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Updated December 23, 2007

Revised July 30, 2003

~~April 18, 2003~~

Mr. Randy Goodson
Accretive Investments, Inc. – Olivenhain Town Center
3655 Nobel Drive, Suite 650
San Diego, CA 92122

RE: Results of an Updated Baseline Biological Field Survey of the approximately 8.4-acre Olivenhain Town Center Project, Encinitas

Dear Mr. Goodson:

In response to your recent request, we have completed an updated biological resources field survey of the approximately 8.4-acre Olivenhain Town Center property in the City of Encinitas. This property is located northwest of the intersection of Encinitas Boulevard and Rancho Santa Fe Road. This study is being required by the City in order to assess the property with respect to the onsite habitats and the potential for sensitive species, including various rare plants and animals that are known from the site's vicinity.

I originally visited and surveyed portions of the subject property 10 April 2003. On 28 November 2007, Julia Groebner, Associate Biologist, and I conducted an updated field survey of the property in response to a new project application. During both of the field surveys, all accessible areas of the property were carefully examined and assessed with respect to habitat quality and local and regional habitat value. As a part of the initial field survey work in 2003, a small offsite area to the east of Rancho Santa Fe Road that would be crossed for sewerline improvements was also examined. During each of the field surveys, all plants and animals encountered were identified *in situ*, or based on samples collected for subsequent examination. Table 1 presents a list of the flora and fauna detected in association with the property during the surveys for this report.

RESULTS

Plant Communities

The subject property supports several discrete plant communities or habitats (Figure 1). These include the following:

Non-native Grassland

The eastern portion of the property supports an open Non-native Grassland (NNG) plant association indicated by various annuals forbs and grasses. Dominants observed include Slender Wild Oat (*Avena barbata*), Ripgut Brome (*Bromus diandrus*), Purple False-brome (*Brachypodium distachyon*), Black Mustard (*Brassica nigra*), Field Bindweed (*Convolvulus arvensis*), and numerous other weeds. Several small Eucalyptus (*Eucalyptus* sp.) trees are present in the grassland, along with Golden Acacia (*Acacia retinodes*), Lemonadeberry (*Rhus integrifolia*) and other scattered shrubs and small trees. Small-flowered Morning Glory (*Convolvulus simulans*), a sensitive grassland species, is sporadic onsite, being found in moderate numbers over a wide area of the NNG. The biological resource value of the onsite NNG vegetation is moderate due to the presence of at least one sensitive grassland species.

Existing Development

The central portion of the property is mostly fully developed, with several homes, a barn, and surrounding horticultural plantings. This area of the site is of little to no biological resource value. The areas in close proximity to the homes were not examined in detail, and no inventory or assessment of the landscaping plantings were made.

Diegan Coastal Sage Scrub

A very small patch of Diegan Coastal Sage Scrub (CSS) vegetation is found at the northwestern corner of the property. This habitat occupies the south-facing slope of the site's northerly knoll. The CSS habitat is indicated by California Sagebrush (*Artemisia californica*), Flat-top Buckwheat (*Eriogonum fasciculatum*), California Wishbone Bush (*Mirabilis californicus*), and other soft-woody shrubs. The CSS vegetation on this site is of low habitat value, however, showing signs significant of degradation (i.e., infusion with Hottentot Fig – *Mesembryanthemum edule* – and debris) because of edge effects from nearby development. In any case, CSS is considered a sensitive habitat-type in Encinitas.

Southern Maritime Chaparral

A tiny patch of Southern Maritime Chaparral (SMC) vegetation adjoins the CSS at the site's northern corner. This habitat is indicated by Chamise (*Adenostoma fasciculatum*), Spice Bush (*Cneoridium dumosum*), Black Sage (*Salvia mellifera*), and other hard-woody shrubs growing on the relict sandstone formation soils at the site's higher elevations. This habitat is also of low biological resource value, being significantly of degraded by edge effects. SMC is considered a sensitive habitat-type in Encinitas.

Disturbed Habitat

The western portion of the site supports Disturbed Habitat. It appears that this area was graded in the past and it currently consists of bare dirt with a sparse cover of weedy species such as Hottentot Fig, Russian Thistle (*Salsola pestifer*), Common Horseweed (*Conyza canadensis*), Deerweed (*Lotus scoparius*), and Black Mustard. Non-native trees, including Golden Acacia, Brazilian Pepper-tree (*Schinus terebinthifolius*), and Eucalyptus, are found scattered throughout the Disturbed Habitat. The biological resource value of this habitat-type is low.

Sensitive Species

Two sensitive plants were observed during the field surveys. These are Small-flowered Morning-glory (*Convolvulus simulans*) and Torrey Pine (*Pinus torreyana*), as described and discussed below. A number of additional sensitive plants are known from the area - these were searched for, although no others were detected.

Small-flowered Morning Glory (*Convolvulus simulans*)

- LISTING:** CNPS R-E-D Code 1-2-2, List 4
State/Fed. Status: none
- DISTRIBUTION:** From Stanislaus County south through San Diego County into Baja California Norte, Mexico. Also found on San Clemente Island and Santa Catalina Island.
- HABITAT:** This prostrate little annual grows on clay soils that are typically associated with grassland habitats.
- STATUS:** Small-flowered Morning Glory is sporadic onsite, being found in moderate numbers over a wide area of the grassland. At least several hundred specimens are present on the property, although, as an annual, numbers vary from year to year. The low-growing nature of this small annual makes it not particularly conspicuous, and this species is frequently overlooked during biological surveys.

TORREY PINE
(*Pinus torreyana*)

- LISTING:** CNPS R-E-D Code 3-2-3, List 1B
State Status: none
Federal Status: Species of Concern
- DISTRIBUTION:** Endemic to coastal San Diego County between Del Mar and La Jolla.
- HABITAT:** Torrey Pines occur in Closed Coniferous Forest along the immediate coast. This large tree is able to survive where coastal fog creates a cooler and wetter environment.
- STATUS:** Two mature specimens observed onsite – these were clearly planted. Other species of *Pinus* were also observed on the property. All of the onsite pine trees are of a horticultural origin.

No sensitive animals were detected onsite, although various wide-ranging sensitive species, such as Cooper’s Hawk (*Accipiter cooperii*) and Red-shouldered Hawk (*Buteo lineatus*) might be expected. Also anticipated would be a few species of sensitive reptiles and possibly sensitive small mammals, such as various wide-ranging bats. No federally-listed or state-listed Rare, Threatened, or Endangered Species would be expected, however, based on the nature of the onsite habitats and small size of the property.

PROJECT IMPACTS

Approval and development of the Olivenhain Town Center project could result in a loss of up to approximately 8.4 acres of native and non-native vegetation, as follows:

- 1.70 acres of Non-native Grassland
- 5.16 acres of Existing Development
- 0.06 acre Diegan Coastal Sage Scrub
- 0.07 acre of Southern Maritime Chaparral
- 1.41 acres of Disturbed Habitat

These numbers assume a complete conversion of the onsite habitats, either directly as a result of grading and construction, or indirectly, due to edge effects. The California Environmental Quality Act (CEQA) requires a “worst-case” analysis when assessing project-related impacts.

Impacts to approximately 0.06 acre of CSS and approximately 0.07 acre of SMC are considered Less than Significant, pursuant to CEQA. This is because indirect impacts as a result of existing edge effects will

continue to affect this tiny patch of native brush. Although they are considered sensitive habitats, adjoining development already has substantially degraded this habitat area. Impacts would also be considered *de minimis* with respect to the loss of CSS habitat.

The loss of approximately 1.70 acres of Non-native Grassland vegetation supporting Small-flowered Morning-glory is, from a cumulative perspective, considered Significant, as defined by CEQA. Mitigation for this loss is recommended.

The loss of Existing Development and Disturbed Habitat is considered Less than Significant. These habitats do not provide any measurable biological resource value.

Development will contribute incrementally to the loss of open space and open potential foraging habitat for various local species. Because of the small size of the property and surrounding development, this loss is considered Less than Significant.

Potential displacement impacts to nesting raptors or migratory songbirds are considered potentially Significant, as defined by CEQA. The federal Migratory Bird Treaty Act (MBTA) and Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code (CFG) protect the nests of essentially all native birds. Although no active bird nests or nesting behaviors were detected during the site surveys, nesting in some of the trees or larger shrubs on or adjacent to the site is possible. Any disturbance, either direct or indirect, that would cause abandonment of active nests containing eggs or young would be a violation of the MBTA and/or the California Fish and Game Code.

MITIGATION RECOMMENDATIONS

In order to achieve adequate mitigation, pursuant to the requirements of CEQA, and in order to reduce all project impacts to Less than Significant, it is recommended that the project applicant secure no less than 1.7 acre-credits (equivalent to a 1-to-1 mitigation ratio) of Non-native Grassland supporting Small-flowered Morning-glory in a City-approved mitigation bank or other location conserving such resources. Mitigation for the loss of Small-flowered Morning-glory, a sensitive plant species, will thus be provided through "habitat-based" mitigation.

Site brushing, grading, and/or the removal of vegetation within 300 feet of any potential migratory songbird or raptor nesting location is not permitted during the spring/summer bird breeding season,

defined as from 15 January to 31 August of each year. This is required in order to insure compliance with the MBTA and the CFGC, which prevent the “take” of eggs, nests, feathers, or other parts of most native bird species. Should it be necessary to conduct brushing, grading, or other construction activities during the songbird/raptor breeding season, a preconstruction nesting survey of all areas within 300 feet of the proposed activity will be required. The results of the survey will be provided in a report to the City and the Wildlife Agencies for concurrence with the conclusions and recommendations.

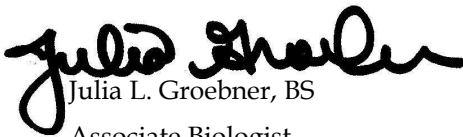
The securement of the above NNG mitigation credits, along with the avoidance of the “take” of nesting birds through seasonal restrictions, will provide the required mitigation for this project and reduce all impacts to Less than Significant. No other mitigation is required

Thank you for the opportunity to provide this report. Please contact us if you have any questions.

Sincerely,



Vincent N. Scheidt, MA
Certified Biological Consultant



Julia L. Groebner, BS
Associate Biologist

Table 1. Flora and Fauna Detected – Olivenhain Town Center Project Site

<u>Scientific Name</u>	<u>Common Name</u>
<u>Plants</u>	
<i>Acacia</i> sp *	Acacia
<i>Acacia retinodes</i> *	Golden Acacia
<i>Adenostoma fasciculatum</i>	Chamise
<i>Ambrosia psilostachya</i>	Western Ragweed
<i>Anagallis arvensis</i> *	Scarlet Pimpernel
<i>Antirrhinum nuttallianum</i>	Nuttall's Snapdragon
<i>Artemisia californica</i>	California Sagebrush
<i>Atriplex semibaccata</i> *	Australian Saltbush
<i>Avena barbata</i> *	Slender Wild Oat
<i>Baccharis sarothroides</i>	Broom Baccharis
<i>Brachypodium distachyon</i> *	Purple False-brome
<i>Brassica nigra</i> *	Black Mustard
<i>Bromus diandrus</i> *	Ripgut Brome
<i>Bromus unioloides</i> *	Rescue Brome
<i>Bromus rubens</i> *	Foxtail Brome
<i>Camissonia bistorta</i>	Southern Sun Cup
<i>Centaurea melitensis</i> *	Tocalote
<i>Chamaesyce</i> sp.	Spurge
<i>Chenopodium murale</i> *	Goosefoot
<i>Cneoridium dumosum</i>	Spice Bush
<i>Convolvulus arvensis</i> *	Field Bindweed
<i>Convolvulus simulans</i>	Small-flowered Morning-glory
<i>Conyza canadensis</i> *	Common Horseweed
<i>Coronopus didymus</i> *	Swine Cress
<i>Cortaderia</i> sp. *	Pampas Grass
<i>Crassula argentea</i> *	Jade Plant
<i>Croton californicus</i>	California Croton
<i>Cuscuta californica</i>	California Dodder
<i>Cynodon dactylon</i> *	Bermuda Grass
<i>Descurainia</i> sp.	Tansy Mustard
<i>Dichelostemma pulchellum</i>	Blue Dicks
<i>Diplacus aurantiacus</i>	San Diego Monkeyflower
<i>Dudleya pulverulenta</i>	Chalk Live-forever
<i>Echeveria</i> sp *	Echeveria sp.
<i>Encelia californica</i>	California Encelia
<i>Eriogonum fasciculatum</i>	Flat-top Buckwheat
<i>Erodium</i> sp. *	Stork's-bill
<i>Erodium botrys</i> *	Long-beaked Stork's-bill
<i>Erodium cicutarium</i> *	Red-stem Stork's-bill
<i>Erodium moschatum</i> *	White-stem Stork's-bill
<i>Eucalyptus</i> sp. *	Eucalyptus
<i>Eucalyptus camaldulensis</i> *	Murray Red Gum
<i>Eucalyptus globulus</i> *	Blue Gum

Table 1. Flora and Fauna Detected – Olivenhain Town Center Project Site, page 2

<u>Scientific Name</u>	<u>Common Name</u>
<u>Plants (cont)</u>	
<i>Eucalyptus citriodora</i> *	Lemon-scented Gum
<i>Festuca megalura</i> *	Foxtail Fescue
<i>Filago gallica</i> *	Narrow-leaf Filago
<i>Gnaphalium</i> sp.	Cudweed
<i>Gnaphalium canescens</i>	Cudweed
<i>Haplopappus squarrosus</i>	Hazardia
<i>Hedypnois cretica</i> *	Hedypnois
<i>Heliotropium curvassavicum</i>	Wild Heliotrope
<i>Hemizonia fasciculata</i>	Common Tarplant
<i>Heteromeles arbutifolia</i>	Toyon
<i>Heterotheca grandiflora</i> *	Telegraph Weed
<i>Hordeum murinum</i> *	Wild Barley
<i>Isocoma menziesii</i>	Goldenbush
<i>Lactuca serriola</i> *	Wild Lettuce
<i>Lampranthus</i> sp.	Ice Plant
<i>Lotus scoparius</i>	Deerweed
<i>Malosma laurina</i>	Laurel Sumac
<i>Malva parviflora</i> *	Cheeseweed
<i>Marah macrocarpus</i>	Man Root
<i>Medicago polymorpha</i> *	Bur Clover
<i>Melica imperfecta</i>	Coast Range Melic
<i>Mesembryanthemum edule</i> *	Hottentot Fig
<i>Mirabilis californicus</i>	California Wishbone Bush
<i>Myoporum laetum</i> *	Bastard Sandlewood
<i>Opuntia ficus-indica</i> *	Indian Fig
<i>Oxalis pes-caprae</i> *	Sorrel
<i>Pennisetum setaceum</i> *	African Fountain Grass
<i>Pinus</i> sp. *	Pine
<i>Pinus torreyana</i>	Torrey Pine
<i>Pluchea sericea</i>	Arrowweed
<i>Polygonum arenastrum</i> *	Yard Knotweed
<i>Polyogon monspeliensis</i> *	Rabbitfoot Grass
<i>Prunus persica</i> *	Peach
<i>Quercus agrifolia</i>	Coast Live Oak
<i>Raphanus sativus</i> *	Wild Radish
<i>Rhus integrifolia</i>	Lemonadeberry
<i>Rumex crispus</i> *	Curly Dock
<i>Salix lasiolepis</i>	Arroyo Willow
<i>Salsola pestifer</i> *	Russian Thistle
<i>Salvia mellifera</i>	Black Sage
<i>Sambucus mexicanus</i>	Elderberry
<i>Schinus molle</i> *	Peruvian Peppertree

Table 1. Flora and Fauna Detected – Olivenhain Town Center Project Site, page 2

<u>Scientific Name</u>	<u>Common Name</u>
<u>Plants (cont)</u>	
<i>Schinus terebinthifolius</i> *	Brazilian Peppertree
<i>Solanum xanti</i>	Chaparral Nightshade
<i>Sonchus oleraceus</i> *	Sow Thistle
<i>Sonchus asper</i> *	Sow Thistle
<i>Stephanomeria virgata</i>	Stephanomeria
<i>Stipa lepida</i>	Foothill Stipa
<i>Tragopogon porrifolius</i> *	Purple Salsify
<i>Trifolium sp.</i> *	Clover
<i>Urtica urens</i> *	Dwarf Nettle
<i>Vicia sativa</i> *	Spring Vetch
<i>Vitis sp.</i>	Horticultural Grape
<i>Washingtonia robusta</i> *	Mexican Fan Palm
<u>Birds</u>	
<i>Archilochus sp.</i>	Hummingbird
<i>Archilochus anna</i>	Anna's Hummingbird
<i>Carduelis psaltria</i>	Lesser Goldfinch
<i>Carpodacus mexicanus</i>	Housefinch
<i>Corvus corax</i>	Common Raven
<i>Dendroica coronata</i>	Audubon's Warbler
<i>Mimus polyglottos</i>	Mockingbird
<i>Psaltriparus minimus</i>	Bushtit
<i>Sayornis nigricans</i>	Black Phoebe
<i>Thryomanes bewickii</i>	Bewick's Wren
<i>Zenaidura macroura</i>	Mourning Dove
<u>Mammals</u>	
<i>Spermophilus beecheyi</i>	California Ground Squirrel
<i>Sylvilagus audubonii</i>	Desert Cottontail
<i>Thomomys bottae</i>	Valley Pocket Gopher
<u>Reptiles</u>	
<i>Gerrhonotus multicarinatus</i>	Southern Alligator Lizard
<i>Sceloporus occidentalis</i>	Western Fence Lizard





Total = 97 plants, 16 animals detected

Bold = sensitive species

Figure 1. Vegetation Exhibit – Olivenhain Town Center Project Site



LEGEND

-  = Coastal Sage Scrub
-  = Southern Maritime Chaparral
-  = Non-native Grassland
-  = Disturbed Habitat