4.3 Biological Resources

This section evaluates the potential for impacts on biological resources resulting from implementation of the proposed French Hotel Project (Proposed Project). This section is partially based on the following technical reports:

- Biological Resources Assessment for the French Hotel Project – San Juan Capistrano, Orange County California. Michael Baker International, July 6, 2026. (Appendix C)

A Notice of Preparation for the Project was released for public review on March 19, 2026, and an EIR Scoping meeting was held on April 6, 2026. No comments were made during the public scoping period that pertain to biological resources. Additionally, no comments related to biological resources were received during the public scoping meeting.

4.3.1 Environmental Setting

The following sections describe the environmental setting for the Project as it relates to biological resources.

4.3.2 Regulatory Setting

This section describes the federal, state, and local regulatory framework adopted to address biological resources.

4.3.2.1 Federal

Federal Clean Water Act (U.S. Code, Title 33, Sections 1251–1376)

The federal Clean Water Act (CWA) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters. Section 401 requires a project proponent to obtain a federal license or permit that allows activities resulting in a discharge to waters of the United States to obtain state certification, thereby ensuring that the discharge will comply with provisions of the CWA. The State Water Resources Control Board (SWRCB) administers the certification program in California. Section 402 establishes a permitting system for the discharge of any pollutant (except dredged or fill material) into waters of the United States. Section 404 establishes a permit program administered by the U.S. Army Corps of Engineers (USACE) that regulates the discharge of dredged or fill material into waters of the United States, including wetlands.

Federal Endangered Species Act (U.S. Code, Title 16, Sections 1531–1543)

The federal Endangered Species Act (FESA) and its subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems on which they depend. In addition, FESA defines species as "threatened" or "endangered" and provides regulatory

protection for listed species. FESA also provides a program for the conservation and recovery of threatened and endangered species and the conservation of designated critical habitat that the U.S. Fish and Wildlife Service (USFWS) determines to be required for the survival and recovery of these listed species.

Migratory Bird Treaty Act (U.S. Code, Title 16, Sections 703–712)

All migratory bird species that are native to the United States or its territories are protected under the federal Migratory Bird Treaty Act (MBTA), as amended under the Migratory Bird Treaty Reform Act of 2004 (Senate Bill [SB] 2547). The MBTA is generally protective of migratory birds but does not actually stipulate the type of protection required. In common practice, the MBTA is now used to place restrictions on disturbance of active bird nests during the nesting season (generally February 1 to August 31). In addition, USFWS commonly places restrictions on disturbances allowed near active raptor nests.

Bald and Golden Eagle Protection Act (16 USC 668–668d)

This act prohibits the possession, selling, or hunting of bald or golden eagles. This includes living eagles and their feathers, nests, eggs, or body parts.

Clean Water Act (U.S. Code, Title 33, Sections 1251–1376)

The Federal Clean Water Act (CWA) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters. Section 401 requires a project proponent to obtain a Federal license or permit that allows activities resulting in a discharge to waters of the United States to obtain State certification, thereby ensuring that the discharge will comply with provisions of the CWA. The State Water Resources Control Board (SWRCB) administers the certification program in California. Section 402 establishes a permitting system for the discharge of any pollutant (except dredged or fill material) into waters of the United States. Section 404 establishes a permit program administered by the U.S. Army Corps of Engineers (USACE) that regulates the discharge of dredged or fill material into waters of the United States, including wetlands.

These provisions regulate the discharge of dredged or fill material in waters of the U.S, including wetlands. Activities that discharge dredge or fill material into waters of the U.S. can be authorized by the USACE.

On August 29, 2023, the U.S. Environmental Protection Agency and the USACE issued a final rule to amend the final "Revised Definition of Waters of the U.S." The 2023 final rule became effective on September 8, 2023. Under the 2023 final rule:

(a) Waters of the U.S. are defined as:
   1. Waters which are:

i. Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
ii. The territorial seas; or
iii. Interstate waters;

2. Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under (a)(5) of this section;
3. Tributaries of waters identified in (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;
4. Wetlands adjacent to the following waters:
   i. Waters identified in (a)(1) of this section; or
   ii. Relatively permanent, standing or continuously flowing bodies of water identified in (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;
   iii. Intrastate lakes and ponds not identified in (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in (a)(1) or (a)(3) of this section.

Wetlands and Other Waters of the United States

Aquatic resources, including riparian areas, wetlands, and certain aquatic vegetation communities, are considered sensitive biological resources and can fall under the jurisdiction of several regulatory agencies. In accordance with the Navigable Waters Protection Rule, effective June 22, 2020, the USACE exerts jurisdiction over waters of the United States, including the territorial seas and traditional navigable waters; perennial and intermittent tributaries that contribute surface water flow to such waters; certain lakes, ponds, and impoundments of jurisdictional waters; and wetlands adjacent to other jurisdictional waters (33 CFR Part 328; 40 CFR Parts 110, 112, 116, 117, 120, 122, 230, 300, 302, and 401).

4.3.2.2 State

Birds of Prey Protection Provision (California Fish and Game Code, Section 3503.5)

This provision prohibits the taking of birds of prey (Order Falconiformes and Strigiformes), including their nests and eggs.

California Endangered Species Act (California Fish and Game Code, Section 2050 et seq.)

The California Endangered Species Act (CESA) establishes the policy of the state to conserve, protect, restore, and enhance threatened or endangered species and their habitats. CESA mandates that state agencies should not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would

avoid jeopardy. There are no state agency consultation procedures under CESA. For projects that would affect a listed species under both CESA and FESA, compliance with FESA would satisfy CESA if the California Department of Fish and Wildlife (CDFW) determines that the federal incidental take authorization is consistent with CESA under the California Fish and Game (CFG) Code, Section 2080.1. For projects that would result in take of a species only listed under CESA, the project proponent must apply for a take permit under Section 2081(b).

California Environmental Quality Act Guidelines, Section 15380(b)

Although threatened and endangered species are protected by specific federal and state statutes, California Environmental Quality Act (CEQA) Guidelines, Section 15380(b), provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These criteria have been modeled after the rare or endangered species definition in FESA and Sections 2050 through 2059.26 of the CFG Code dealing with rare or endangered plants and wildlife. This section was included in CEQA primarily to deal with situations in which a public agency is reviewing a project that may have a significant effect on, for example, a candidate species that has not been listed by either the USFWS or CDFW. Thus, CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the respective government agencies have an opportunity to designate the species as protected, if warranted. CEQA also calls for the protection of other locally or regionally significant resources, including natural communities. Although natural communities do not currently have legal protection of any kind, CEQA calls for an assessment of whether any such resources would be affected and requires findings of significance if there would be substantial losses. Natural communities listed as sensitive by the California Natural Diversity Database (CNDDB) are considered by the CDFW to be significant resources and fall under the CEQA Guidelines to address impacts. Local planning documents, such as General Plans, often identify these resources as well.

California Fish and Game Code, Section 1602

Under this section of the CFG Code, the project proponent is required to notify the CDFW before the start of any project that would divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake. Pursuant to the CFG Code, a "stream" is defined as a body of water that flows at least periodically, or intermittently, through a bed or channel that has banks and supports fish or other aquatic life. Based on this definition, a watercourse with surface or subsurface flows that supports or has supported riparian vegetation is a stream and is subject to CDFW jurisdiction. Altered or artificial watercourses valuable to fish and wildlife are subject to CDFW jurisdiction. The CDFW also has jurisdiction over dry washes that carry water during storm events.

Preliminary notification and project review generally occur during the environmental process. When an existing fish or wildlife resource may be substantially adversely affected, the CDFW is

required to propose reasonable project changes to protect the resource. These modifications are formalized in a streambed alteration agreement, which becomes part of the plans, specifications, and bid documents for the project.

California Fish and Game Code, Sections 2080 and 2081

Section 2080 of the CFG Code states that "no person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the Commission [CFG Commission] determines to be an endangered species or threatened species, or attempt any of those acts, except as otherwise provided in this chapter, or the Native Plant Protection Act, or the California Desert Native Plants Act." Pursuant to Section 2081 of the CFG Code, the CDFW may authorize individuals or public agencies to import, export, take, or possess state-listed endangered, threatened, or candidate species. These otherwise prohibited acts may be authorized through permits or Memoranda of Understanding if the take is incidental to an otherwise lawful activity, the impacts of the authorized take are minimized and fully mitigated, the permit is consistent with any regulations adopted pursuant to any recovery plan for the species, and the project operator ensures adequate funding to implement the measures required by the CDFW.

California Fish and Game Code, Sections 3503, 3503.5, 3513, and 3800

Section 3503 of the CFG Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptor (i.e., species in the orders Falconiformes and Strigiformes), including nests or eggs. Typical violations of the CFG Code include destruction of active nests resulting from removal of vegetation in which the nests are located. Violation of Section 3503.5 could also include failure of active raptor nests resulting from disturbance of nesting pairs by nearby project construction. This statute does not provide for the issuance of any type of incidental take permit.

Section 3513 of the CFG Code upholds the MBTA by prohibiting any take or possession of birds that are designated by the MBTA as migratory nongame birds except as allowed by federal rules and regulations promulgated pursuant to the MBTA.

Section 3800 of the CFG Code affords protection to nongame birds, which are birds occurring naturally in California that are not resident game birds, migratory game birds, or fully protected birds.

California Fish and Game Code, Sections 3511, 4700, 5050, and 5515

California fully protected species are described in Sections 3511, 4700, 5050, and 5515 of the CFG Code. These statutes prohibit take or possession of fully protected species. The CDFW is unable to authorize incidental take of fully protected species when activities are proposed in areas inhabited by those species.

California Wetland Definition

Unlike the federal government, California has adopted the Cowardin et al. (1992) definition of "wetlands." For this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes (at least 50 percent of the aerial vegetative cover); (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and saturated with water or covered by shallow water at some time during the growing season of each year.

Under normal circumstances, the federal definition of wetlands requires all three wetland identification parameters to be met, whereas the Cowardin et al. (1992) definition requires the presence of at least one of these parameters. For this reason, identification of wetlands by state agencies consists of the union of all areas that are periodically inundated or saturated or in which at least seasonal dominance by hydrophytes may be documented or in which hydric soils are present.

Natural Communities Conservation Planning Act (California Fish and Game Code, Section 2800)

The Natural Communities Conservation Planning (NCCP) program is a cooperative effort to protect habitats and species. It began under the state's NCCP Act of 1991 and is broader in its orientation and objectives than CESA or FESA. These laws are designed to identify and protect individual species that have already declined significantly in number. The primary objective of the NCCP program is to conserve natural communities at the ecosystem level while accommodating compatible land use. The program seeks to anticipate and prevent the controversies and gridlock caused by species' listings by focusing on the long-term stability of wildlife and plant communities and including key interests in the process.

This voluntary program allows the state to enter into planning agreements with landowners, local governments, and other stakeholders to prepare plans that identify the most important areas for a threatened or endangered species and the areas that may be less important. These NCCP Plans may become the basis for a state permit to take threatened and endangered species in exchange for conserving their habitat. The CDFW and USFWS worked to combine the NCCP program with the federal Habitat Conservation Plan process to provide take permits for state and federally listed species. Under the NCCP Act, local governments can take the lead in developing these NCCP Plans and become the recipients of state and federal take permits.

Native Plant Protection Act (California Fish and Game Code, Sections 1900–1913)

California's Native Plant Protection Act requires state agencies to use their authority to carry out programs to conserve endangered and rare native plants. Provisions of the act prohibit the take of listed plants from the wild and require notification to the CDFW at least 10 days in advance of any change in land use. This allows the CDFW to salvage listed plant species that would otherwise be

destroyed. The project proponent is required to conduct botanical inventories and consult with the CDFW during project planning to comply with the provisions of the act and sections of CEQA that apply to rare or endangered plants.

Porter-Cologne Water Quality Control Act (California Water Code, Division 7)

The SWRCB works in coordination with the nine Regional Water Quality Control Boards (RWQCBs) to preserve, protect, enhance, and restore water quality. Each RWQCB makes decisions related to water quality for its region and may approve, with or without conditions, or deny projects that could affect waters of the state. Their authority comes from the CWA and the state's Porter-Cologne Water Quality Control Act (Porter-Cologne Act). The Porter-Cologne Act broadly defines "waters of the state" as "any surface water or groundwater, including saline waters, within the boundaries of the state" (California Water Code, Section 13050[e]).

Under the Porter-Cologne Act, the SWRCB and the nine RWQCBs also have the responsibility of granting CWA National Pollutant Discharge Elimination System permits and waste discharge requirements for point-source and nonpoint-source discharges to waters. These regulations limit impacts on aquatic and riparian habitats from a variety of urban sources.

Streambed Alteration Agreement (California Fish and Game Code, Section 1600)

The California Fish and Game Code (CFGC) requires any person who proposes a project that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake, or their tributaries, or use materials from a streambed to submit a notification for a Streambed Alteration Agreement to the CDFW.

4.3.2.3 Local

City of San Juan Capistrano General Plan

A complete rewrite of the City's General Plan was last adopted in December 1999. In May 2002, the City Council approved a variety of changes to several of elements of the General Plan. In February 2022, a new Environmental Justice Element was added to the General Plan. The General Plan's Housing Element is updated every eight years with the latest update adopted in August 2022. The City's General Plan is the principal land use document guiding development within the City. The City's General Plan is a comprehensive plan that establishes goals, objectives, and policies intended to guide growth and development in the City. The General Plan also serves as a blueprint for development throughout the community and is the vehicle through which the community needs, desires, and aspirations are balanced. The San Juan Capistrano General Plan is the fundamental tool for influencing the quality of life in the City.

Conservation and Open Space Element

The Conservation and Open Space Element addresses the conservation and enhancement of the visual quality of the City. The goals and policies in the Community Design Element aim to protect natural hillsides and features in the City (e.g., creeks and floodplains), preserve and enhance the historic character of the community, incorporate new development into existing developed neighborhoods, and maintain the community's "small-village" and "rural atmosphere."

The following policies applicable to the Proposed Project and related to biological resources are presented in the Conservation and Open Space Element:

- **Goal COS-2:** Protect and preserve important ecological and biological resources.
  - **Policy COS-2.1.** Use proper land use planning to reduce the impact of urban development on important ecological and biological resources.
  - **Policy COS-2.2.** Preserve important ecological and biological resources as open space.
  - **Policy COS-2.4.** Continue to designate the City as a bird sanctuary to preserve and protect the populations of all migratory birds which serve as a prime resource to the character and history of the community.

City of San Juan Capistrano Municipal Code

The City of San Juan Capistrano Municipal Code Section 9-2.349, Tree Removal Permit, establishes guidelines for tree removal in the City. A tree removal permit shall be required for new development projects, utility easements, common landscaped areas, nonresidential projects, City facilities and rightof-way, individual residential lots, and for the removal of any heritage tree. Heritage tree are trees with a trunk diameter at breast height (dbh) of thirty-six (36) inches or greater, and is a specimen of the following species: Schinus molle (California pepper); Quercus spp. (oak); Cedar spp. (cedar); Eucalyptus globulus (blue gum eucalyptus); Juglans spp. (walnut); Olea europaea (olive); Platanus spp. (sycamore); Populus spp. (cottonwood); or as otherwise designated by the Planning Commission based on the tree's unique and intrinsic value to the community because of its size, age, historic association or ecological value.

An application for tree removal shall be filed with the Department of Planning Services, along with the required fee as established by resolution of the City Council. A report prepared by a qualified tree expert may be required to complete submittal of the application. Except for heritage tree removal permits, the Planning Director or designee may approve a tree removal permit administratively and may add conditions of approval to ensure conformance with applicable provisions. After approval, a tree removal permit is valid for six months, except as otherwise specified in the permit. The City may request verification that conditions have been complied with and that required tree replanting has occurred.

4.3.3 Existing Conditions

The Project Site is located at an elevation of approximately 100 to 110 feet above mean sea level, sloping gently downward from east to west. Based on historic aerial imagery, the Project Site has been in use since at least 1938 and appears to have been developed with its primary street-facing structures since at least 1972 (Appendix C.2). Based on the 1938 imagery, it is likely that the site was cleared before then and even appears to have been partially used for agriculture at that time, with what appears to be row trees on the southern end of the Project Site. Therefore, the Project Site has had little to no biological value since at least 1938, a period of 88 years as of this writing. There are currently two buildings on the contemporary Project Site: a larger northern building and a smaller southern building, both facing Camino Capistrano. A large, corrugated metal barn was previously located in the open lot behind these two buildings and was observed during a previous field survey in 2024, but as of 2026 this barn has been removed. The Project Site is surrounded by development on all sides, with the western half of the site being the only undeveloped land in the immediate vicinity. Refer to Attachment B of Appendix C.2 for representative photographs taken throughout the Project Site.

Vegetation Communities and Land Cover Types

Three land cover types were mapped within the Project Site: landscaped/ornamental, disturbed, and developed (refer to Figure 4.3-1, Vegetation Communities and Other Land Uses). These land cover types are described in further detail below; they do not constitute suitable habitat for special-status species or qualify as protected habitat types.

Landscaped/Ornamental

Approximately 0.14 acre of the Project Site was mapped as landscaped/ornamental, encompassing a small area behind the southern building. This area is vegetated primarily with fruit trees including orange (*Citrus x sinesis*), lemon (*Citrus x limon*), avocado (*Persea americana*), and apricot (*Prunus armeniaca*), with other traditional landscaping plants such as pines (*Pinus sp.*), Indian hawthorn (*Rhaphiolepis indica*), bird of paradise (*Strelitzia sp.*), and rose (*Rosa sp.*).

Disturbed

Approximately 0.98 acre of the Project Site was mapped as disturbed, encompassing the entire western half of the site and a portion of the eastern half. This area is unpaved and unmaintained, generally vegetated with a high volume of both native and non-native weeds. Dominant species in this land cover type include horseweed (*Erigeron canadensis*), pigweed (*Amaranthus albus*), prickly lettuce (*Lactuca serriola*), tomato (*Lycopersicon esculentum*), orange trees, castor bean (*Ricinus communis*), and bristly ox-tongue (*Helminthotheca echioides*).

Developed

Approximately 0.56 acre of the Project Site was mapped as developed, encompassing most of the eastern half of the Project including the street-facing buildings, existing barn, and paved blacktop surface. This land cover type generally consists of paved areas with little or no naturally-occurring vegetation (landscaping may be present). Vegetation on-site within this land cover type generally consisted of more weeds growing in holes in the pavement as well as traditional landscaping plants such as bougainvillea (*Bougainvillea sp.*).

Wildlife

A total of 20 wildlife species were observed during the field survey, 17 native (85 percent) and 3 non-native (15 percent). On-site wildlife was comprised of a mixture of birds, reptiles, mammals, and insects.

Special-Status Biological Resources

Sensitive Natural Communities

Three natural communities considered sensitive by the CDFW were reported in the CNDDB from the San Juan Capistrano and Dana Point USGS 7.5-minute quadrangle maps. These include:

- Southern Coast Live Oak Riparian Forest
- Southern Cottonwood Willow Riparian Forest
- Southern Sycamore Alder Riparian Woodland

The Project Site consists of landscaped/ornamental, disturbed, and developed land cover types. It does not support native vegetation communities; therefore, there are no sensitive natural communities present.

Special-Status Plants

A total of 31 special-status plant species were reported in the CNDDB and CNPS Inventory of Rare and Endangered Plants of California from the San Juan Capistrano and Dana Point USGS 7.5-minute quadrangle maps and in the vicinity by IPaC. After a review of specific habitat preferences, known distributions, and elevation ranges, it was determined that no special-status plant species have the potential to occur.

Special-Status Wildlife

35 special-status wildlife species were reported in the CNDDB from the San Juan Capistrano and Dana Point USGS 7.5-minute quadrangle maps and in the project vicinity by IPaC. One special-status wildlife species, monarch butterfly (*Danaus plexippus plexippus*; federal proposed

threatened) was observed during the field survey. No typical foraging plants (i.e. milkweeds) were observed on the Project Site and the on-site trees do not represent suitable overwintering habitat. This species is expected to be a transient only during migration. Of the remaining special-status wildlife species, Cooper's hawk (*Astur cooperii*; CDFW Watch List) is expected to occur on-site but only as an occasional foraging species. There is no suitable nesting habitat on-site but this species is widespread in the region and vicinity and may periodically hunt on-site or in the immediate vicinity if prey (typically other birds) is abundant on-site. The remaining 33 special-status wildlife species are not expected to occur on the Project Site due to a lack of suitable habitat and a review of specific habitat preferences, known distributions, and elevation ranges.

Although neither species is expected to occur on-site, due to recent legislative changes in their conservation status and consequently gaining a "high profile" in southern California, the following analyses are provided for CBB and burrowing owl (*Athene cunicularia*; BUOW; state candidate endangered).

Crotch's Bumble Bee

A preliminary assessment of the site's potential to support CBB was conducted in March 2026. On-site vegetation in March 2026 consisted of non-native herbaceous vegetation including storksbill (Erodium cicutarum), cheeseweed (Malva parviflora), and brome grasses (Bromus sp.), with few ornamental shrubs and trees throughout. The vegetation appeared to have been occasionally maintained by mowing or trimming and the soils appeared to be heavily compacted, with no sign of fossorial mammal activity. No bees, native or otherwise, were observed during the brief survey, or during either the September 2024 or May 2026 surveys. A literature review and database search (CNDDB 2026 and The Xerces Society et al. 2026) identified only one nearby record of CBB. This record occurred in 2014 and was within 1 mile to the southwest of the Project Site. Several more recent records ranging between 2021 and 2025 were noted from greater than 3 miles to the west of the Project Site.

The few plant species identified on-site and overall lack of plant species diversity are generally not considered to constitute suitable foraging habitat for CBB. The heavily compacted soils and disturbed nature of the site does not provide suitable nesting habitat for this species. The records search discovered several recent occurrences greater than 3 miles from the Project, but current data suggest that CBB has a typical foraging range of 2-3 miles round-trip from their nests. Given the absence of both suitable forage species and nesting habitat within the Project Site, and distance from known recent occurrences of this species, CBB are not expected to occur within the Project Site. No further surveys or evaluations for this species are warranted based on these results.

Burrowing Owl

An assessment of the Project Site to support BUOW was conducted during the May 2026 survey in response to the species' change in protection status, which occurred after the initial September

2024 survey. On-site conditions largely mirrored those described above for CBB, given the close proximity in assessment dates. Although the site contains undeveloped open spaces, the soil is highly compacted and is not conducive to supporting fossorial species. BUOW require burrows to live in, but in California they do not dig their own burrows, relying instead on burrows dug by other animals (most often California ground squirrels [*Otospermophilus beecheyi*], which were not observed during any of the three surveys). No burrows of any kind were observed on-site. The small project footprint, highly-developed surrounding area, and existing ambient disturbance including the train tracks running immediately adjacent to the Project Site are also not conducive to supporting this species, which typically needs larger areas of undisturbed open space to survive. A review of the CNDDB and eBird databases (CNDDB 2026 and eBird 2026) indicate that the closest known occurrence of this species was in 2005 and 2006 at the Prime Deshecha Landfill, approximately 2.8 miles away, with additional observations in 2007 at the Marblehead site in San Clemente and 2012 in Dana Point Headlands. This species has been extirpated as a breeding bird in Orange County since 2013 but still occurs as a transient and as a wintering species, nearly always in the northern half of Orange County between Irvine and Seal Beach. Based on the lack of suitable on-site habitat within the Project Site and knowledge of its current status in Orange County, this species is not expected to occur and no further surveys or evaluations are warranted.

Critical Habitat

The Project Site is not located within federally designated Critical Habitat.

State and Federal Jurisdictional Resources

Based on a review of aerial photographs, USGS 7.5-minute quadrangle maps, USFWS National Wetland Inventory maps, and observations made during the field survey, there are no drainage features within or in the immediate vicinity of the Project Site. A formal aquatic resources delineation is not required.

Wildlife Corridors and Habitat Linkages

The Project Site is located approximately 650 feet east of Trabuco Creek, a major waterway and wildlife corridor in southern Orange County spanning from the Santa Ana Mountains in the north to its confluence with San Juan Creek approximately 0.7 mile to the south of the Project Site; San Juan Creek outlets directly into the Pacific Ocean at Doheny State Beach. However, the Project is separated from Trabuco Creek by railroad tracks and a strip of commercial shops and eateries associated with Los Rios Street and the River Street Marketplace. The Project Site is also approximately 0.35 mile northeast of San Juan Creek, another major waterway and wildlife corridor stretching from the Santa Ana Mountains to the Pacific Ocean. The Project is separated from San Juan Creek by residential housing, commercial marketplaces, and Interstate 5. The Project Site itself does not serve as a habitat linkage or wildlife corridor and due to the insulation

provided by surrounding development, the Project is not expected to have any impact on nearby wildlife corridors or migration pathways.

Orange County Central/Coastal NCCP/HCP

The Project Site is not located within any preserved areas, does not contain any coastal sage scrub habitat or other covered habitat types, does not contain any other special-status vegetation communities, and does not pose any other potential conflicts to the Project's consistency with the Orange County Central/Coastal NCCP/HCP (R.J. Meade 1996). In addition, none of the three NCCP/HCP target species were found within the Project Site, and there is no suitable habitat for any of them within the Project Site. Therefore, the Project is considered to be consistent with the NCCP/HCP. Other than implementation of any applicable Best Management Practices (BMPs) and general compliance with standard environmental regulations such as those pertaining to protection of nesting birds under the Migratory Bird Treaty Act and California Fish and Game Code, no additional mitigation pursuant to the NCCP/HCP is expected and the project is expected to be fully consistent with the goals of the NCCP/HCP.

4.3.4 Method of Analysis

Literature Review and Records Searches

Prior to conducting the field surveys, Michael Baker conducted a thorough literature review and records search to characterize existing site conditions and assess the potential for special-status biological resources to occur that might pose a constraint to Project implementation. A query of the California Natural Diversity Database (CNDDB, CNDDB 2026) and California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2026) was conducted to obtain a list of special-status plant and wildlife species occurrence records within the U.S. Geological Survey (USGS) San Juan Capistrano and Dana Point 7.5-minute quadrangle maps. The U.S. Fish and Wildlife Service (USFWS) IPaC online database was also reviewed to identify special-status species and other resources, such as Critical Habitat, known or expected to occur on the Project Site or within the immediate vicinity (USFWS 2026a). Due to the results listed in the IPaC report, the USFWS Critical Habitat for Threatened & Endangered Species mapping tool (USFWS 2026b) was accessed to determine the location of designated Critical Habitat in relation to the Project Site. Other sources of information about the Project Site and surrounding area include the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA NRCS 2026) and the USFWS National Wetlands Inventory (USFWS 2026c). All the information obtained informed our understanding of the Project Site and assisted with the field survey and subsequent analysis. The results presented in this report provide a detailed assessment of the suitability of the habitat on-site to support special-status plant and wildlife species and other sensitive natural resources.

Habitat Assessment

A series of field surveys was conducted to characterize the biological resources present on the Project Site and evaluate the potential for special-status species to occur. A general reconnaissance survey and vegetation mapping were conducted on September 11, 2024 by Michael Baker Senior Biologist Ryan Winkleman between 9:10 a.m. and 10:20 a.m. under temperatures ranging from 75 to 78 degrees Fahrenheit, winds of 0 to 4 miles per hour, and weather conditions transitioning from overcast to sunny. A second field survey was conducted on March 4, 2026 by Michael Baker Biologist John Parent to evaluate the Project Site for suitable habitat for Crotch's bumble bee (*Bombus crotchii*). The survey was conducted between 10:45 a.m. and 11:45 a.m. under cloudy skies with temperatures ranging from 67 to 68 degrees Fahrenheit and winds of 0 to 1 mile per hour. A third reconnaissance survey was conducted on May 28, 2026 by Mr. Winkleman between 10:35 a.m. and 11:50 a.m. to confirm that site conditions had not materially changed since the initial survey. Weather conditions during the survey ranged from 72 to 75 degrees Fahrenheit with winds of 0 to 4 miles per hour and skies transitioning from cloudy to mostly sunny.

Vegetation communities occurring within the Project Site were mapped on aerial photography and classified in accordance with the vegetation descriptions provided in *A Manual of California Vegetation* (Sawyer et al., 2009). Site characteristics, including soil conditions, topography, hydrology, anthropogenic disturbances, indicator species, the condition of on-site vegetation communities, and the presence of potentially regulated jurisdictional features, were documented during the field surveys. A formal aquatic resources delineation was not conducted. Geographic Information Systems (GIS) software was used to digitize the mapped vegetation communities and transfer these data onto aerial photography to document existing conditions and quantify the acreage of each vegetation community.

All wildlife species observed, as well as dominant plant species within each vegetation community, were recorded in field notes. Plant species observed during the field surveys were identified by visual characteristics and morphology in the field, while unusual and less familiar plant species were photographed and later identified using taxonomic guides. Plant nomenclature follows *The Jepson Manual: Vascular Plants of California*, Second Edition (Baldwin et al., 2012). Wildlife detections were made through visual and auditory observations, as well as observation of sign including scat, trails, tracks, burrows, and nests.

4.3.5 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, the project would have a significant impact on biological resources if it would:

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

- **Threshold BIO-b:** Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.
- **Threshold BIO-c:** Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- **Threshold BIO-d:** Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- **Threshold BIO-e:** Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- **Threshold BIO-f:** Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The Initial Study, provided as Appendix A, substantiates that there would be no impact associated with Thresholds BIO-b, BIO-c, and BIO-f as the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community; the project would not have a substantial adverse effect on state or federally protected wetlands; nor would the project conflict with the provisions of an adopted HCP, NCCP, or other approved habitat conservation plan. In addition, the Initial Study substantiates that impacts associated with. These thresholds will not be addressed in the following analysis.

4.3.6 Plans, Programs, and Policies

Compliance measures are uniformly applied regulations or requirements imposed by the approving agency based on the type of action proposed. Because these measures are standard requirements, they are not considered mitigation measures. The following existing plans, programs, and policies (PPPs) apply to development allowed under the Proposed Project and help reduce or avoid potential impacts related to biological resources:

PPP BIO-1 Development implemented under the Proposed Project is required to remove, plant, replace, and maintain street trees in accordance with the San Juan Capistrano Municipal Code Section 9-2.349, Tree Removal Permit.

PPP BIO-2 Development implemented under the Proposed Project is required to comply with the California Building Code and all other applicable laws, rules, and regulations governing grading in the City of San Juan Capistrano.

PPP BIO-3 Development implemented under the Proposed Project will implement Design Guidelines and Development Regulations and Standards. All subsequent

development within the Project area is required to conform with the provisions discussed in the design and development sections.

4.3.7 Environmental Impacts

The following sections address various potential impacts relating to biological resources that could result from implementation of the Project.

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

Impact Analysis

Direct Impacts

Direct impacts are considered those that involve the loss, modification, or disturbance of plant communities, which in turn, directly affect the flora and fauna of those habitats. Direct impacts also include the destruction of individual plants or animals, which may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and population stability.

Special-Status Plants

As discussed in Section 4.3.2.4, no special-status plant species were observed during the field surveys conducted on September 11, 2024 and May 28, 2026. The Project Site consists primarily of disturbed, developed, and landscaped/ornamental land cover types characterized by ornamental vegetation, non-native species, compacted soils, paved areas, and long-standing urban disturbance associated with the Historic Town Center of San Juan Capistrano. These conditions do not provide suitable habitat for special-status plant species.

A review of the California Natural Diversity Database (CNDDB), California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California, and the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) database identified **31** special-status plant species with the potential to occur within the San Juan Capistrano and Dana Point USGS 7.5-minute quadrangles or project vicinity. Each species was evaluated based on its known geographic distribution, elevation range, habitat requirements, and the existing conditions of the Project Site. As documented in the Biological Resources Technical Letter Report (Appendix C.2), none of the identified species are expected to occur on the Project Site because suitable habitat is absent. The site is highly disturbed, supports only landscaped/ornamental, disturbed, and developed land cover types, and lacks the native vegetation communities, soil conditions, and ecological features required by special-status plant species.

Accordingly, implementation of the Proposed Project would not result in direct or indirect impacts to special-status plant species. Therefore, impacts would be less than significant.

Special-Status Wildlife

As discussed in Section 4.3.4.2, biological surveys conducted in September 2024, March 2026, and May 2026 determined that the Project Site does not support suitable habitat for special-status wildlife species. The Project Site is located within the highly urbanized Historic Town Center of San Juan Capistrano and consists primarily of developed, disturbed, and landscaped/ornamental land cover characterized by ornamental vegetation, compacted soils, paved surfaces, existing structures, and long-term anthropogenic disturbance. These conditions provide limited habitat value for special-status wildlife.

Database searches of the California Natural Diversity Database (CNDDB), U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) system, and other applicable biological resources databases identified 35 special-status wildlife species with the potential to occur within the San Juan Capistrano and Dana Point USGS 7.5-minute quadrangles or the Project vicinity. Each species was evaluated based on its known geographic distribution, elevation range, habitat requirements, life history characteristics, and the existing conditions present on the Project Site. The biological assessment concluded that the Project Site lacks the native habitat communities, jurisdictional waters, riparian habitat, coastal sage scrub, grassland, woodland, and other habitat features necessary to support the majority of these species.

The biological assessment identified only limited potential for a small number of special-status wildlife species to utilize the Project Site. Although burrowing owl (*Athene cunicularia*), a California Species of Special Concern, has been documented within the broader region, the Project Site does not provide suitable nesting or foraging habitat. The site lacks grasslands, open scrub, ground squirrel burrows, and other habitat features typically associated with the species, and no burrowing owls or suitable burrows were observed during the field surveys.

Similarly, Cooper's hawk (*Astur cooperii*), a California Department of Fish and Wildlife Watch List species, may occasionally forage within the Project Site because of the presence of open disturbed areas; however, suitable nesting habitat is absent, and the species is not expected to nest onsite. In addition, a single monarch butterfly (*Danaus plexippus*) was observed during the May 2026 field survey. The Project Site does not contain milkweed, suitable breeding habitat, or overwintering habitat for the species, and the observation is considered representative of a transient individual moving through the area rather than a resident population.

The existing adobe and barn structures were also evaluated for bat roosting potential. Although limited crevices are present that could occasionally be used by individual bats for temporary day roosting, no evidence of active bat use was observed during the field surveys, and the structures

do not provide suitable maternity or long-term roosting habitat. Similarly, a focused habitat assessment for Crotch's bumble bee (*Bombus crotchii*) concluded that the Project Site does not provide suitable nesting or foraging habitat because of the predominance of ornamental and non-native vegetation, limited floral resources, heavily compacted soils, and the absence of suitable underground nesting opportunities. No native or non-native bees were observed during the focused survey, and the Project Site is not located within federally designated critical habitat for any listed wildlife species.

Based on the results of the field surveys and habitat assessment, implementation of the Proposed Project would not result in substantial direct or indirect impacts to special-status wildlife species. Therefore, impacts would be less than significant.

Indirect Impacts

Indirect impacts pertain to those impacts that result in a change to the physical environment, but which is not immediately related to a project. Indirect (or secondary) impacts are those that are reasonable foreseeable and caused by a project but occur at a different time or place. Indirect impacts can occur at the urban/wildland interface of project, to biological resources located downstream from projects, and other offsite areas where the effects of the Project may be experienced by plants and wildlife. Examples of indirect impacts include the effects of increases in ambient levels of noise or light; predation by domestic pets; competition with exotic plants and animals; introduction of toxics, including pesticides; and other human disturbances such as hiking, off-road vehicle use, unauthorized dumping, etc. Indirect impacts are often attributed to the subsequent day-to-day activities associated with Project build-out, such as increased noise, the use of artificial light sources, and invasive ornamental plantings that may encroach into native areas. Indirect effects may be both short-term and long-term in their duration. These impacts are commonly referred to as “edge effects” and may result in a slow replacement of native plants by non-native invasive species, as well as changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to project sites.

The Proposed Project would not result in substantial indirect impacts to biological resources. The Project Site is located within the fully urbanized Historic Town Center area of San Juan Capistrano and is surrounded by existing commercial, transportation, restaurant, and urban development, including active railroad operations immediately adjacent to the west. The site does not contain native habitat communities, jurisdictional waters, wildlife movement corridors, or adjacent open space areas capable of supporting sensitive biological resources. Existing onsite conditions are characterized by disturbed soils, paved surfaces, ornamental landscaping, non-native vegetation, and long-term anthropogenic disturbance.

Because implementation of the Proposed Project would occur within an already developed infill site lacking sensitive habitat features, the Project would not result in indirect impacts associated

with habitat fragmentation, edge effects, degradation of adjacent biological resources, interference with wildlife movement, or degradation of sensitive habitat areas. Accordingly, the Proposed Project would not result in substantial adverse indirect impacts to special-status biological resources, and impacts would be less than significant.

Level of Significance Before Mitigation: Less than significant.

Mitigation Measures: No mitigation measures are required.

4.3.7.2 Threshold BIO-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.

Impact Analysis

The Project Site is highly disturbed and surrounded on all sides by existing development and disturbance. Although major waterways are present in the general vicinity (Trabuco Creek and San Juan Creek), the Project Site has no connectivity to any natural habitats that would serve as migration corridors, nor do adjacent areas. There would be no impact to native wildlife movement or wildlife corridors.

Nesting birds are protected pursuant to the Federal Migratory Bird Treaty Act (MBTA) of 1918 and the California Fish and Game Code[1] (CFGC). To maintain compliance with the MBTA and CFGC, clearance surveys are typically required during the breeding season (generally February 1 to August 31 but as early as January 1 for raptors) prior to any ground disturbance or vegetation removal activities to avoid direct and indirect impacts to active bird nests and/or nesting birds. Consequently, if an active bird nest is destroyed or if project activities result in indirect impacts to nesting birds (e.g., nest abandonment, loss of reproductive effort), it is considered "take" and is potentially punishable by fines and/or imprisonment. The vegetation within and adjacent to the Project Site provides suitable nesting opportunities for a variety of bird species. However, no nests were observed during the survey.

The Project Site has the potential to support nesting songbirds and raptors within the existing ornamental landscaped areas. Nesting activity typically occurs from February through August, although raptors may begin nesting as early as January. Disturbing or destroying active nests is prohibited under the federal Migratory Bird Treaty Act and California Fish and Game Code Section 3503. Therefore, removal of vegetation or other ground-disturbing activities conducted

[1] Section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by CFGC or any regulation made pursuant thereto; Section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey); and Section 3513 makes it unlawful to take or possess any migratory non-game bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA, as amended (16 U.S.C. § 703 *et. sq.*).

during the nesting season could result in impacts to active nests and is considered a potentially significant impact.

Implementation of MM BIO-1 would reduce this impact to a less than significant level. MM BIO-1 requires that a qualified biologist conduct pre-construction nesting bird surveys within seven days prior to the commencement of ground-disturbing activities occurring during the nesting season. If active nests are identified, construction activities within 300 feet of an active nest (500 feet for raptor nests), or at another distance determined appropriate by the qualified biologist, would be postponed or halted until the nest has been vacated, juveniles have fledged, and there is no evidence of a second nesting attempt. By requiring pre-construction surveys and establishment of species-appropriate avoidance buffers around active nests, MM BIO-1 would avoid direct disturbance or destruction of nesting birds and ensure compliance with the Migratory Bird Treaty Act and California Fish and Game Code. Therefore, impacts would be less than significant with mitigation incorporated.

Level of Significance Before Mitigation: Potentially significant without mitigation.

Mitigation Measures: MM BIO-1.

4.3.7.3 Threshold BIO-e: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Impact Analysis

The Project Site is developed with ornamental landscaping and disturbed urban land cover associated with long-term commercial and residential uses within the Historic Town Center. Existing onsite vegetation consists primarily of ornamental trees, fruit trees, and other non-native landscaping species planted within a developed landscape setting. None of the onsite trees or landscaped areas represent remnant native habitat communities or sensitive natural vegetation, and the Biological Resources Technical Letter Report concluded that the Project Site does not contain sensitive vegetation communities or habitat suitable for special-status plant species.

Implementation of the Proposed Project would require the preservation, relocation, and removal of existing onsite trees to accommodate the proposed hotel buildings, circulation improvements, landscaping, utilities, and other site improvements. The landscape plan associated with the Project has been designed to preserve existing trees where feasible and includes replacement planting utilizing drought-tolerant, climate-appropriate, and native-compatible species at a replacement ratio equal to 150 percent of the removed caliper inches, consistent with City requirements. Removal of one or more existing trees, including potentially regulated Peruvian pepper (*Schinus molle*) or fruit trees, may require approval of a Tree Removal Permit pursuant to City of San Juan Capistrano Municipal Code Section 9-2.349. The City of San Juan Capistrano regulates the

removal of trees on non-residential property that are at least six inches in diameter at a height of three feet above the ground, as long as the trees are not a safety concern, part of an established orchard, dead or dying, or invasive.

Compliance with the City's tree removal ordinance would ensure that the removal, relocation, and replacement of regulated trees occurs in accordance with applicable local requirements. Because the Project would not conflict with the City's tree preservation regulations or adversely affect sensitive biological resources, impacts would be less than significant.

In addition, the Proposed Project would be required to comply with applicable City tree preservation and replacement requirements, including any applicable permitting, relocation, replacement, and mitigation requirements imposed by the City during project review. Because the trees proposed for removal are ornamental landscape trees located within a disturbed urban infill site and do not constitute sensitive natural habitat, implementation of the Proposed Project would not result in a substantial adverse effect on protected trees or sensitive biological resources. Therefore, impacts would be less than significant.

Level of Significance Before Mitigation: Less than significant.

Mitigation Measures: No mitigation measures are required.

4.3.8 Cumulative Impacts

The following sections address various potential cumulative impacts relating to biological resources that could result from implementation of the project.

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

Implementation of cumulative development within the City and surrounding region has the potential to contribute to the incremental loss or degradation of biological resources and habitat for special-status plant and wildlife species through vegetation removal, urbanization, increased human disturbance, lighting, noise, and habitat fragmentation. However, the Proposed Project’s contribution to cumulative impacts on special-status biological resources would not be cumulatively considerable.

As discussed under Threshold BIO-a, the Project Site is located within the fully urbanized Historic Town Center area of San Juan Capistrano and consists primarily of disturbed, developed, and landscaped/ornamental land cover types characterized by ornamental vegetation, compacted soils, paved surfaces, and long-term anthropogenic disturbance. The Project Site does not contain

sensitive native habitat communities, jurisdictional waters, wildlife movement corridors, federally designated critical habitat, or habitat suitable for special-status plant or wildlife species. Biological surveys conducted for the Proposed Project determined that no special-status plant or wildlife species occur onsite and that the site lacks habitat capable of supporting such species.

The Proposed Project would occur entirely within an existing infill site surrounded by urban development, commercial uses, roadways, and active railroad operations. Accordingly, the Project would not contribute to cumulative habitat fragmentation, loss of wildlife movement opportunities, degradation of native habitat areas, or other cumulative habitat modification impacts affecting special-status biological resources. While temporary disturbance to nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code could occur during construction activities, compliance with PPP BIO-1 would require pre-construction nesting bird surveys and implementation of species-specific avoidance measures to prevent impacts to active nests.

In addition, the Proposed Project would comply with applicable City tree replacement requirements pursuant to Municipal Code Section 9-2.349 and applicable grading, landscaping, and development regulations intended to minimize impacts to biological resources. Because the Project Site does not contain habitat of value for special-status species and the Proposed Project would not result in substantial direct or indirect biological impacts, the Proposed Project would not make a cumulatively considerable contribution to regional impacts on special-status biological resources. Therefore, cumulative impacts would be less than significant.

4.3.8.2 Cumulative Threshold BIO-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.

The Proposed Project would remove vegetation that has the potential to support nesting birds protected by federal and state regulations. A wide range of habitat and vegetation types have the potential to support nesting birds; therefore, it is likely that other development projects within the cumulative study area also may impact nesting birds. However, the Proposed Project, like all other development activities in the cumulative study area, would be required to comply with state and federal law to preclude impacts to nesting birds. Additionally, the Project Proponent/Developer would be required to comply with mitigation measure MM BIO-1. The Proposed Project's potential impact to nesting birds would be cumulatively considerable absent compliance to state and federal regulations and implementation of mitigation.

4.3.8.3 Cumulative Threshold BIO-e: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Implementation of cumulative development within the City could result in incremental removal of trees, landscaping, and other biological resources protected under local regulations and ordinances. However, the Proposed Project's contribution to cumulative impacts associated with conflicts with local biological resource protection policies or ordinances would not be cumulatively considerable.

As discussed under Threshold BIO-e, the Proposed Project would be required to comply with all applicable local regulations governing biological resources, including City of San Juan Capistrano Municipal Code Section 9-2.349 regulating tree removal, relocation, replacement, and maintenance. The Proposed Project includes implementation of a landscape plan providing for replacement planting utilizing drought-tolerant species and compliance with applicable City tree replacement requirements. In addition, implementation of PPP BIO-1 through PPP BIO-4 would ensure compliance with applicable State and local regulations pertaining to nesting birds, grading activities, landscaping, and biological resource protection measures.

The Project Site is located within a previously disturbed urban infill area that does not contain sensitive habitat communities, protected native vegetation, or habitat of value for special-status species. The Proposed Project would not conflict with the City's biological resource protection policies, tree preservation requirements, or applicable development regulations intended to protect biological resources within the City. Because the Proposed Project would comply with all applicable local ordinances and regulations protecting biological resources, the Proposed Project would not contribute to a cumulatively considerable conflict with local biological resource protection policies or ordinances. Therefore, cumulative impacts would be less than significant.

4.3.9 Level of Significance Before Mitigation

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

The Project would not cause a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species.

4.3.9.2 Threshold BIO-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.

The Project would remove vegetation that has the potential to support nesting birds protected by federal and state regulations. A wide range of habitat and vegetation types have the potential to support nesting birds and is therefore potentially significant.

4.3.9.3 Threshold BIO-e: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

4.3.10 Mitigation Measures

Mitigation Measures

BIO-1: **Pre-Construction Surveys.** The project applicant shall retain a qualified biologist to conduct pre-construction clearance surveys. Within 7 days of ground-disturbing activities associated with Project implementation that would occur during the nesting/breeding season of native bird species potentially nesting on the site (generally February 1 to August 31 but as early as January 1 for raptors), the qualified biologist shall conduct a pre-construction clearance survey to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the Project Site. If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors) or at a distance to be determined at the discretion of the biologist shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting.

4.3.11 Level of Significance After Mitigation

4.3.11.1 Threshold BIO-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.

Implementation of Mitigation Measure MM BIO-1 would reduce potential direct impacts to sensitive wildlife species through conducting sensitive bird and wildlife species-focused surveys prior to construction. MM BIO-1 would fully mitigate impacts to special status species, and no significant and unavoidable impacts would remain.

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Source: Michark Baker International, 2026.

Harris & Associates

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Figure 4.3-1

Vegetation Communities and Other Land Uses