan for the Del Mar area has not yet been submitted (Online: [http://www.dfg.ca.gov/nccp/status.htm#Del\\_Mar](http://www.dfg.ca.gov/nccp/status.htm#Del_Mar), accessed November 8, 2006). No impact would occur.

### **3.8.5 LEVEL OF SIGNIFICANCE PRIOR TO MITIGATION**

No State- or federally-listed endangered or threatened wildlife species were observed on the project site, and none are expected to occur based on the biological surveys. With respect to sensitive habitats, the proposed project would impact .08 acre of disturbed southern coastal bluff scrub, which would be a significant impact, absent mitigation. The proposed project also may cause indirect impacts to the approximately .09 acre of coastal brackish marsh on site, which may be affected by project lighting, site runoff, trash and debris, and/or human interactions. Additionally, the proposed project may indirectly impact nesting habitat for residential songbirds, due to short-term construction-related noise. These indirect impacts can result in the disruption of foraging, nesting, and reproductive activities, which would be

considered significant. No other habitats or sensitive animal or plant species would be affected by the proposed project.

### 3.8.6 MITIGATION MEASURES

Potentially significant impacts caused by the impact to .08 acre of disturbed coastal bluff scrub, which is considered a sensitive habitat, possible indirect impacts to nesting birds due to construction-related noise, and possible indirect impacts to the approximately .09 acre of coastal brackish marsh on-site would be mitigated to below a level of significance by implementation of the following mitigation measures:

- Bio-1. Impacts to the .08-acre of southern coastal brush scrub habitat shall be mitigated on-site at a 3:1 ratio. The on-site mitigation area shall be a minimum of 10,454 square feet (or .24 acre) in area and be protected with a land conservation easement issued by the City of Del Mar prior to the issuance of a grading permit for the project. Southern coastal brush scrub habitat within the mitigation area shall be preserved and enhanced with native species. The conservation easement would be placed on 10,454 square feet of existing southern coastal brush scrub on the project site, which would be located in a wetland buffer area. Permanent fencing will separate the conservation easement from the project's structures and parking lot.
- Bio-2. Heavy equipment operations shall not occur within 500 feet of any bio-habitat occupied by any protected bird species during the nesting/breeding season for that species, or an alternative mitigation plan (barriers and periodic noise monitoring to confirm compliance) shall be implemented.
- Bio-3. If tree removal is necessary, and occurs during the bird nesting season (January 1 through August 31 for most species, including raptors), a focused avian nesting survey shall be performed by a qualified wildlife biologist 72 hours prior to tree removal in accordance with the Migratory Bird Treaty Act (16 U.S.C. Sections 703-712). Construction would not commence until a qualified biologist has inspected all of the trees and suitable shrubs on-site for nesting birds. If any active nests are detected, the area would be flagged, along with a buffer ranging from 25 to 300 feet (specific width to be determined by the project biologist). The project biologist shall then monitor the site during project construction to prevent unpermitted encroachment into the riparian habitat or disruption of avian breeding, and to direct construction activities away from nesting birds. To prevent noise impacts to nesting sensitive birds, construction activities (*i.e.*, grubbing, clearing, and grading) shall be avoided during the breeding season. If construction activities cannot be avoided during these periods, temporary noise barriers shall be installed to demonstrably reduce construction noise to below 60 decibels (dB) at the edge of the riparian area.
- Bio-4. Prior to issuance of a grading permit, the project applicant shall construct a permanent 50-foot-wide buffer around the entire on-site coastal brackish marsh area. This buffer shall be included in the land conservation easement issued by the City of Del Mar and would contain enhanced southern coastal bluff scrub habitat. Permanent fencing shall be placed along and outside of the perimeter of the buffer.

- Bio-5. Existing riprap shall be removed from the proposed 50-foot-wide wetlands buffer.
- Bio-6. During project operation, project stationary outdoor lighting, parking lot lighting and vehicular lighting shall be permanently shielded and/or directed away from wetland and coastal bluff scrub habitats within the conservation easement. Project plans showing these components shall be submitted to the City and approved prior to the issuance of a building permit.
- Bio-7. Surface flows from the project site shall be permanently directed away from the wetland habitat or treated for all potential project-related contaminants, such as pesticides and hydrocarbons, and attenuated through on-site best management practices (BMPs) prior to entering the buffer area. No BMPs shall be incorporated into the buffer area.
- Bio-8. BMPs, including the use of straw bales, gravel bags and sand bags, would be used wherever necessary throughout the life of the project, in accordance with the project's Storm Water Pollution Prevention Plan (SWPPP).
- Bio-9. During the project construction phase, all equipment maintenance, staging areas and dispensing of fuel, oil or other toxicants would occur in designated upland areas outside of any adjacent waters of the United States or other biologically sensitive habitat. During the operational phase of the project, the project site would not be used for equipment maintenance, staging areas or and dispensing of fuel, oil or other toxicants.

### **3.8.7 RESIDUAL IMPACTS/LEVEL OF SIGNIFICANCE AFTER MITIGATION**

With implementation of the proposed mitigation measures, all potential impacts to biological resources would be reduced to a level below significant. Therefore, the proposed project will not result in any significant unavoidable impacts to biological resources.