Biological Resources Report for the Proposed Helen Woodward Animal Center Phased Development Project

P04-059
ER# 96-08-023B

Prepared for:
Helen Woodward Animal Center
6461 El Apajo Rd.
Rancho Santa Fe, CA 92067

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April 2008

Jim Rocks, Principal Biologist
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1.0 Summary of Findings

The approximately 14.0-acre Helen Woodward Animal Center project site (project site) is comprised primarily of Developed (9.5 acres) land, with smaller areas of Ornamental (1.9 acres), Eucalyptus Woodland (1.0 acres), Southern Riparian Scrub (0.4 acres), Freshwater Marsh (0.3 acres), Buckwheat Scrub (0.1 acres), Disturbed habitat (0.9 acres), and Open Water (0.02 acres). The proposed project would have an impact on Eucalyptus Woodland (0.5 acres). Also, 9.5 acres of Developed and 1.5 acres of Ornamental will be affected through phased rebuilding of the Helen Woodward Animal Center project site. No sensitive plant or animal species were detected or are expected to occur on the mostly developed site.

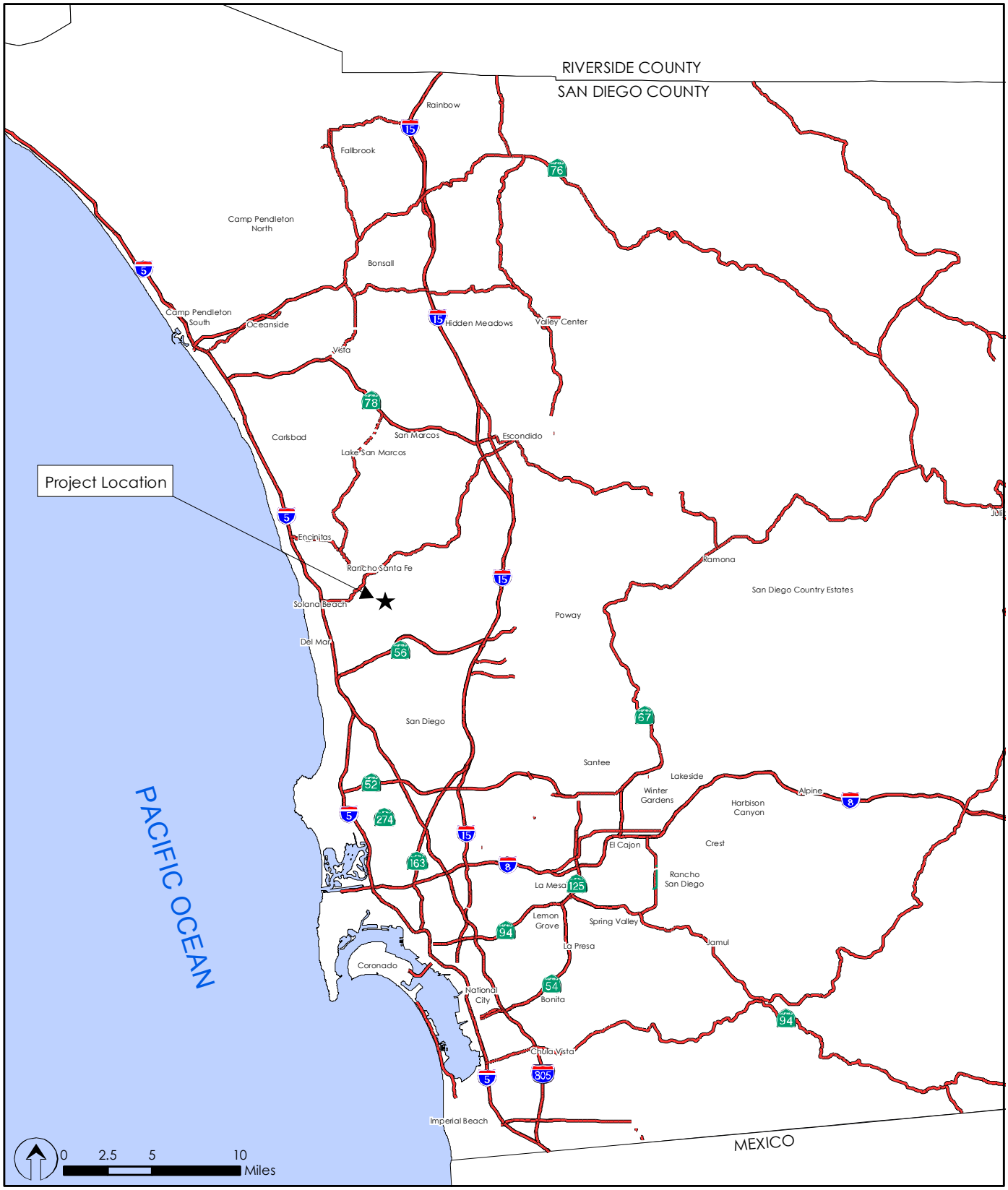
County of San Diego (County) Resource Protection Ordinance (RPO) wetland habitat occurs along the southern boundary of the property within the drainage that runs parallel to San Dieguito Road. There will be no impacts on County RPO wetlands as was previously anticipated in the June 2006 submittal of this report. The site plan has been redesigned and impacts on RPO wetlands will be avoided. The small patch of Southern Riparian Scrub (0.06 acre) that occurs immediately north of the drainage was determined to not be an RPO wetland by County staff in 2004 due to the fact that is is supported exclusively by an artificial drainage feature. There will not be an impact on this small patch of Southern Riparian Scrub as was previously anticipated. The Biological Resources Map shows an impact of 0.03 acres to Southern Riparian Scrub, but this area is willow tree canopy that was mapped hanging over the site and will not be impacted by construction. The area that is shown within the limits of grading is not the trunk or large limbs of willow trees. Following construction, there will be a RPO wetland buffer of 50 feet between County jurisdictional RPO wetlands and Building 3. Also, a limited building zone (LBZ) of between approximately 30 and 50 feet wide will be maintained. The LBZ will help protect the biological open space that will be placed under a conservation easement (see Open Space Exhibit).

This report addresses biological resources on the proposed project site, potential impacts that may result from the proposed development, and mitigation measures to reduce these impacts to below a level of significance as defined by the California Environmental Quality Act and the County of San Diego.

2.0 Introduction

The project site is located along El Apajo, Calle Del Nido and San Dieguito Roads near Fairbanks Ranch in Rancho Santa Fe, California (Figure 1). The site is almost completely developed with buildings, stables, training areas, roads, and parking lots, except for the drainage along the southern boundary of the property that supports County RPO wetland habitat including riparian and marsh vegetation. Land use in the immediate vicinity includes residential development and a Rancho Santa Fe fire station to the north, commercial development to the east, residential development to the south and a church and associated parking lots and recreational fields to the west.

The proposed project consists of the phased demolition, reconstruction, and renovation of the existing 120,710 square foot Helen Woodward Animal Center (HWAC), on its current Rancho Santa Fe site. The site is approximately 14 acres, and the phased rebuilding of the Center anticipates approximately 87,339 square feet of new building space, referred to as Building I, Building III, and the Therapeutic Riding Structure, and approximately 41,013 square feet of renovated space referred to as Building II. In addition, approximately 4,098 square feet of new horse stalls will be located adjacent to



SOURCE: SANDAG and BRG Consulting, Inc., 2004

11/19/04

BRG CONSULTING, INC.

Helen Woodward Animal Center

Regional Vicinity

FIGURE

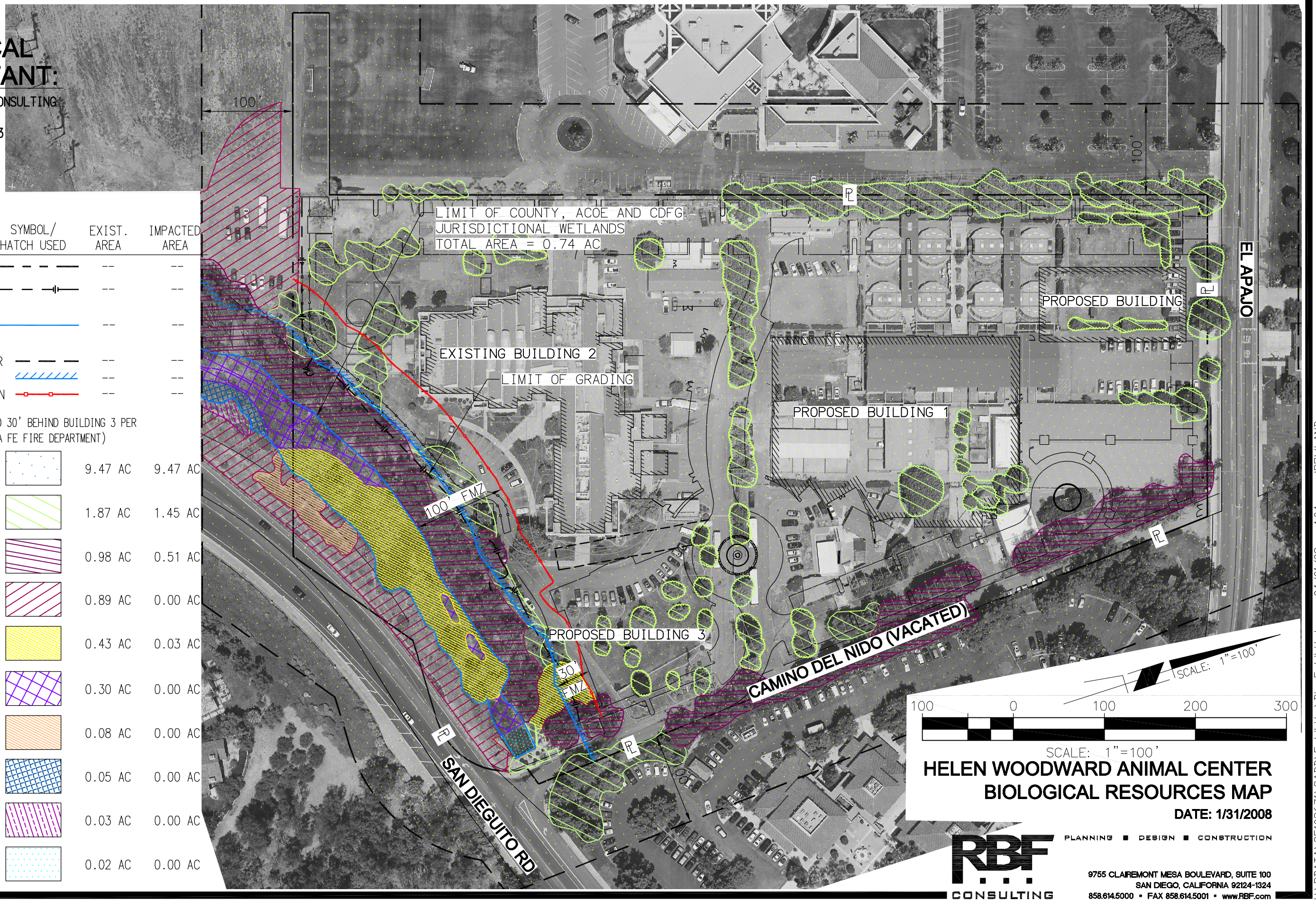
1

BIOLOGICAL CONSULTANT:

ROCKS BIOLOGICAL CONSULTING
3242 FALCON ST.
SAN DIEGO, CA 92103
(619) 843-6640

LEGEND

HABITAT TYPE	SYMBOL/ HATCH USED	EXIST. AREA	IMPACTED AREA
PROPERTY LINE		--	--
LIMIT OF GRADING		--	--
LIMIT OF COUNTY ACOE AND CDFG JURIS. WETLANDS		--	--
100' MAPPING BUFFER		--	--
50' WETLAND BUFFER		--	--
100' FUEL MODIFICATION ZONE (FMZ) (EXCEPT WHERE REDUCED TO 30' BEHIND BUILDING 3 PER APPROVAL OF RANCHO SANTA FE FIRE DEPARTMENT)		--	--
DEVELOPED		9.47 AC	9.47 AC
ORNAMENTAL		1.87 AC	1.45 AC
EUCALYPTUS		0.98 AC	0.51 AC
DISTURBED HABITAT		0.89 AC	0.00 AC
SOUTHERN RIPARIAN SCRUB		0.43 AC	0.03 AC
FRESHWATER MARSH		0.30 AC	0.00 AC
BUCKWHEAT SCRUB		0.08 AC	0.00 AC
HERBACEOUS WETLAND		0.05 AC	0.00 AC
GOLDENBUSH SCRUB		0.03 AC	0.00 AC
OPEN WATER		0.02 AC	0.00 AC



HELEN WOODWARD ANIMAL CENTER
BIOLOGICAL RESOURCES MAP

DATE: 1/31/2008

RBF CONSULTING
PLANNING ■ DESIGN ■ CONSTRUCTION
9755 CLAIREMONT MESA BOULEVARD, SUITE 100
SAN DIEGO, CALIFORNIA 92124-1324
858.614.5000 ▪ FAX 858.614.5001 ▪ www.RBF.com

H:\PDATA\2510267\1\CADD\Exhibits\Bio Exhibit.dwg 04/01/08 - 4:04pm JRDWLAND

Open Space Exhibit

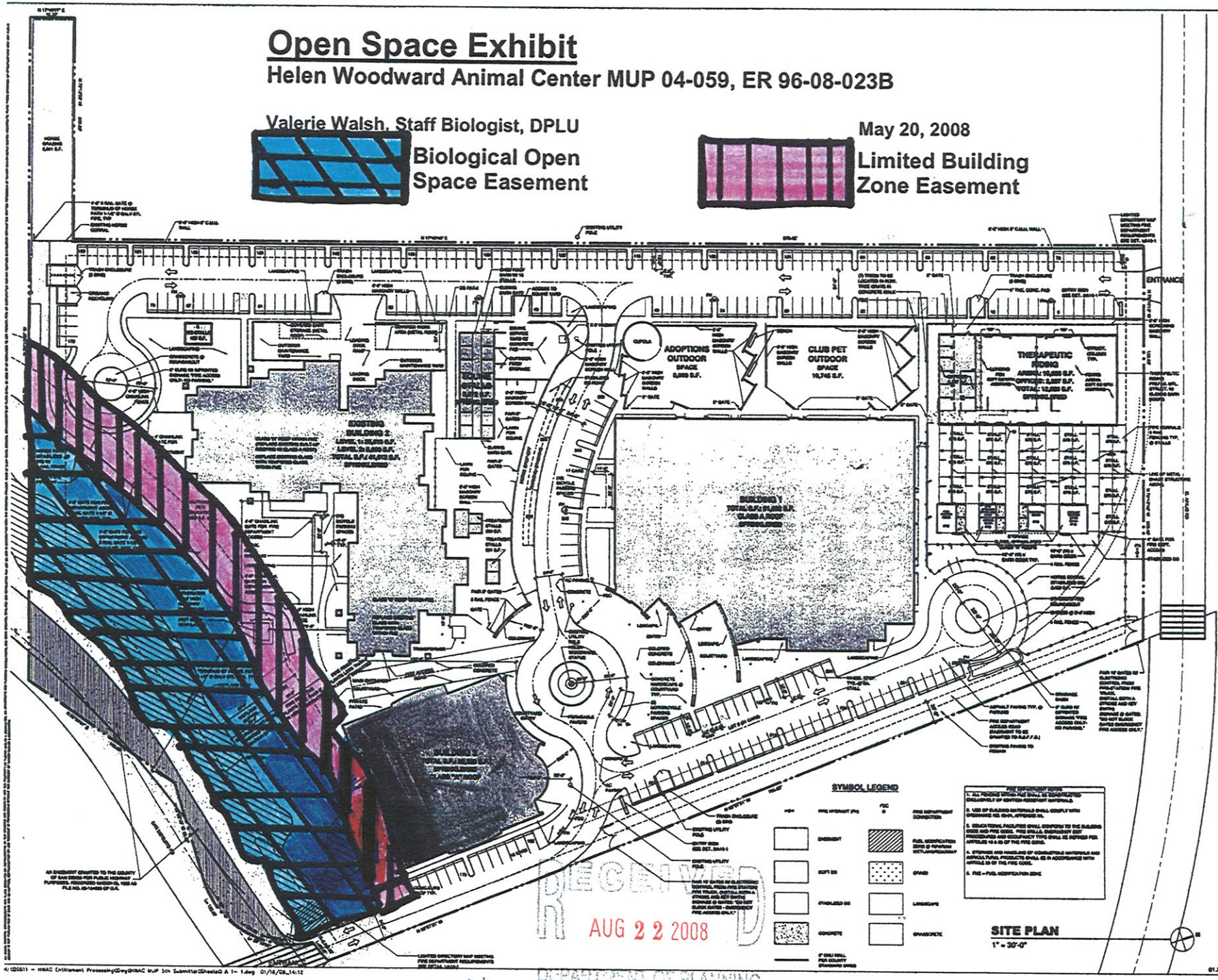
Helen Woodward Animal Center MUP 04-059, ER 96-08-023B

Valerie Walsh, Staff Biologist, DPLU

May 20, 2008

Biological Open Space Easement

Limited Building Zone Easement



TUCKER SADLER

Helen Woodward Animal Center

P04-059

ER#96-08-023B

SITE PLAN

A 1-1

RECEIVED
AUG 22 2008
DEPARTMENT OF PLANNING AND LAND USE

Open Space Fencing and Signage Exhibit

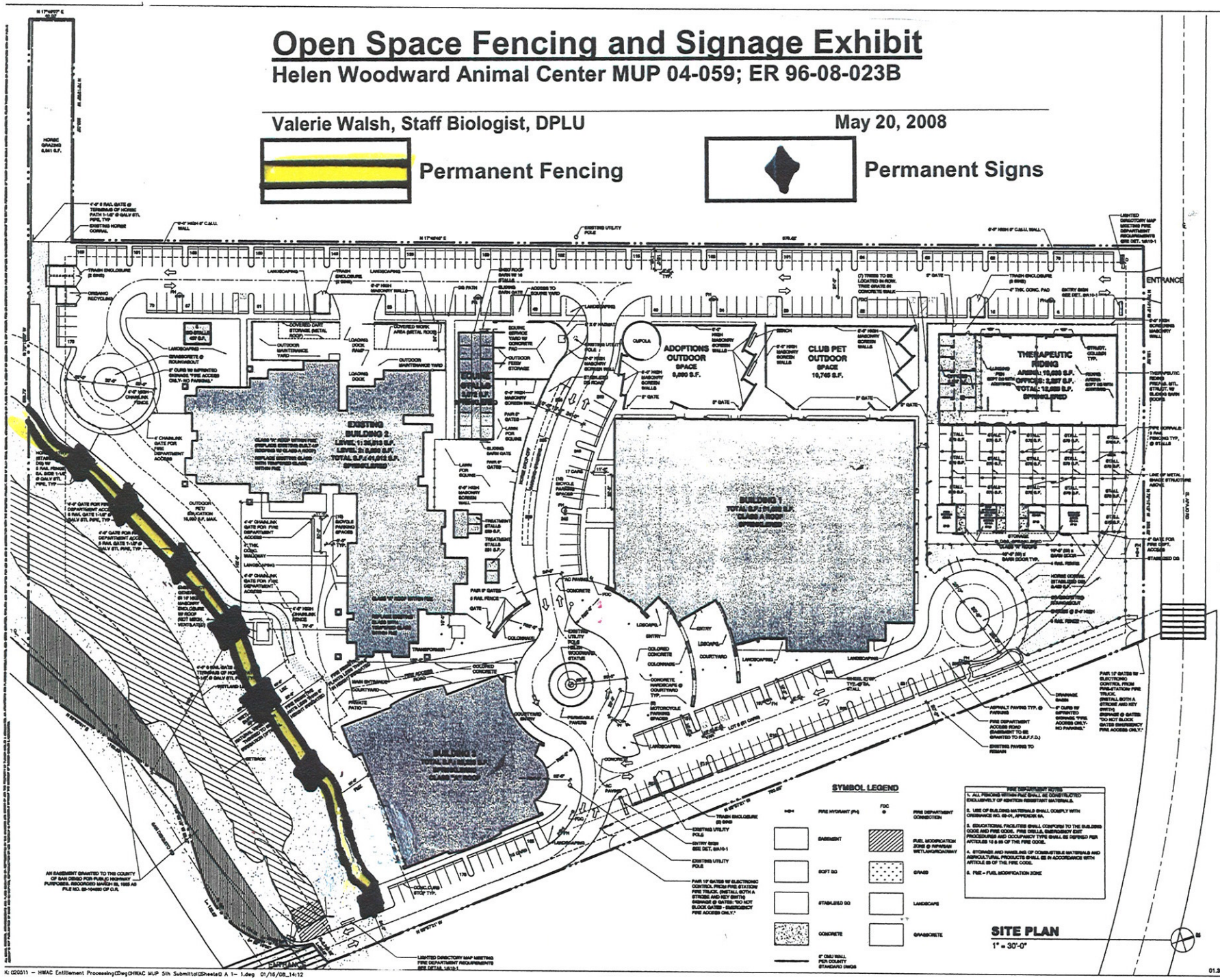
Helen Woodward Animal Center MUP 04-059; ER 96-08-023B

Valerie Walsh, Staff Biologist, DPLU

May 20, 2008

Permanent Fencing

Permanent Signs



TUCKER SADLER

Helen Woodward Animal Center
6461 El Apajo Road
Rancho Santa Fe, CA 92067

APPROVED | DATE

ISSUED REVISIONS | DATE

- 2nd MUP SUBMITTAL 01.24.08
- 3rd MUP SUBMITTAL 03.25.08
- 4th MUP SUBMITTAL 05.20.08
- 5th MUP SUBMITTAL 01.15.09

ARCHITECT OF RECORD:

SHEET TITLE:

SITE PLAN

PROJECT NUMBER:	DRAWN BY:
20511	SB
DATE: 11/13/07	CHECKED BY: GT

DRAWING NUMBER:	DRAWING NUMBER:
SHEET: A1-1 OF: -	A 1- 1

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Building II and approximately 9,218 square feet of new horse stalls will be located adjacent to the Therapeutic Riding Arena. A variety of exterior site amenities are planned including horse grazing pastures, lunging pen, walking path, corrals, children's activity fields with pre-fabricated shade structure, animal play & exercise fields, mechanical and equipment storage yard, and waste storage. The design has changed from a Campus style plan in the original submittal, consisting of eight separate conditioned structures, to a more compact plan consisting of three conditioned structures, referred to as Building I, Building II, and Building III. Table 1 provides a description of the type, design, and size of the proposed structures.

Table 1. Building Detail Summary*

Structure	Number of New Floors	Square Footage Breakdown	Total Square Footage	Associated Exterior Site Amenities	Comments
Building I	1	1st Floor: 51,692	**51,692**	Fenced Dog Exercise/Play Fields; Shade Pergola, Courtyard	Type V Building, Non Rated, Fully Sprinklered, Class A Roof
Building II (Renovation)	2	1st Floor: 36,082 2nd Floor: 5,500	**41,013**	Grazing Pastures; Horse Walking Path; Children's Activity Fields, Equine Service Yard, Covered Maintenance/Work Area, Electric Cart Parking, Covered Feed Storage, Waste Storage.	Type V Building, Non Rated, Fully Sprinklered, Class A Roof
Building II Horse Stalls	1	Equine Barn: 3,072 Isolation Stalls: 457 Treatment Stalls: 569	**4,098**		The Equine Stalls and Isolation Stalls are independent structures. The Treatment Stalls are attached to Building II.
Building III	1	20,223	**20,223**	Open Courtyard	Type V Building, Non Rated, Fully Sprinklered, Class A Roof
Therapeutic Riding Structure	1	Arena Building: 12,920 Storage and Attendant Office: 2,504 each	**15,424**		Therapeutic Riding consists of unconditioned structures except for 2,278 square feet of conditioned space for offices and a viewing gallery within the Arena
Total	**4**	**–**	**141,668**	**–**	**–**

** All square footages are approximate.*

The project site and adjacent areas are relatively flat except for a steep hill along San Dieguito Road west of the site. The soil type within the project site is listed as Salinas Clay Loam (SbA) 0 to 2% slopes by the USDA Soil Survey of San Diego (1973). This soil type is typically found in small drainages or in the middle of valleys. The project site and surrounding lands lack any significant rock outcroppings or unique soil types.

3.0 Methods

Biologist Jim Rocks conducted biological surveys of the proposed project site on August 18 and 25, and September 7, 2004. On October 6, 2004, Mr. Rocks attended a site meeting with County staff biologist Greg Kryz to assess the County's potential jurisdiction over wetlands on the site. A summary of the results of that meeting is presented in Section 4.1.1. The site was also visited on February 13, 2008 to review conditions near the wetland area. The surveys were conducted to document the current biological resources on the proposed project site and to evaluate the impacts of the proposed development. The property was surveyed on foot and all areas of the proposed development were visible. Habitats and observed plant and animal species were identified and recorded. Animals were identified using scat, tracks, burrows, vocalizations, or direct observation with the aid of binoculars (8 X 42). A jurisdictional delineation of Wetlands and Waters of the U.S. per the U.S. Army Corps of Engineers (ACOE) 1987 Wetland Delineation Manual was also conducted. Biological resources were mapped in the field on a 1 inch = 100 feet aerial photograph and vegetation communities were digitized and their size calculated using GIS and CADD software. No focused surveys for plant or animal species were conducted.

4.0 Results

4.1 Botany

There are eight (8) vegetation communities or land uses within the proposed project site (Figure 2). They are listed below in order of relative size within the proposed project site. In general the site supports very low native plant species diversity because most of the project site and adjacent offsite areas are developed. Native vegetation communities only occur within and adjacent to the drainage along the southern boundary of the site. A list of plant species observed on the project site in 2004 is included as Appendix A.

4.1.1 Vegetation Communities or Land Use Types

Developed areas (9.5 acres; Oberbauer Code 10000) support no native vegetation because of the presence of buildings or roads. The level of soil disturbance is such that only the most ruderal plant species would be expected. Developed areas are the most common land use on the Helen Woodward Animal Center site and include buildings, stables, animal training areas, roads, and parking lots.

Ornamental (1.9 acres; Oberbauer Code 11100) vegetation typically consists of non-native landscape and/or garden plantings that have been planted in association with buildings, roads, or other development. San Diego County supports more than 250 different types of ornamental trees and numerous other shrubs and herbs that decorate urban areas. There are numerous ornamental plantings on the project site including Eucalyptus (*Eucalyptus* sp.), Sycamore (*Platanus racemosa*), Pine (*Pinus* sp.), and Bradford Pear (*Pyrus calleryana*). Because of the abundance, small size, and patchy

distribution of ornamental plantings within and adjacent to the proposed project site, the classification "Developed" also includes some small areas of ornamental plantings.

Eucalyptus Woodland (1.0 acres; Oberbauer Code 11100) is typically characterized by dense stands of gum trees (*Eucalyptus* spp.). Plants in this genus, imported primarily from Australia, were originally planted in groves throughout many regions of coastal California as a potential source of lumber and building materials, for their use as windbreaks, and for their horticultural novelty. They have increased their cover through natural regeneration, particularly in moist areas sheltered from strong coastal winds. There are large areas of Eucalyptus Woodland along the eastern and southern boundaries of the site. The Eucalyptus Woodland in the southern area is established on a large earthen berm that separates the drainage along San Dieguito Road from the rest of the project site. Gum trees naturalize readily in the state and, where they form dense stands, tend to completely supplant native vegetation, greatly altering community structure and dynamics.

Southern Riparian Scrub (0.4 acres; Oberbauer Code 63300) is a dense, broad-leafed, winter-deciduous association dominated by several species of Willow (*Salix* spp.) and Mulefat (*Baccharis salicifolia*). This habitat is often found on loose, sandy, or fine gravelly alluvium deposited near stream channels during floods and most stands are too dense to allow much understory to develop (Holland 1986). The Southern Riparian Scrub within the project site occurs primarily in the drainage along San Dieguito Road, but a small patch of Willows (*Salix lasiolepis*) occurs adjacent to the existing parking lot. This patch became established and continues to be supported by nuisance runoff from the parking lot and stormwater from adjacent properties that enters the site through a headwall. Based on review of this area by the County on October 6, 2004 and stated in the County scoping letter dated March 24, 2006, this patch of Willows does not meet the County DPLU definition of a RPO wetland. Because of the artificial nature of the ditch and lack of naturally occurring wetland indicators, this patch of Willows is not CDFG or ACOE jurisdictional.

The Southern Riparian Scrub within the drainage along San Dieguito Road is composed of dense, shrubby willows including Arroyo Willow (*Salix lasiolepis*) and Black Willow (*Salix gooddingii*) with patches of Mulefat. These areas would be considered jurisdictional wetlands by the County, CDFG, and ACOE.

Disturbed Habitat (0.9 acres; Oberbauer Code 11300) typically develops on sites with heavily compacted soils following intense levels of disturbance such as grading. Disturbed areas are often dominated by broad-leaf herbaceous species such as Mustards, Fennel, Horseweed, Thistles, and non-native grasses such as Brome grasses (*Bromus* spp.) and Wild Oat (*Avena* sp.). A large area of Disturbed Habitat occurs along the southern boundary of the site adjacent to San Dieguito Road. The vegetation within this habitat would best be described as ruderal because of the dominance of broad-leaved weeds with a lesser percent cover of non-native, annual grasses. This habitat is a disturbance-related community most often found in old fields or openings in native scrub habitats.

Freshwater Marsh (0.3 acres; Oberbauer Code 52400) is dominated by perennial, emergent monocots to 1.3 to 2 m (4.3 to 6.6 ft) tall. Uniform stands of bulrushes (*Scirpus* spp.) or cattails (*Typha* spp.) often characterize this habitat. Freshwater marsh occurs in wetlands that are permanently flooded by standing fresh water (Holland 1986). The Freshwater Marsh on the project site is dominated by Cattails (*Typha* sp.) and California Bulrush (*Scirpus californicus*).

Buckwheat Scrub (0.1 acres; Oberbauer Code 32000) is a disturbed subtype of coastal sage scrub that is dominated by California Buckwheat (*Eriogonum fasciculatum* var. *fasciculatum*). This small patch of scrub is located along the southern boundary of the proposed project site and has likely re-colonized this area following disturbance.

Open water (0.02 acres; Oberbauer Code 13100) can include reservoirs, lakes, ponds, channels, and rivers or streambeds that contain water throughout the year, but can also include small backwater areas that are filled with water and lack vegetation. There is a small area of open water near the large box culvert at the southeastern boundary of the proposed project site.

4.2 Zoology

General surveys were conducted for wildlife species in the proposed project area. The approximately 14-acre site supports a limited assemblage of wildlife species because the site and adjacent areas are highly developed and urbanized. The area onsite with the highest wildlife habitat value is the drainage along the southern boundary of the site that supports wetland habitats. The presence of water, cover, and forage in the riparian area make it an area of higher species diversity capable of supporting nesting birds and some amphibian breeding. Bird species that were observed on the site include those often found in urban settings such as the Northern Mockingbird (*Mimus polyglottos*), California Towhee (*Pipilo crissalis*), Bushtit (*Psaltriparus minimus*), Common Raven (*Corvus corax*), and Lesser Goldfinch (*Carduelis psaltria*). Red-Wing Blackbirds (*Agelaius phoeniceus*) and Marsh Wren (*Cistothorus palustris*) were common in the freshwater marsh habitat onsite. Reptiles and amphibians that were observed on the site include Western Fence Lizard (*Sceloporus occidentalis*), Side-blotched Lizard (*Uta stansburiana*), and though not directly observed it is likely that the Pacific Tree Frog (*Hyla regilla*) and Bull Frog (*Rana catesbiana*) occur within the open water and freshwater marsh areas. Mammals observed include Audubon's Cottontail (*Sylvilagus audubonii*). Other mammals that may be present include Coyote (*Canis latrans*), California Ground Squirrel (*Citellus beecheyi*), Wood Rat (*Neotoma lepida*), species of small mice such as deer mice (*Peromyscus* sp.). Bats may also be using the riparian habitat for roosting and foraging.

A general survey for raptor nests was conducted during the site visits in 2004. No nests that appear capable of supporting raptors were observed; however, many of the dense and very tall trees within the Southern Riparian Scrub and Eucalyptus Woodland were difficult to fully observe. If construction is to occur between February 1 and August 31, a raptor nest survey should be conducted prior to removal of suitable nesting trees to avoid impacts on nesting raptors. If a nest is present, the tree and at least a 50ft area around the tree should be avoided until the fledglings have left the nest.

A list of animal species observed on the project site is included as Appendix A.

4.2.1 Wildlife Corridors

A wildlife corridor, or linkage, is often defined as a landscape feature that allows animal movement between two patches of habitat or between habitat and other important habitat features such as water (Ogden 1996). In addition to allowing for demographic and genetic exchange by species between core preserve areas, linkages are intended to allow larger predators (mountain lions, coyotes, and bobcats) to move among conserved habitat blocks and reach coastal habitats.

The project area supports a small, localized wildlife corridor along the RPO wetlands. This area is confined on both sides by earthen berms and the corridor area is approximately 30 feet wide. The jurisdictional Southern Riparian Scrub and other vegetation provide dense protective cover and water, two important components for wildlife movement. Species that may use this area as a corridor include Coyote, Bobcat, and Mule Deer. There is no wildlife corridor upstream, offsite, because the drainage is underground immediately east of the project site. Offsite to the west, the riparian habitat is absent, but the large open area there is suitable for wildlife movement.

Conservation of the RPO wetland habitat in this drainage will maintain the function and value of this area as a local wildlife corridor. There would be no impacts on the existing wildlife corridor if the proposed project is implemented.

4.2.2 Large Mammal Use

Use of the site by large mammals is limited because the project site is developed. Large mammals such as Coyote, Bobcat, and Mule Deer may cross the site using the small, local wildlife corridor that is present in the RPO wetland area. Use of the site by large mammals will not be affected by the proposed project because the RPO wetland will not be impacted by the proposed project and will be placed in an Open Space Easement (Appendix A).

4.2.3 Raptor Foraging

Because the site is completely developed except for areas within and directly adjacent to the RPO wetlands, raptor foraging is likely very limited or absent. Raptors may use the Southern Riparian Scrub and Eucalyptus Woodland for roosting and possibly nesting, but foraging grounds are absent. The large, open fields to the west of the site likely provide foraging areas for raptors. Impacts on raptor foraging areas would not occur and impacts on nesting raptors would be avoided by not clearing suitable nesting trees onsite during the raptor breeding season.

4.2.4 Native Wildlife Nursery Sites

The project would not impede the use of native wildlife nursery sites. The project would not have a significant impact on any native habitat because the proposed project plans avoid impacts on RPO wetlands and other native habitats. Therefore no native wildlife nursery would be affected by the proposed project.

4.3 Sensitive Resources

Sensitive plant or animals are defined here as species of rare and/or endangered status, or depleted or declining species according to the US Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), County, and or the California Native Plant Society (CNPS). Sensitive habitats are those considered rare within the region, are listed by the Conservation Element of the General Plan for the County of San Diego (1980), or support sensitive plants or animals.

General surveys were conducted for habitats and plant and animal species that are considered sensitive according to the USFWS, County, CNPS, and California Natural Diversity Database record for the USGS 7.5' Del Mar Quadrangle. The CNDDB was reviewed and it has been determined that the proposed project site lacks the appropriate habitat to support the species recorded in the CNDDB because it is mostly developed and adjacent areas are also urbanized.

4.3.1 Sensitive Habitats

Sensitive Southern Riparian Scrub and Freshwater Marsh habitat occur within the drainage along the southern boundary of the proposed project site. The drainage is not mapped as a blue-line stream by the U.S. Geological Service. The drainage is under grounded in a culvert immediately upstream (east) of the project site and conveys storm water and other runoff across the site and downstream toward the San Dieguito River which is approximately one mile from the project site. Within the project site, the drainage "daylights" through a concrete headwall into a small area of Open Water, Freshwater Marsh, and Southern Riparian Scrub (Figure 2). The Southern Riparian Scrub is dense within areas onsite, but highly fragmented with no Riparian Scrub occurring immediately upstream or downstream of the proposed project site. The Freshwater Marsh is dominated by Cattails and California Bulrush and continues offsite where water flow is restricted creating marsh conditions. The drainage is constricted by a tall berm on both sides that supports upland, mostly non-native vegetation, including dense Eucalyptus Woodland (Figure 2).

Because this drainage is channelized and under grounded immediately upstream of the project site, is surrounded by development on all sides, and supports a relatively small fragment of RPO wetland habitat, the functions and values of the RPO wetlands onsite are limited. However, this area would be considered jurisdictional by the County, CDFG, ACOE, and direct impacts on this wetland will be avoided.

Southern Riparian Scrub and Freshwater Marsh are wetland habitats that are considered sensitive and are regulated by the CDFG (Code sections 1600-1606 Streambed Alteration Agreement), ACOE, County, and USFWS. The site has been re-designed from the June 2006 submittal and impacts on these County jurisdictional habitats within the drainage will be avoided.

4.3.2 Sensitive Plants

No sensitive plant species were observed during the general biological surveys. There is very limited habitat available for sensitive plant species because most of the proposed project area is developed or highly disturbed.

4.3.3 Sensitive Wildlife

No sensitive animal species were observed during the general biological surveys. There is very limited habitat available for sensitive animal species because most of the proposed project area is developed or highly disturbed. The riparian area along the southern boundary of the site has very low potential to support sensitive bird species such as the Least Bell's Vireo (*Vireo bellii pusillus*) because it is small and fragmented with no riparian habitat occurring upstream or downstream in the near vicinity of the proposed project site.

5.0 Jurisdictional Definitions

U.S. Army Corps of Engineers

Waters of the U.S., including wetlands, are subject to U.S. Army Corps of Engineers (ACOE) jurisdiction pursuant to Section 404 of the federal Clean Water Act. Non-wetland waters of the U.S. are defined by the ACOE based on the presence of an ordinary high water mark (OHWM) as defined at 33 CFR 328.3(e). The OHWM is defined therein as:

> *The term "ordinary high water mark" means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.*

ACOE jurisdictional wetlands typically exhibit the following three characteristics: 1) dominance of hydrophytic vegetation; 2) wetland hydrology; and 3) hydric soils. Generally, all three of these wetland indicator criteria are required to delineate a federal wetland; however, the ACOE provides guidance for delineating wetlands in situations when less than three criteria are present.

California Department of Fish and Game

Wetlands within the state of California are also subject to California Department of Fish and Game (CDFG) jurisdiction pursuant to Section 1600 of the California Fish and Game Code. Section 1601(a) describes areas subject to CDFG jurisdiction within the following text:

> *Except as provided in this section, general plans sufficient to indicate the nature of a project for construction by, or on behalf of, any state or local governmental agency or any public utility shall be submitted to the department if the project will (1) divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake designated by the department in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit, (2) use material from the streambeds designated by the department, or (3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake designated by the department. …*

Section 1601(a) is based on Title 14 CCR 720, which designates waters of the California Department of Fish and Game to be:

For the purpose of implementing Sections 1601 and 1603 of the Fish and Game Code which requires submission to the department of general plans sufficient to indicate the nature of a project for construction by or on behalf of any person, governmental agency, state or local, and any public utility, of any project which will divert, obstruct or change the natural flow or bed of any river, stream or lake designated by the department, or will use material from the streambeds designated by the department, all rivers, streams, lakes, and streambeds in the State of California, including all rivers, streams and streambeds which may have intermittent flows of water, are hereby designated for such purpose.

Streams, including creeks and rivers, are defined at Title 14 CCR 1.72 as:

A stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

These State regulations define the CDFG jurisdiction for the purpose of administering Section 1601 of the Fish and Game Code as within the bed, bank, and channel of stream, including intermittent streams, which are equivalent to the areas within the OHWM of a stream. The CDFG routinely asserts jurisdiction on areas demonstrating any one of three parameters: 1) dominance of hydrophytic vegetation, 2) hydric soils, or 3) wetland hydrology. Therefore, areas within the OHWM of streams onsite are delineated as CDFG jurisdictional pursuant to Section 1600 of the Fish and Game Code. In addition, areas dominated by hydrophytic vegetation that exist beyond the OHWM are delineated as CDFG jurisdictional (these latter areas may also exceed the limits of wetlands that are subject to jurisdiction pursuant to Section 404 of the Clean Water Act).

County of San Diego

Pursuant to the County of San Diego Resource Protection Ordinance (RPO 1991), wetlands are:

"lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is covered by water. All lands having one or more of the following attributes are "wetlands":

a. At least periodically, the land supports predominantly hydrophytes (plants whose habitat is water or very wet places);
b. The substratum is predominantly undrained hydric soil; or
c. The substratum is non-soil and is saturated with water or covered by water at some time during the growing season of each year.

The County also requires that a "wetland buffer" be maintained to help protect the functions and values of the adjacent wetland. The County defines a wetland buffer as:

Lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland, or which are integrally important in supporting the full range of wetland and adjacent upland biological community.

Regional Water Quality Control Board

In addition, dredge or filling waters of the United States (e.g., creek, drainage with or without water flow, wetland) requires a Section 401 water quality certification, pursuant to Section 401 of the Clean Water Act. Applications for Section 401 certification are reviewed and processed in San Diego County by the Regional Water Quality Control Board (RWQCB).

6.0 RPO Wetland and Wetland Buffer

The project as currently planned would not result in direct impacts on County, ACOE, or CDFG jurisdictional wetlands. As a result, no permits are required from these agencies or the RWQCB. However, a County RPO wetland buffer must be established and maintained onsite. As discussed previously, the County RPO wetlands onsite support limited functions and values because they are small, fragmented, and isolated. Immediately upstream the drainage is under-grounded and the RPO wetlands are surrounded by development from the east, south, and west. No Southern Riparian Scrub exists immediately downstream of the site. For these reasons, a 50-foot RPO wetland buffer is sufficient to maintain the existing functions and values of the RPO wetlands that occur onsite. No permanent structures will be built within the 50-foot RPO wetland buffer. It should be noted that no protected wetland buffer currently exists onsite. There is a tall earthen berm immediately adjacent the drainage and existing development occurs approximately 40 – 60 feet from the drainage. After construction of Building 3, there will be a RPO wetland buffer of 50 feet wide between County RPO wetlands and the existing and new development. This distance should be sufficient to maintain the functions and values of the County jurisdictional wetlands onsite.

Because of fire safety concerns, the Rancho Santa Fe Fire Protection District requires that brush thinning and clearing occur within the dense Eucalyptus Woodland within the RPO wetland buffer. The thinning and clearing would be done primarily along the large earthen berm that separates the County RPO wetlands and the proposed site plan. No impacts on County RPO wetland habitat are anticipated. This thinning and clearing would be performed outside the raptor breeding season (February 1 – August 31) to avoid impacts on nesting birds. The project biologist, landscape architect, and fire department are coordinating to help ensure fire safety and avoid impacts on County jurisdictional wetland or other sensitive habitat.

7.0 Fuel Modification Zone

A Fuel Modification Zone (FMZ) is an area in which flammable vegetation must be reduced or eliminated or structures modified in such a way to help reduce transmission of fire from vegetation to structures. A standard FMZ typically consists of two zones as follows:

> **Zone 1** – The first zone includes the area from building to a point 50 feet away. This zone must be modified and planted with fire resistive plants.

Zone 2 – The second zone is 50-100 feet from the building. In this zone the native vegetation may remain, but it must be thinned by 50% and all dead and dying vegetation must be removed. Irrigation is optional.

As shown on the Biological Resources Map, Building 2 (existing) and Building 3 (proposed) are within 100 feet of County RPO wetlands. To avoid impacts on County RPO wetlands, the applicant consulted the Rancho Santa Fe Fire Department to determine ways to avoid impacts on RPO wetlands by modifying Building 2 and using fire safe construction in Building 3. In a letter dated January 3, 2008 (see attached letter), the Rancho Santa Fe Fire Protection District determined that the standard FMZ can be modified and reduced if the below conditions are met:

a) The existing building #2 roof must be a Class "A" roof covering. No wood fences within 5 feet of building #2. No mulch or ground cover shall be within 5 feet of building #2. The windows and doors facing the riparian wetlands can be upgraded to temper glass for the windows and 20 minute rating for the doors to meet the ignition resistant requirement for openings. The emergency generator shall have no opening facing the fuel modification except for emergency exit doors as shown on plan. The roof shall meet the class "A" roof requirement or be completely ignition resistant.

b) *The new building #3 shall also be built of ignition resistant materials and must meet a (1) hour fire rating. The roof must meet a class "A" roofing covering as defined in the building code. No openings allowed facing the riparian wetlands except for required emergency exit doors. The doors shall have 20 minute rating. All fencing materials shall be made of ignition resistant materials so as not to allow radpidly transmitting of fire from the native growth to any structure at the Helen Woodward Animal Center.* ***The fuel modification zone between proposed building 3 and the wetland can be reduced to 30 feet (bold by Rancho Santa Fe Fire Dept.).***

c) The organic recycling bin is in the fuel modification zone and shall meet all ignition resistant requirements or be relocated outside the FMZ.

d) All landscaping plans shall be approved and reviewed by the Fire Department. All planting material shall be limited to low ground cover for erosion control within this 100 foot fuel modification.

e) Selective clearing of vegetation by hand for the express purpose of reduction of the following identified fire hazards. Existing various ornamental and invasive plant species including, removal of all Pampas grass and any other exotic weeds and trash that exist currently in the riparian wetlands

f) Eucalyptus trees may remain as long as they are limb up to 10 feet from the ground and all dead and dying limbs are removed. No hanging limbs of any trees over any building will be allowed. Vertical clearance of 13 foot 6 inches must be maintained at all times.

g) The entrance roadway currently going over the riparian wetlands coming from San Dieguito Road shall maintain a safe fuel modification zone on each side of the roadway. Vegetation shall remain at road level and not allowed to grow above the roadway surface.

h) *The trash enclosure shall be relocated out of the 100 foot fuel modification area and if there is a roof covering it shall be made of ignition resistant materials.*

These conditions have been incorporated into the design of Building 3 and existing Building 2 will be retrofitted to meet these conditions. Specifically, a portion of Building 2 will be retrofitted to improve fire safety. The existing roof will be replaced with 'Class A' roofing and existing glass will be replaced with tempered glass. As stated in the letter from the Rancho Santa Fe Fire Protection District dated January 3, 2008, if the proposed project meets the required FMZ specifications as set forth in the letter, the FMZ can be reduced to 30 feet behind Building 3. An approximately 100 foot FMZ will be established and maintained around existing Building 2.

It should be noted that because of the design and modifications of the buildings, no thinning or clearing of vegetation will take place within the County RPO wetlands. As discussed in a meeting with the County on October 29, 2007, clearing and thinning of some of the dense Eucalyptus Woodland within the proposed 50-foot RPO wetland buffer will be required. Following grading and construction of Building 3, the RPO wetland buffer area that is now dense Eucalyptus Woodland will be thinned and revegetated with low ground cover where necessary. A 50-foot RPO wetland buffer with higher value and function will then be established.

The thinning of the dense Eucalyptus and removal of other invasive species within the proposed RPO wetland buffer is allowed under County regulations as stated in the County's scoping letter dated October 3, 2007. The letter cites County regulations that prohibit uses of biological open space (RPO wetland and RPO wetland buffer) for any purpose other than open space. The sole exception to this prohibition is:

"*selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding date February 26, 1997, between the wildlife agencies and the fire districts, and any subsequent amendments thereto."*

As discussed previously, the Rancho Santa Fe Fire Department has determined that thinning of some fuels within the RPO wetland buffer is necessary to help ensure and maintain site fire safety. Under the County guideline above, this activity is permitted within the RPO wetland buffer and will result in an increase in the value and function of the RPO wetland and RPO wetland buffer by removal and thinning of invasive species that displace native species and degrade habitat.

8.0 Limited Building Zone

Under the County's guidelines, a Limited Building Zone (LBZ) easement is required adjacent to any on- or off-site biological open space or conservation easement.

9.0 Impacts

9.1 Significance Criteria

The California Environmental Quality Act (CEQA) Guidelines define "significant effect on the environment" as a "substantial, or potentially substantial adverse change in the environment." The CEQA Guidelines further indicate that there may be a significant effect on biological resources if the project will:

- Substantially affect an endangered, rare, or threatened species of animal or plant or the habitat of species
- Interfere substantially with the movement of any resident or migratory fish or wildlife species to the extent that it adversely affects the population dynamics of the species
- Substantially diminish habitat for fish, wildlife, or plants.

9.2 Project Impacts

9.2.1 Direct Impacts

Direct impacts from the proposed project as currently designed will result in the loss of Eucalyptus Woodland (1.0 acres). Also, 9.5 acres of Developed and 1.5 acres of Ornamental will be affected through phased rebuilding of the Helen Woodward Animal Center project site. In some cases, new buildings will be constructed in the place of existing ones and a comprehensive landscaping plan will be implemented.

Table 2. Impact Acreage and Proposed Mitigation

Vegetation Community	Acreage of Impact	Proposed Mitigation
Developed	9.5	Not Required
Eucalyptus Woodland	1.0	Not Required
Ornamental	1.5	Not Required
Total*	**12.0**	**N/A**

*Total may not add due to rounding.

9.2.2 Indirect Impacts

There is the potential for the following indirect impacts to occur as a result of implementation of the proposed project:

- Noise, dust, and associated construction activity could affect animals during construction.
- Potential future indirect impacts from activities associated with fuel reduction of non-native weedy species or other permitted activity within the wetland buffer, limited building zone, and/or biological open space.

The use of best management practices (BMP) would minimize this potential indirect impact.

9.2.3 Cumulative Impacts

Cumulative impacts consider the potential regional effects of a project and how a project may affect an ecosystem, or one of its members beyond the project limits and on a regional scale. The project site is in the middle of existing commercial and residential development so any cumulative effects on biological resources would be minimal.

Following the implementation of mitigation measures, the proposed project would not result in the loss of any sensitive plant, animal, or habitat.

10.0 Mitigation

No impacts on sensitive habitat, plants, or animals would occur with the revised project plan. However, a wetland buffer, limited building zone, and biological open space are being proposed as mitigation measures for potential future indirect impacts (see Open Space Exhibit). The establishment of the wetland buffer, limited building zone, and biological open space would serve as a preventative measure against future impacts and help ensure the integrity and overall habitat value of the biological open space.

Impacts on Eucalyptus Woodland and Ornamental vegetation are not considered significant and no mitigation is required. However, because of the potential for Eucalyptus trees and other tall ornamentals to support raptor nests, clearing of these trees should occur outside the raptor breeding season (defined as February 15 – August 31).

11.0 References

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Appendix A

Helen Woodward Animal Center Plant and Wildlife Species List

Helen Woodward Animal Center Plant and Wildlife Species List (August-September 2004)

Species[1]

ANGIOSPERMS (FLOWERING PLANTS)

MONOCOTYLEDONEAE

CYPERACEAE – Sedge Family
Cyperus eragrostis - tall flatsedge
Scirpus californicus - bulrush

POACEAE - Grass Family
**Bromus diandrus* – ripgut brome
**Bromus madritensis* ssp. *rubens* - foxtail chess
**Cortaderia jubata*. – pampas grass
Cortaderia selloana – pampas grass
**Pennisetum setaceum* – fountain grass
**Polypogon monspeliensis* – rabbit's foot grass

TYPHACEAE – CatTail Family
Typha latifolia - cattail

DICOTYLEDONEAE

AIZOACEAE – Fig-Marigold Family
**Carpobrotus edulis* – fig-marigold
**Mesembryanthemum crystallinum* – ice plant
**Mesembryanthemum nodiflorum* – slender leaved iceplant

APIACEAE – Carrot Family
**Foeniculum vulgare* – sweet fennel

APOCYNACEAE – Dogbane Family
**Nerium oleander* - oleander

ASTERACEAE - Sunflower Family
Baccharis salicifolia - mulefat
**Conyza canadensis* – horseweed
Isocoma menziesii var. *menziesii* – goldenbush
**Picris echioides* – Bristly ox-tongue
Pluchea odorata – marsh fleabane
**Sonchus asper* – prickly sow thistle
Xanthium strumarium – cocklebur

BIGNONIACEAE – Bignonia Family
**Tecomaria capensis* – Cape honeysuckle

BRASSICACEAE - Mustard Family

*_Hirschfeldia incana_ – short-pod mustard
*_Lobularia maritima_ – sweet alyssum

CHENOPODIACEAE – Goosefoot Family
*_Chenopodium murale_
*_Salsola tragus_ – Russian thistle

CONVOLVULACEAE – Morning Glory Family
Calystegia macrostegia – morning glory

FABACEAE - Pea Family
Lotus scoparius var. scoparius – deerweed
***Melilotus alba* - white sweetclover
*_Melilotus indica_ - sour clover

GERANIACEAE - Geranium Family
*_Erodium cicutarium_ - red-stem filaree

MYOPORACEAE – Myoporum Family
*_Myoporum laetum_ – ngaio

MYRTACEAE – Myrtle Family
*_Eucalyptus_ sp.

PINACEAE – Pine Family
Pinus sp. – (Ornamental Pine Plantings)

PLATANACEAE – Sycamore Family
Platanus racemosa – Western sycamore (ornamental plantings)

POLYGONACEAE – Buckwheat Family
Eriogonum fasciculatum var. _fasciculatum_ – California buckwheat
*_Rumex crispus_ - curly dock

PRIMULACEAE - Primrose Family
*_Anagallis arvensis_ - scarlet pimpernel

ROSACEAE – Rose Family
Pyrus calleryana – Bradford pear

SALICACEAE – Willow Family
Populus fremontii ssp. _fremontii_ – alamo or fremont cottonwood
Salix gooddingii – goodding's black willow
Salix lasiolepis – arroyo willow

TAMARICACEAE – Tamarisk Family
*_Tamarix ramossissima_

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[1] Nomenclature from Hickman (1993) and Simpson and Rebman (2001).
* Non-native species

WILDLIFE

Class Aves (Birds)
Buteo jamaicensis – Red-tailed Hawk
Corvus brachyrhynchos - American Crow
Sturnus vulgaris - European Starling
Psaltriparus minimus - Bushtit
Paloma huilota - Mourning Dove
Mimus polyglottos - Northern Mockingbird
Sayornis nigricans – Black Phoebe
Myiarchus cinerascens – Ash-throated Flycatcher
Corvus corax – Common Raven
Pipilo crissalis - California Towhee
Troglodytes aedon - House Wren
Chamaea fasciata – Wrentit
Calypte anna - Anna's Hummingbird
Agelaius phoeniceus - Red-Wing Blackbird
Euphagus cyanocephalus – Brewer's Blackbird
Carpodacus mexicanus - House Finch
Carduelis psaltria – Lesser Goldfinch
Melospiza melodia - Song Sparrow
Zonotrichia leucophrys - White-crowned Sparrow

Class Mammalia (Mammals)
Order Lagomorpha
Sylvilagus audubonii - Audubon's Cottontail

Order Rodentia
Spermophilus beecheyi - California Ground Squirrel

Class Insecta
Order Lepidoptera (Butterflies)
Cabera pusaria - Common White
Papilio rutulus – Western Tiger Swallowtail

Class Reptilia
Order Squamata (Lizards and Snakes)
Uta stansburiana - Side-Blotched Lizard
Sceloporus occidentalis - Western Fence Lizard

Rancho Santa Fe Fire Protection District

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January 3, 2008

COUNTY OF SAN DIEGO
Department of Planning and Land Use
C/O Jarrett Ramaiya, Project Manager
5201 Ruffin Rd., Suite B
San Diego, CA 92123-1666

RE: **REDUCTION AND CLARIFICATION of the 100 Foot Fuel Modification zone near or next to riparian wetlands open space.** P04-059– Helen Woodward Animal Center– 6164 El Apajo Road, Rancho Santa Fe, CA APN 269-080-05, 06, & 09

Dear Jarrett,

1. The area along San Dieguito Road and the riparian wetland shall be modified in such a way that it will not form a means of rapidly transmitting fire from the native growth to any structure at the Helen Woodward Animal Center.

2. The current plan shows, building #2, #3, the emergency generator and the trash enclosure are within the 100 foot fuel modification areas. We will allow a reduction of the fuel modification zone based upon the following criteria which will meet the same practical effect:

3. The standard Fuel Modification is two zones noted below:

   Zone 1 - The first zone includes the area from the building to a point 50 feet away. This zone must be modified and planted with fire resistive plants. Grass and other vegetation located more than 50 feet from buildings or structures and less than 6 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion. Irrigation required.

   Zone 2 - The second zone is the area between 50 to 80 feet from the building. In this zone the native vegetation may remain but it must be thinned by 50% and all dead and dying vegetation must be removed. Irrigation is optional.

   The above conditions can be modified and reduced if below conditions are met and are based upon a Limited Building Zone:

   a) **The exiting building #2 roof must be a Class "A" roof covering. No wood fences within 5 feet of building #2. No mulch or ground cover shall be within 5 feet of building #2. The windows and doors facing the riparian wetlands can be**

upgraded to temper glass for the windows and 20 minute rating for the doors to meet the ignition resistant requirement for openings. The emergency generator shall have no opening facing the fuel modification except for emergency exits doors as shown on plan. The roof shall meet the class "A" roof requirement or be completely ignition resistant.

b) **The new building #3 shall also be built of ignition resistant materials and must meet a (1) hour fire rating. The roof must meet a class "A" roofing covering as define in the building code. No openings allowed facing the riparian wetlands except for required emergency exit doors. The doors shall have 20 minute rating. All fencing materials shall be made of ignition resistant materials so as not to allow rapidly transmitting of fire from the native growth to any structure at the Helen Woodward Animal Center. The fuel modification zone between proposed building 3 and the wetland can be reduced to 30 feet.**

c) **The organic recycling bin is in the fuel modification zone and shall meet all ignition resistant requirements or be relocated outside the FMZ**

d) All landscaping plans shall be approved and reviewed by the Fire Department as of this date we have not approved the revised landscape plans. All planting material shall be limited to low ground cover for erosion control within this 100 fuel modification.

e) Selective clearing of vegetation by hand for the express purpose of reduction of the following identified fire hazards. Existing various ornamental and invasive plant species including, removal of all Pampas grass and any other exotic weeds and trash that exist currently in the riparian wetlands.

f) Eucalyptus trees may remain as long as they are limb up 10 feet from the ground and all dead and dying limbs are removed. No hanging limbs of any trees over any building will be allowed. Vertical clearance of 13 foot 6 inches must be maintained at all times.

g) The entrance roadway currently going over the riparian wetlands coming from San Dieguito Road shall maintain a safe fuel modification zone on each side of the roadway. Vegetation shall remain at road level and not allowed to grow above the roadway surface.

h) The trash enclosure shall be relocated out of the 100 foot fuel modification area and if there is a roof covering it shall be made of ignition resistant materials.

Questions or concerns regarding the above comments should be directed to me at 858-756-6040.

Sincerely,

Clifford F. Hunter
Fire Marshal
Rancho Santa Fe Fire Protection District
C: File