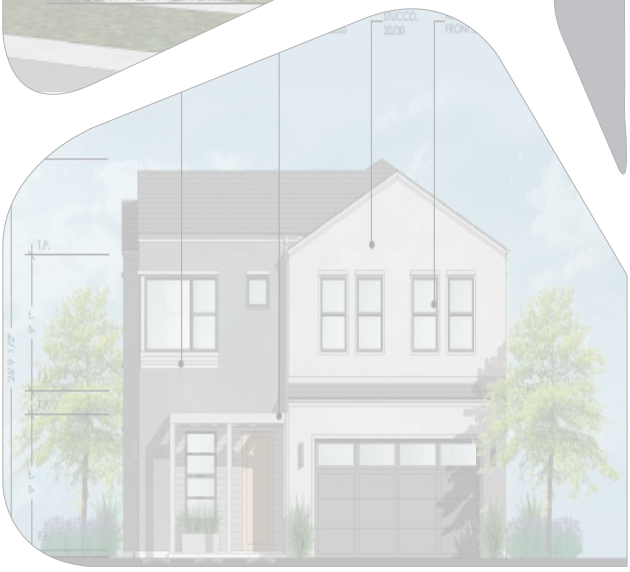
Appendix B

Biological Resources Assessment



July 13, 2021

KIMLEY-HORN
Contact: Brian Leung
1100 West Town and Country Road, Suite 700
Orange, California 92868

SUBJECT: Biological Due Diligence Investigation for the Proposed Sunrise Village Project Located in the City of Fullerton, Orange County, California

Introduction

This report contains the findings of ELMT Consulting's (ELMT) Biological Due Diligence Investigation for the proposed Sunrise Village Project (project site or site) located in the City of Fullerton, Orange County, California. The biological due diligence investigation was conducted by ELMT biologist Jacob H. Lloyd Davies on June 15, 2021 to document baseline conditions and to determine the potential for special-status plant and wildlife species to occur on the project site that could pose a constraint to implementation of the proposed project.

Project Location

The project site is generally located south of State Route 90, west of State Route 57, north of State Route 91, and east of State Route 39 in the City of Fullerton, Orange County, California. The site is depicted on the La Habra quadrangle of the United States Geological Survey's (USGS) 7.5-minute map series within Section 20 of Township 3 South, Range 10 West. Specifically, the project site is bounded to the north by Rosecrans Avenue, to the east by North Euclid Street, to the west by Camino Loma, and to the south by Paseo Dorado; and is located within Assessor Parcel Numbers 287-241-01, -04, and -05. Refer to Exhibits 1 and 2 in Attachment A.

Methodology

Literature Review

Prior to conducting the habitat assessment/field investigation, a literature review and records search was conducted for special-status biological resources potentially occurring on or within the vicinity of the project site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the project site were determined through a query of the California Departments (CDFW's) QuickView Tool in the Biogeographic Information and Observation System (BIOS), California Natural Diversity Database (CNDDB) Rarefind 5, and the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California.

All literature detailing the biological resources previously observed on or within the vicinity of the project site were reviewed to understand existing site conditions and note the extent of any disturbances that have occurred on the project site that would otherwise limit the distribution of special-status biological resources, as well as the following resources:

- Google Earth Pro historic aerial imagery (1985-2020);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey[1];
- United States Fish and Wildlife Service (USFWS) Critical Habitat designations for Threatened and Endangered Species; and
- USFWS National Wetlands Inventory.

Field Investigation

Following the literature review, biologist Jacob H. Lloyd Davies inventoried and evaluated the condition of the habitat within the project site on June 15, 2021. Plant communities and land cover types identified on aerial photographs during the literature review were verified by walking meandering transects throughout the project site. In addition, site characteristics such as soil condition, topography, hydrology, anthropogenic disturbances, indicator species, condition of on-site plant communities and land cover types, and presence of potential jurisdictional drainage and/or wetland features were noted.

Existing Site Conditions

Elevation on the project site ranges from approximately 207 to 2630 feet above mean sea level, is generally flat with no areas of significant topographic relief, and slopes from west to east. Based on the Natural Resources Conservation Service Web Soil Survey, the project site is underlain by the following soils units: Myford sandy loam (2 to 9 percent slopes), Myford sandy loam (15 to 30 percent slopes), and Sorrento clay loam (2 to 9 percent slopes, warm MAAT, MLRA 19). Soils on-site have been mechanically disturbed and heavily compacted from previous anthropogenic disturbances (e.g., existing on-site development).

Due to existing and historical land uses, no native plant communities or natural communities of special concern were observe on-site. The site supports one land-cover type that would be classified as developed. Existing on-site land uses include commercial development, paved parking lots, ornamental landscaping, and infrastructure development. Refer to Attachment B, *Site Photographs*, for representative photographs of the project site. No native plant communities will be impacted from implementation of the proposed project.

Avian species observed during the field investigation include northern mockingbird (*Mimus polyglottos*), Anna's hummingbird (*Calypte anna*), Cassin's kingbird (*Tyrannus vociferans*), bushtit (*Pstaltriparus minimus*), house finch (*Haemorhous mexicanus*), and lesser goldfinch (*Spinus psaltria*). The only reptilian species observed during the field investigation was western side-blotched lizard (*Uta stansburiana elegans*). The only mammalian species observed during the field investigation was pocket gopher (*Thomomys* sp.). No fish or amphibian were observed during the field investigation. The project site a provides minimal foraging and cover habitat for wildlife species adapted to a high degree of anthropogenic disturbance.

1 A soil series is defined as a group of soils with similar profiles developed from similar parent materials under comparable climatic and vegetation conditions. These profiles include major horizons with similar thickness, arrangement, and other important characteristics, which may promote favorable conditions for certain biological resources.

Nesting Birds

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted during the breeding season. Although heavily disturbed, the project has the potential to provide minimal foraging and nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted to disturbed areas and urban environments. Additionally, the site has potential to support ground-nesting birds such as killdeer (*Charadrius vociferus*).

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted prior to the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

Migratory Corridors and Linkages

The proposed project will be confined to existing disturbed and developed land, which has removed natural plant communities from the project site. Further, the project site is surrounded by existing developments, which have eliminated connection to nearby wildlife movement corridors. As a result, implementation of the proposed project will not disrupt or have any adverse effects on any migratory corridors or linkages in the surrounding area.

Jurisdictional Areas

No discernible drainage courses, inundated areas, or wetland features/obligate plant species that would be considered jurisdictional by the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW were observed within the proposed project site. Based on the proposed site plan, project activities will not result in impacts to Corps, Regional Board, or CDFW jurisdictional areas and regulatory approvals will not be required. It should be noted that a flood control channel is present along eastern boundary of the project site at the southeast corner, but this channel occurs outside of the limits of disturbance for the project and is not expected to be impacted by project implementation.

Special-Status Biological Resources

The CNDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the La Habra USGS 7.5-minute quadrangle. The literature search identified eleven (11) special-status plant species, forty-five (45) special-status wildlife species, and one (1) special-status plant community as having potential to occur within the La Habra USGS 7.5-minute quadrangle.

No special-status plant or wildlife species, or special-status plant communities were observed on-site during the habitat assessment. The proposed project site consists of existing development and heavily disturbed areas that have been subject to a high level of anthropogenic disturbances. These disturbances have eliminated the natural plant communities that once occurred on-site resulting in a majority of the project site consisting of developed areas with landscaped/ornamental plant species. Based on habitat requirements for specific species and the availability and quality of on-site habitat, it was determined that the project site

does not provide suitable habitat for special-status plant or wildlife species and are presumed to be absent from the project site.

Critical Habitat

The project site is not located with federally designated Critical Habitat. The nearest designated Critical Habitat is located approximately 0.34 miles northeast of the project site for coastal California gnatcatcher (*Polioptila californica californica*). Therefore, the loss or adverse modification of Critical Habitat from site development will not occur and consultation with the USFWS for impacts to Critical Habitat will not be required for implementation of the proposed project.

Tree Assessment

ELMT inventoried all trees expected to be impacted by project implementation. A total of one hundred seventy-eight (178) living trees were observed during the field investigation and are presented below:

Common Name	*Scientific Name*	Quantity Observed
Afgan pine	*Pinus eldarica*	53
Brazilian pepper	*Schinus terebinthia*	1
Italian cypress	*Cupressus sempervirens*	1
jacaranda	*Jacaranda mimosifolia*	16
Persian silk tree	*Albizia julibrissin*	4
podocarpus	*Podocarpus spp.*	9
red river gum	*Eucalyptus camaldulensis*	18
silver dollar gum	*Eucalyptus polyanthemos*	43
weeping fig	*Ficus benjamina*	1
western sycamore	*Platanus racemosa*	32

The majority of the trees observed on-site are in fair health; however, several individuals exhibited signs of internal decay, mechanical injury, and infection. In addition, one stump and one deceased tree are present.

The City of Fullerton's Community Forest Management Plan prohibits unpermitted impacts to trees that occur on public property within the City. Since the project occurs entirely within privately owned property, no impacts to City-owned trees are expected to occur. As such, the project is not subject to the regulations of the Community Forest Management Plan and no permits will be required for project implementation.

Conclusion

Based on the proposed project footprint and existing site conditions discussed in this report, none of the special-status plant or wildlife species known to occur in the general vicinity of the project site are expected to be directly or indirectly impacted from implementation of the proposed project. It was determined that implementation of the project will have "no effect" on federally or State listed species known to occur in the general vicinity of the project site. Additionally, the development of the project will not impact designated Critical Habitats, regional wildlife movement corridors/linkages, or jurisdictional drainages.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or tmcgill@elmtconsulting.com or Travis McGill at (909) 816-1646 or travismcgill@elmtconsulting.com should you have any questions.

Sincerely,

Thomas J. McGill, Ph.D.
Managing Director

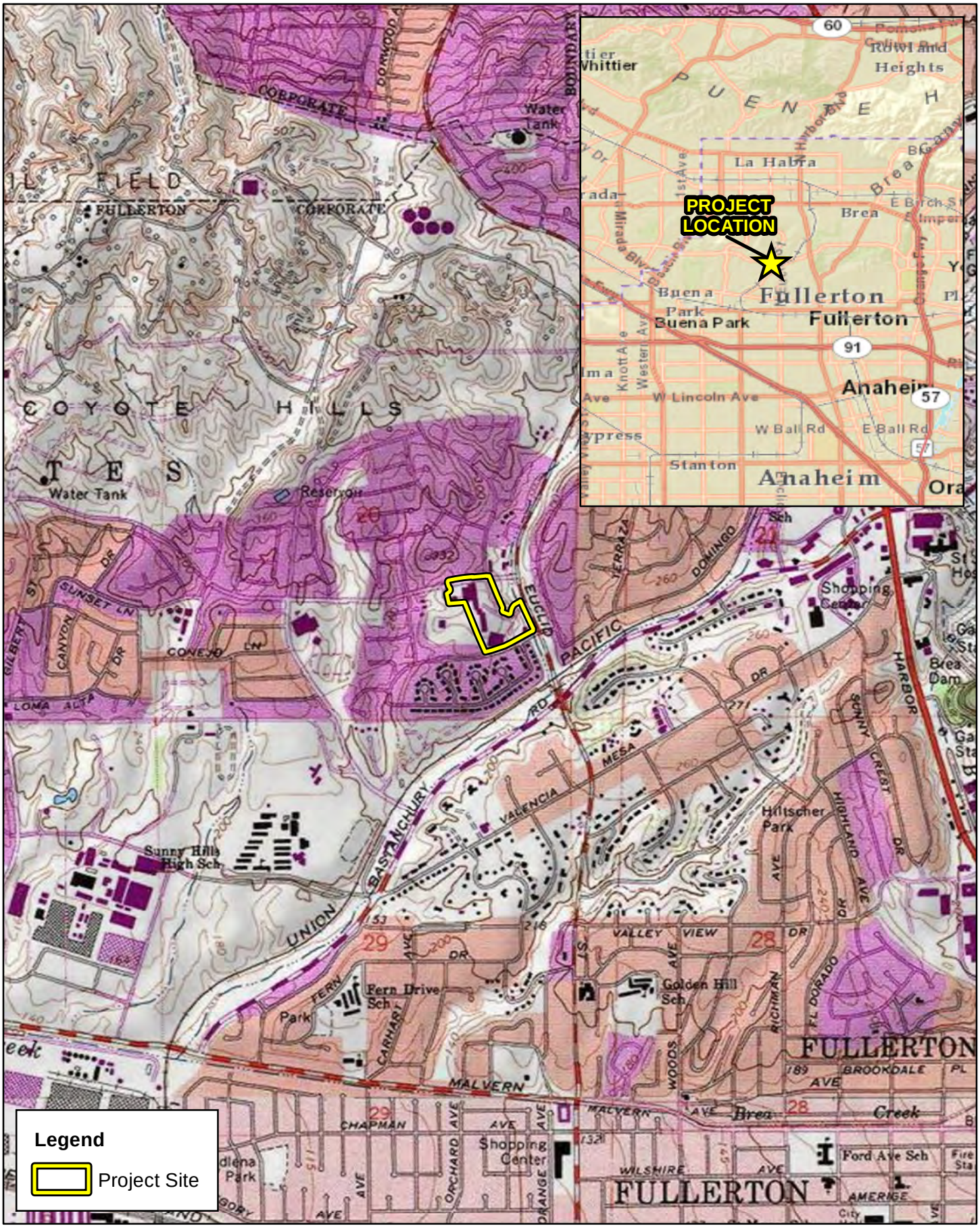
Travis J. McGill
Director

Attachments:

A. *Project Exhibits*
B. *Site Photographs*

Attachment A

Project Exhibits



ELMT CONSULTING

SUNSET VILLAGE
BIOLOGICAL DUE DILIGENCE

Site Vicinity

Exhibit 1

SUNSET VILLAGE
BIOLOGICAL DUE DILIGENCE

Project Site

ELMT CONSULTING

0 125 250 500 Feet

Source: ESRI Aerial Imagery, Orange County

Exhibit 2

Attachment B

Site Photographs

Photograph 1: From the southwest corner of the project site looking east along the southern boundary.

Photograph 2: From the southwest corner of the project site looking north along the western boundary.

Photograph 3: From the southeast corner of the project site looking west along the southern boundary.

Photograph 4: From the southeast corner of the project site looking north along the eastern boundary.

Photograph 5: Existing development in the middle of the project site.

Photograph 6: Existing development in the middle of the project site.

Photograph 7: Existing development in the northwest portion of the project site.

Photograph 8: Existing development in the northeast portion of the project site.

Photograph 9: Existing development in the northwest portion of the project site.

Photograph 10: Non-native landscaping common to the project site.