CEQA Level Biological Assessment for the Residences at Casa Loma Development Site Redlands, San Bernardino Co., CA
Update No. 1, October 7, 2019

(5.738 acres Surveyed)

Assessment Completed For:

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Field Surveys Conducted
26 April; 20 May 2018; September 26, 2019

Report Date:
7 October 2019

EXECUTIVE SUMMARY

The Planning Associates (TPA) was contracted by Dynamic Redlands, LLC. to conduct CEQA level presence / absence biological assessment on a 5.738 acre urban parcel in the City of Redlands, San Bernardino County. The Residences at Casa Loma (referenced as the Project) is a planned urban infill 147 residential unit development. Two pedestrian surveys were conducted on the Project, once on 26 April and again on 20 May 2018 for the initial report. A subsequent pedestrian field survey was conducted on September 26, 2019 to determine any changes in conditions since the date of the initial report. Meteorological conditions were optimal for the survey on all dates.

Prevailing weather conditions during the onsite survey are summarized in the following table:

26 September 2019

	Extremes		**Wind**	**Humidity**
High Temperature:	77°F	at 2:52 PM PDT	NE 8 MPH	51%
Low Temperature:	67°F	at 5:02 AM PDT	No Wind	75%
Precipitation:	0.00" (0.0 mm)			
Sunrise / Sunset:	6:40 AM / 6:42 PM			

No significant changes to the site were observed during the pedestrian field survey conducted on fverified by this Update No. 1.

The Project currently exists as a feral undeveloped residential parcel, overgrown with aggressive exotic ruderal vegetation (mostly exotic grasses). The site does go through scheduled fire abatement but the vegetation grows back quickly. Infrequent occurrences of landscape vegetation persist as vestiges of former residential Project occupation (fan palms, orange trees, etc.); ruderal vegetation predominated. The following species were common on the Project site: Slender sunflower, *Helianthus gracilentus;* Common fiddleneck, *Amsinckia menziesii intermedia;* Black mustard, *Brassica nigra;* Russian thistle, *Salsola tragus*; Burr-clover, *Medicago polymorpha*; Long-beaked filaree, *Erodium botrys*; Common bedstraw, *Galium aparine;* Slender wild oat,

Avena barbata; Wild oat, *Avena fatua;* Ripgut brome, *Bromus diandrus;* Soft chess, *Bromus hordeaceus;* Foxtail chess, *Bromus madritensis rubens;* Annual rabbitsfoot grass, *Polypogon monspeliensis;* Common Mediterranean grass, *Schismus barbatus;* Smilo grass, *Stipa miliacea;* Rattail Fescue, *Vulpia myuros myuros;* American Tobacco, *Nicociana glauca.*

The occurrence of feral (domestic) cats on the site potentially limits the occurrence of wildlife. Domestic dog, *Canis domesticus*, and cats, *Felis familiaris*, were observed and heard; active mounding of the Valley gopher, *Thomomys bottae*, were also observed. Fecal pellets of Muridae rodents (field—house mouse/deer mouse) were also observed in wind-eddying catchments and along existing walls and fences. Carpenter ants are abundant foraging on the copious grass seeds.

A small cadre of common avian species was collectively seen on the site visits which has not varied significantly from the 2018 survey. The observed avian species included the following: American kestrel, *Falco sparverius;* Rock dove, *Columbia livia;* Morning dove, *Zenaida macroura;* Song sparrow, *Melospiza melodia;* House finch, *Carpodacus mexicanus;* Northern mockingbird, *Mimus polyglottos;* European starling, *Sturnus vulgaris; and* House wren, *Troglodytes adeon;* Cooper's hawk, *Accipiter cooperii;* American crow, *Corvus brachyrhynchos*; Say's phoebe, *Sayornis saya*; California towhee, *Melozone crissalis*; Anna's hummingbird, *Calypte anna;* and Costa's hummingbird, Calypte *costae.*

The absence of state or federally protected plants or wildlife, or critical habitat for federally endangered species, and no US Army Corp of Engineers or California Department of Fish and Wildlife jurisdictional lands suggests no state or federal nexus.

PROFESSIONAL CERTIFICATIONS

Certification: I hereby certify that the statements furnished above and in the attached exhibits present the data and information presented are true and correct to the best of my knowledge and belief. Field work conducted for this report was performed by me or under my direct supervision. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the

Project applicant or applicant's representative and that I have no financial interest in the Project. Any federally and/or state threatened/endangered species cannot be taken under State and Federal law. The report and recommended mitigation measures included in this report do not constitute authorization for incidental take of the any sensitive species.

Field Work Performed BY:

Date: 9/26/2019 Signature: _____

Howard Hardin, Principal

The Planning Associates

Biological Technical Report Prepared BY:

Date: 9/26/2019 Signature: _____

Howard Hardin, Principal
The Planning Associates

Appendix I

Initial CEQA Level Biological Assessment

Casa Loma Residential Development Site Redlands, San Bernardino County, CA

1.0 Introduction

The Planning Associates (TPA) was contracted by Dynamic Redlands, LLC to conduct a CEQA level presence / absence biological assessment on a 5.738 acre urban parcel in the City of Redlands, San Bernardino County. The Residences at Casa Loma Development (referenced as the Project) is a planned urban infill consisting of a 147 residential unit development.

The purpose of this CEQA level general pedestrian biological assessment is to clarify the potential for biological resources occurring onsite, to assess the potential for sensitive resources occurring on the property, and to describe potential regulatory issues impacting both the resident floral and faunal species occurring on the site as well as the site itself. The suggestion that a potential for certain plants and animals to exist on site is predicated upon species specific surveys conducted on adjacent, near-by and/or similar environmental habitats. Species-specific studies of the subject property will be required to show either presence or absence of regulated floral/faunal assemblages. State and Federal regulatory resource agencies typically assume a species present if appropriate habitat exists on site until protocol surveys provide evidence to the contrary.

2.0 Location

The Project site is located within the southern California city of Redlands, north of Interstate 10 (I-10) with North University Avenue forming the eastern boundary; East Lugonia Avenue on the north, and Occidental Drive on the western edge. The southern edge abuts a residential area (Fig. 1). The site approximates 5.738 acres, including three occupied residences on the eastern edge that are programmed for future destruction as part of the development Project. The postal address for this site corresponds to 1255 North University Street, Redlands, CA. The APN of the project site is 1212-371-01, 05, 06, 07, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.

3.0 Site Conditions

The site exists as a vacant undeveloped residential plot, overgrown with aggressive exotic ruderal vegetation (mostly grasses). The site does go through scheduled fire abatement but the vegetation grows back quickly. Irrigation occurred from infrequent precipitation and runoff. The following species were common on the Project site: Slender sunflower, *Helianthus gracilentus;* Common fiddleneck, *Amsinckia menziesii intermedia;* Black mustard, *Brassica nigra;* Russian thistle, *Salsola tragus*; Burr-clover, *Medicago polymorpha*; Long-beaked filaree, *Erodium botrys*; Common bedstraw, *Galium aparine;* Slender wild oat, *Avena barbata;* Wild oat, *Avena fatua;* Ripgut brome, *Bromus diandrus;* Soft chess, *Bromus hordeaceus;* Foxtail chess, *Bromus madritensis rubens;* Annual rabbitsfoot grass, *Polypogon monspeliensis;* Common Mediterranean grass, *Schismus barbatus;* Smilo grass, *Stipa miliacea;* Rattail Fescue, *Vulpia myuros myuros;* American Tobacco, *Nicociana glauca* (see Exhibit 1).

The occurrence of feral (domestic?) cats on the site potentially limits the occurrence of wildlife. Domestic dog, *Canis domesticus*, and cats, *Felis familiaris*, were observed and heard; active mounding of the Valley gopher, *Thomomys bottae*, were also observed. Fecal pellets of Muridae rodents (field—house mouse/deer mouse) were also observed in wind-eddying catchments and along existing walls and fences. Carpenter ants are abundant foraging on the copious grass seeds.

A small cadre of common avian species were collectively seen on the two site visits. The observed avian species included the following: American kestrel, *Falco sparverius;* Rock dove, *Columbia livia;* Morning dove, *Zenaida macroura;* Song sparrow, *Melospiza melodia;* House finch, *Carpodacus mexicanus;* Northern mockingbird, *Mimus polyglottos;* European starling, *Sturnus vulgaris; and* House wren, *Troglodytes adeon;* Cooper's hawk, *Accipiter cooperii;* American crow, *Corvus brachyrhynchos*; Say's phoebe, *Sayornis saya*; California towhee, *Melozone crissalis*; Anna's hummingbird, *Calypte anna;* and Costa's hummingbird, Calypte *costae.*

The on-site absence of state or federally protected plants or wildlife, or critical habitat for federally endangered species, and no US Army Corp of Engineers or California Department of Fish and Wildlife jurisdictional lands suggests no state or federal nexus. The overgrowth of native and nonnative vegetation will draw the attention of fire-abatement authorities. Pursuant to the Federal Migratory Bird Treaty Act of 1918, a qualified biologist must oversee fire abatement activities and project related construction activities during nesting bird season or potentially face fines of $200,000, imprisonment for not more than one year or both.

4.0 Field Surveys

Two pedestrian surveys were conducted on the Project, once on 26 April and again on 20 May 2018. The site conditions have not changed since the last May 2018 visit and September 2019 visit. Meteorological conditions were optimal for the survey on both dates. Field surveys were focused on sensitive biological resources, and included observations of potential habitat for sensitive species. Signs surveyed for included nests, tracks, scat, burrows, skeletal remains, and live animals. During the surveys, notes were made on the plant and animal species observed, the

surface characteristics and topography of the Project area, and the suitability of the habitat for the sensitive species.

Binoculars were used to aid in the identification of birds.

5.0 Regulatory Background

Special status species are native species that have been afforded special legal or management protection because of concern for their continued existence. There are several categories of protection at both federal and state levels, depending on the magnitude of threat to continued existence and existing knowledge of population levels.

5.1 Federal Endangered Species Act

The USFWS administers the federal Endangered Species Act (ESA) that provides a process for listing species as either threatened or endangered, and methods of protecting listed species. The ESA defines as "endangered" any plant or animal species that is in danger of extinction throughout all or a significant portion of its range. A "threatened" species is a species that is likely to become endangered in the foreseeable future. A "proposed" species is one that has been officially proposed by USFWS for addition to the federal threatened and endangered species list. Plants that are listed as threatened or endangered are only protected on public federal lands. Federally protected plants are not protected on private property unless there is a federal nexus.

Section 9 of the ESA prohibits "take" of threatened or endangered species. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. The presence of any federally threatened or endangered species that are in a Project area generally imposes severe constraints on development, particularly if development would result in "take" of the species or its habitat. Under the regulations of the ESA, the USFWS may authorize "take" when it is incidental to, but not the purpose of, an otherwise lawful act. The Multiple Species Habitat Conservation Plan adopted in Riverside County and Lake Elsinore is a federal ESA authorized Section 10a habitat conservation plan.

5.2 California Endangered Species Act

The CDFW administers the California Endangered Species Act (CESA). The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens.

5.3 Sections 3503 and 3511 of California Fish and Wildlife Code

The CDFW administers the California Fish and Wildlife Code. There are particular sections of the Code that are applicable to natural resource management. For example, Section 3503 of the Code states it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3511 of the Code lists fully-protected bird species, where the CDFW is unable to authorize the issuance of permits or licenses to take these species.

5.4 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) makes it unlawful to pursue, capture, kill, or possess or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union. Protection against (human) disturbance to alleviate nesting failure is afforded nesting migratory birds from February through August. A qualified biologist must be present during the nesting bird season if any activity were to occur that might result in potential destruction of active nests.

5.5 Section 1600 of the California Fish and Wildlife Code

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California are subject to the regulatory authority of the CDFW pursuant to Sections 1600 through 1603 of the Code, requiring preparation of a Streambed Alteration Agreement. Under the Code, a stream is defined as a body of water that flows at least periodically, or intermittently, through a bed or channel having banks and supporting fish or other aquatic life. Included are watercourses with surface or subsurface flows that support or have supported riparian vegetation. CDFW also has jurisdiction within altered or artificial waterways based on the value of those waterways to fish and wildlife, and also has jurisdiction over dry washes that carry water ephemerally during storm events.

6.0 RESULTS

6.1 Prevailing Weather Conditions

Prevailing weather conditions during the onsite surveys are summarized in the following tables:

26 April 2018

	Extremes		Normal	Predicted
High Temperature:	83.8°F (28.8°C)	at 3:24 PM PDT	79°F (26°C)	81°F
Low Temperature:	43.6°F (6.4°C)	at 6:27 AM PDT	49°F (9°C)	44°F
Average Temperature:	61.3°F (16.3°C)		63°F (17°C)	
Precipitation:	0.00" (0.0 mm)			

Sunrise / Sunset: 6:12 AM / 7:22 PM

20 May 2018

	Extremes		Normal	Predicted
High Temperature:	81.9°F (27.7°C)	at 2:22 PM PDT	88°F (31°C)	73°F
Low Temperature:	58.2°F (14.6°C)	at 11:58 PM PDT	57°F (14°C)	60°F
Average Temperature:	68.2°F (20.1°C)		70°F (21°C)	
Precipitation:	0.00" (0.0 mm)			
Sunrise / Sunset:	5:37 AM / 7:57 PM			

26 September 2019

	Extremes		Wind	Humidity
High Temperature:	77°F	at 2:52 PM PDT	NE 8 MPH	51%
Low Temperature:	67°F	at 5:02 AM PDT	No Wind	75%
Precipitation:	0.00" (0.0 mm)			
Sunrise / Sunset:	6:40 AM / 6:42 PM			

No significant changes to the site were observed during the pedestrian field survey conducted on verified by this Update No. 1. Meteorological conditions were optimal for the survey on all dates.

6.2 Sensitive Biological Resources

Two days of survey on the Casa Loma development site revealed no sensitive wildlife, or habitat considerations that might invoke state and/or federal resource agency objection (nexus) to the development of this Project. No sensitive plant or animal species of special concern were observed.

The City of Redlands is not constrained by the Western Riverside Multiple Species Habitat Plan. The overgrowth of native and non-native vegetation was mowed on Wednesday 30 May 2018. Pursuant to the Federal Migratory Bird Treaty Act of 1918, a qualified biologist monitored the fire abatement activities and project related construction activities (Exhibits 3-5).

6.3 CEQA Guidelines, Appendix G Environmental Checklist Form, Biological Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on				**X**

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?				
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?				**X**
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?				**X**
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?				**X**
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				**X**
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?				**X**

6.4 LITERATURE AND DATABASES REVIEWED

a. California Native Plant Society. 2010. Inventory of Rare and Endangered Plants in California, 8th Edition, Online WWW.CNPS.org.

b. Hickman, J.C. ed. 1993. The Jepson Manual: Higher Plants of California. University of California Press, Berkeley, 1400 pp.
c. Sawyer, John O., and T. Keeler-Wolf. 1995. A Manual of California Vegetation. Sacramento, California Native Plant Society.
d. State of California Resources Agency. 2018 Special Animals.
e. State of California Resources Agency. 2018 State and Federally Listed Endangered and Threatened Animals of California.