

## **Appendix C**

### **Biological Resources Assessments**





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October 9, 2008  
(08-278)

Mr. Kim Megonigal  
17872 Cowan Avenue  
Irvine, California  
92614

**Subject:** Biological Assessment survey at 2333 Pacific Drive, Newport Beach, California following initial Biological Evaluation conducted by Hamilton Consulting.

Mr. Megonigal:

This letter report discusses the methods, findings and discussion relevant to the biological assessment conducted at 2333 Pacific Drive pursuant of your request on October 6, 2008.

Chambers Group, Inc. (Chambers Group) was retained by Kim Megonigal to conduct a biological survey of his property at 2333 Pacific Drive in Newport Beach, as recommended in the initial Biological Evaluation by Hamilton Consulting (Hamilton report) submitted September 22, 2008 to Newport City Council. The purpose of this survey was to assess the quality and quantity of native habitat present on the property, to evaluate the suitability of the habitat to support listed or otherwise sensitive species, to survey for sensitive species identifiable at this time, and to map the vegetation communities occurring within the property boundaries.

### **1.0 SITE DESCRIPTION**

The property is located at the intersection of Pacific Drive and Begonia, adjacent to Begonia City Park located in Corona del Mar, of Newport Beach (see Project Location Map). The property is 4,400 square feet with the planned project footprint of 3,500 square feet. The Megonigal property is on a natural coastal bluff enclosed by private homes to the northwest, west and south, by Begonia City Park to the east, and Pacific Drive to the north.

### **2.0 METHODS**

Chambers Group staff biologist, Jenny McGee, conducted a biological assessment at 2333 Pacific Drive on October 6, 2008 from 09:09 to 10:50 am. The weather was clear, approximately 74 degrees at arrival rising to 85 degrees at departure. The property is fenced, but full access was provided by the property owner. Vegetation on the property was mapped and evaluated for habitat value, all plant and animal species observed or detected were recorded, and representative photos were taken. Site photographs are presented in appendix A. Spatial data of vegetation communities was recorded onto an aerial photograph in the field and transferred to a GIS layer presented in the Vegetation Map attached. The area identified as Coastal Bluff Scrub was also measured using a meter tape measure. The measurements were taken to ground-truth the area identified as Southern Coastal Bluff Scrub. Wildlife and plant species lists are attached as appendices B and C, respectively.

### **3.0 FINDINGS OF THE BIOLOGICAL ASSESSMENT**

The vegetation on the Megonigal property has been classified into three categories, disturbed, disturbed/ Ornamental, and Coastal Bluff Scrub.

### 3.1 Disturbed

Disturbed areas are those areas that are either devoid of vegetation (cleared or graded) such as dirt roads or those areas that have a high percentage of non-native weedy species. Areas mapped as disturbed are present primarily on the upper portion of the property but incorporate part of the natural bluff and patches within the lower portion of the property as well. The upper portion above the natural bluff has been cleared and is relatively void of vegetation with exception of sparse Russian thistle (*Salsola tragus*). Disturbed areas mapped on the central and lower portions of the property include the eroding segment of the natural bluff that supports no vegetation, and the lower areas vegetated largely by exotic grasses, primarily ripgut grass (*Bromus diandrus*). Other non-native species in this category found on the project site include: fennel (*Feoniculum vulgare*), wild radish (*Raphanus sativus*), Russian thistle and Australian saltbush (*Atriplex semibacata*). There are 0.063 acres (2,744 square feet) of disturbed area on the project site.

### 3.2 Disturbed/ Ornamental

Areas mapped as disturbed/ Ornamental are those dominated by escaped or planted ornamental species, with a high presence of non-native weedy species. Disturbed/ Ornamental vegetation is located on the lower portion of the property and reflects influences from surrounding landscaped areas, particularly Begonia Park. Ice Plant (*Carpobrotus* sp. and *Mesembryanthum nodiflorum*), myoporum trees (*Myoporum laetum*), jade plant (*Crassula ovata*), and a large fig tree (*Ficus* sp.) dominate the species cover in this area. Non-native weedy species, such as Russian thistle, cheeseweed (*Malva parviflorum*), and a few black mustard (*Brassica nigra*) occur within this area as well.

This area at the lower portion of the property also supports several cliff aster (*Malacothryx saxatilis*) individuals and a young lemonade berry (*Rhus integrifolia*) less than 12 inches. A second lemonade berry individual, presented on pg 4 of the Hamilton report, is located just outside the property line on the lower portion of the slope. The presence of these native species indicates that, prior to encroachment from ornamental and weedy species this area was vegetated with species characteristic of the Coastal Bluff Scrub vegetation community. This area was classified as highly disturbed Southern Coastal Bluff Scrub in the Hamilton report, however in closer examination of the species present and their respective vegetative cover, the overall native cover in this area is very low (less than 10%), as ornamental species have substantially displaced native species over time. Disturbed/ Ornamental encompasses approximately 0.034 acres (1,481 square feet) within the property boundary.

### 3.3 Coastal Bluff Scrub

Southern Coastal Bluff Scrub as described by B.F. Holland (1986) consists of woody and/ or succulent species up to 7 feet in height occurring on poorly developed rocky soils and moisture-laden winds with high salt content. Species characteristic of Coastal Bluff Scrub include saltbush (*Atriplex* sp.), California buckwheat (*Eriogonum fasciculatum* var. *fasciculatum*), California bush sunflower (*California encelia*), stone crop species (*Dudleya* sp.), prickly pear cactus (*Opuntia littoralis*), cliff aster, and lemonade berry.

The area mapped as Coastal Bluff Scrub is located on the cliff of the natural bluff centrally located within the parcel. This cliff supports approximately 15 total native shrubs. The species located here include California buckwheat, California bush sunflower, and the prickly pear cactus. These species are characteristic of Coastal Bluff Scrub as described above, although big saltbush (*Atriplex lentiformis*) a species typically considered dominant or functional to the bluff scrub community is absent from the site. Cliff aster and lemonade berry, also associated with this community, are present on site although they occur on the lower portion of the property which has been overtaken by ornamental and weedy species, with exception of these few plants. A lemonade berry plant nearby is rooted underneath an overhanging patio of an adjacent home, next to, but outside the property boundary. The remaining portion of the natural bluff is bare of vegetation, and shows signs of significant natural erosion, as is characteristic of coastal bluffs. Coastal Bluff Scrub encompasses approximately 0.006 acres (261.36 square feet).

#### **4.0 FINDINGS OF SENSITIVE SPECIES SURVEY**

Prior to conducting the survey, the most current reports of the California Natural Diversity Database (CNDDB, last update September 2008) for the Newport Beach 7.5-minute topographic quadrangle were referenced. This database contains records of reported occurrences of federal- and state-listed, proposed endangered or threatened species, California Species of Special Concern (CSC), or otherwise sensitive species or habitats that may occur in the project area.

Many of the species identified in the literature review require estuarine, salt marsh, beach sands or vernal pool habitats. Because these habitats are not present on the property, these species are determined to have no potential to occur on the project site. These plant and animal species and their associated listed status are as follows:

##### Animals

- o California black rail - California threatened species
- o Belding's savannah sparrow - California endangered species
- o Light footed clapper rail (marsh) - Federal and state endangered
- o California least tern - Federal and state endangered
- o SC fairy shrimp - Federal endangered

##### Plants

- o Salt marsh bird's beak (*Corydalthus maritimus ssp. maritimus*) - Federal and state endangered
- o Estuary seablite (*Sueda esteroa*) - CNPS 1 B.2

#### **4.1 Wildlife**

Wildlife species with habitat onsite include the Cooper's hawk, and the coastal California gnatcatcher. These species are discussed in further detail below.

##### 4.1.1 Cooper's Hawk (*Accipiter cooperii*)

The Cooper's hawk is a California Species of Concern. This species occurs as a migrant and/or resident over most of the U.S. from southern Canada to northern Mexico. Favored habitats include open woodlands, mature forests, woodland edges, and river groves (Sibley 2003). More recently, the Cooper's hawk has been known to breed in suburban and urban areas with similar tree structure to native habitats.

A Cooper's hawk was observed during the initial site visit conducted by Robert Hamilton on September 20, 2008. This species is likely using the nearby open space provided by Begonia Park for roosting and hunting. The total area to be impacted by the proposed project is small in size, providing limited suitable habitat for this raptor species independent of the surrounding areas. The overall spatial loss of the project area will not have a significant impact on this species.

##### 4.1.2 Coastal California gnatcatcher (*Polioptila californica californica*)

Coastal California gnatcatcher is a federally threatened species and state listed as a California species of concern. It is a permanent resident of Diegan, Riversidian, and Venturan sage scrub sub-associations found from sea level to 2,500 feet above mean sea level (amsl). Within its range, the coastal California gnatcatcher associates strongly with California sagebrush (*Artemisia californica*) dominant habitats and also occurs in mixed scrub habitats with lesser percentages of this favored shrub. Other plant species important for the nesting and foraging of this species include California buckwheat (*Eriogonum fasciculatum*), white sage (*Salvia apiana*), black sage (*Salvia mellifera*), and chaparral broom (*Baccharis sarothroides*). Chamise (*Adenostoma fasciculatum*) habitats may also support breeding pairs, especially where coastal sage scrub may occur nearby or form a component (Bontrager 1991).

Sufficient foraging or nesting habitat for the California gnatcatcher is not present on the proposed project site or in the surrounding area to support this species. The habitat on the Megonigal property is limited in size and vegetative diversity including the absence of California sagebrush. Additionally, the project site is located in an area of dense residential development, surrounded by urban ornamental landscaping. Any remaining habitat exists as "islands" within the residential area. These "islands" consist of few native species present among substantial exotic and ornamental vegetation, and are insufficient in size and/or vegetative composition to support this species. Therefore, there is no potential for coastal California gnatcatcher to occur on the property.

#### **4.2 Plants**

In addition to conducting an assessment of habitat and classification of vegetation associations, the survey also incorporated a survey for six sensitive plant species known to occur within Coastal Bluff Scrub. These species, include Davidson's saltscale (*Atriplex serenana* var  *davidsonii*), south coast saltscale (*Atriplex pacifica*), many stemmed dudleya (*Dudleya multicaulis*), cliff spurge (*Euphorbia misera*), Coulter's saltbush (*Atriplex coulteri*), and woolly seablite (*Sueda taxifolia*).

##### 4.2.1 Davidson's Saltscale

Davidson's saltbush is an annual herb listed by CNPS as a List 1B.2 species, indicating that this species is rare, threatened or endangered in California and elsewhere. This species blooms between April and October. Populations of Davidson's saltbush have been found in Los Angeles, Orange, Riverside, Santa Barbara, San Diego, San Luis Obispo, and Ventura counties, and on several of the Channel Islands. Davidson's saltbush typically grows in Coastal Bluff Scrub and in alkaline Coastal Scrub habitats at elevations between 30 and 660 feet amsl. Although suitable habitat occurs onsite, this species was not observed on the property at the time of the survey. Because the survey was conducted during the blooming period of this species and not observed it is considered to be absent from the property.

##### 4.2.2 South Coast Saltscale

South Coast saltscale is an annual herb listed by CNPS as a List 1B.2 species. The species blooms between March and October. Populations of South Coast saltscale have been found in Los Angeles, Orange, Riverside, Santa Barbara, San Diego, Ventura, on several of the Channel Islands. The species typically occurs in Coastal Bluff Scrub, Coastal Dunes, Coastal Scrub, and on Playas, often in alkali soils and at elevations up to 460 feet amsl. Although suitable habitat occurs onsite, south coast saltscale was not observed on the property at the time of the survey. Because the survey was conducted during the blooming period for this species, the south coast saltscale is considered to be absent from the property.

##### 4.2.3 Many-Stemmed Dudleya

Many-stemmed dudleya is a perennial herb listed by CNPS as a List 1B.2 species. The species blooms between April and July. Populations of many-stemmed dudleya have been found in Los Angeles, Orange, Riverside, San Bernardino, and San Diego counties. The species typically occurs in Coastal Scrub, Chaparral, and Valley and Foothill Grassland, usually on clay soils or grassy slopes at elevations from 48 to 2,595 feet. This species was not observed on the property at the time of the survey, and is detectable outside of the blooming period. Therefore, the many-stemmed dudleya is considered to be absent from the property.

##### 4.2.4 Cliff Spurge

Cliff spurge is a perennial shrub listed by the California Native Plant Society (CNPS) as a List 2.2 species, classifying it as fairly endangered in California, but more common elsewhere. This perennial shrub occurs in San Diego and Orange counties as a component of Coastal Bluff or Coastal Sage Scrub vegetation communities at elevations 33 to 1,640 amsl. This species was not observed on the property at the time of the survey. Because this species is a perennial shrub and would be detectable at the time the survey was

conducted, it is considered to be absent from the property.

#### 4.2.5 Coulter's Saltbush

Coulter's saltbush is a perennial herb categorized by CNPS as a 1B.2 plant, classifying it as fairly endangered in California and elsewhere. This perennial herb is known to occur in San Diego, Orange, and Los Angeles, Ventura, Santa Barbara and San Luis Obispo counties at elevations ranging from 10 to 1,500 feet amsl. This coastal species is associated with Coastal Bluff Scrub, Coastal Dunes, Coastal Sage Scrub, and valley and foothill grassland with clay or alkaline soils. Coulter's saltbush blooms from March through October and was not observed on the property at the time of the survey. Because this species would be detectable at the time the survey was conducted and was not observed, it is considered to be absent from the property.

#### 4.2.6 Woolly Seablite

Woolly seablite is an evergreen shrub categorized by the CNPS as a 4.2 species, classifying it as having limited distribution and fairly endangered in California. This species occurs on the margins of coastal marshes, or as a component of Coastal Bluff scrub or Coastal Dune habitats at elevations ranging from 0 to 164 feet amsl. This species is known to occur in San Diego, Orange, Los Angeles, Santa Barbara, San Luis Obispo Counties, as well as the Chanel Islands National Park. Woolly seablite blooms from January through December, but it detectable year-around. This species was not observed at the time of the survey. Because this species would be detectable at the time the survey was conducted and was not observed, it is considered to be absent from the property.

The limited distribution of the Coastal Bluff Scrub on the property, confined to the cliff portion of the natural bluff provides little suitable habitat the above stated sensitive plant species. Therefore, Davidson's saltbush, south coast saltscale, many-stemmed dudleya, cliff spurge, Coulter's saltbush and woolly seablite are considered absent within the project boundary. No further surveys are recommended.

### **5.0 DISCUSSION**

The intent of this survey conducted on behalf of the project proponent is to evaluate the applicability of the California Coastal Act as it relates to the City of Newport Beach Local Coastal Program Coastal Land Use Plan (LCP/CLUP), and the Newport Beach City policies in the Natural Resources Element of the General Plan, as discussed in the Hamilton report submitted to Newport City Council on September 23, 2008, on behalf of Friends of Begonia Park.

As pointed out in the Hamilton report, the City of Newport Beach LCP/CLUP, with the function of interpreting the Coastal Act within the City, includes policies that mandate the protection of environmentally sensitive habitat areas (ESHA) as defined by Section 30107.5 of the Coastal Act. ESHA areas are defined as "...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."

Furthermore, the Natural Resources Element of the Newport City General Plan states the overall goal of this portion of the General Plan is to protect sensitive and rare terrestrial and marine resources from urban development.

The vegetation composition supported on the proposed project site predominately consists of disturbed non-vegetated areas, ornamental species and weedy exotic species. Approximately 5% (261 square feet) of the property supports low quality Coastal Bluff Scrub. The Coastal Bluff Scrub is recognized by the California Department of Fish and Game as a rare plant community. In evaluation of habitat quality of the Coastal Bluff Scrub recognized on the Megonigal property, we find the overall habitat value to be low as a

result of habitat fragmentation, influence of surrounding human activities, and because it supports limited long term habitat value.

#### Habitat fragmentation

The project site is located in a densely developed residential neighborhood with urban landscaping throughout the area. No Coastal Bluff Scrub habitat of moderate or high value is present within the vicinity of the project site. These conditions create habitat fragmentation, resulting in overall low habitat value of the remaining patches. Although the property is contiguous with Begonia Park which does support native wildlife species, there is no evidence that listed or otherwise sensitive species are dependent upon the biological resources identified on the Megonigal property. Begonia Park has been landscaped with urban ornamental landscaping, as is the remaining open space surrounding the residential development. The areas of Coastal Bluff Scrub located west of the property identified in the Hamilton report are also fragmented remnants of native habitat, consisting of few native species, surrounded by ornamental urban landscaping. The nearest habitat fragment is separated from the Megonigal property by the retaining wall of a nearby home. Ecological restoration, were it undertaken, could not restore full habitat value and function to this area.

#### Influence of surrounding human activities

As a result, of the surrounding dense residential development, the property has been influenced directly and indirectly by various human activities. These activities include the development of Begonia Park and subsequent ornamental landscaping, construction of retaining wall to the property below 2333 Pacific Drive, construction of retaining walls and homes adjacent to the property, and the construction and terracing of streets and neighborhood lots. The remaining portions of Coastal Bluff Scrub both on the Megonigal property and other nearby fragments reflect compromised habitat quality resulting from edge effect. The edge effect, as it pertains to an ecological system, is when disturbance to an area that borders or is a component of a natural habitat, the edge of the remaining intact natural habitat is negatively affected to some distance from the edge. The Southern Coastal Bluff Scrub present within the project boundary is of low quality and does not provide valuable habitat because natural functions have been compromised by the surrounding human influences. Therefore, it does not support the species diversity, composition and connectivity necessary for an ecosystem to be of significant habitat value.

#### Limited long term habitat value

The substantial soil erosion of coastal bluffs and terraces is a natural component of these environments. The function of disturbance in these habitats is a component of the ecology, and habitat is ultimately restored through the re-colonization of surrounding native vegetative species. Without surrounding vegetation to re-colonize, the habitat value may be lost entirely once the existing habitats are destabilized by soil erosion. The natural disturbance will continue to create conditions favorable of invasive, weedy species and encroaching ornamentals. Therefore, this habitat segment is not likely to provide significant long term habitat value to native plants or wildlife species.

### **6.0 CONCLUSION**

Analysis of the identified Southern Coastal Bluff Scrub on the Megonigal property located at 2333 Pacific Drive, concludes that although representative species of the community are present, the habitat value of this vegetation association has been significantly compromised by fragmentation and influences from human activities and that it provides very limited long term habitat value. The identified habitat is not especially valuable as it has already been substantially compromised by human activities and developments. Furthermore, no federal- or state-listed or otherwise sensitive species identified as having potential to occur on the property were observed during the survey. The result of this biological assessment and subsequent analysis should serve as site-specific evidence that the identified Coastal



Mr. Kim Megonigal  
October 9, 2008  
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Bluff Scrub, does not qualify as an ESHA under the Coastal Act, and therefore cannot be afforded protection under the Newport Beach LCP/CLUP or the Newport Beach General Plan, and mitigation should not be required.

If you have any questions, please do not hesitate to contact the undersigned at (949) 261-5414.

Sincerely,

**CHAMBERS GROUP, INC.**

A handwritten signature in black ink, appearing to read 'Jenny McGee', with a horizontal line extending to the right.

Jenny McGee  
Staff Biologist

## References Cited

Bontrager, D. R.

1991 Riverside County Integrated Project (RCIP) - Western Riverside County Species Accounts, Habitat requirements, home range and breeding biology of the California gnatcatcher (*Polioptila californica*) in South Orange County, California. Prepared for Santa Margarita Company, Rancho Santa Margarita, California.

California Natural Diversity Data Base (CNDDB).

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Hamilton, Robert A.

2008 September 23 Appeal Hearing on the Megonigal Property Biological Evaluation, 2333 Pacific Drive, Newport Beach, California

Holland, R.F

1986, 1986

Preliminary Descriptions of the Terrestrial Natural Communities of California. Unpublished report available from California Department of Fish and Game, Sacramento, California.

Sibley, David A.

2003 The Sibley Field Guide to Birds of Western North America. Alfred A. Knopf, Inc., New York (distributed by Random House, New York).

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**APPENDIX A SITE PHOTOS**

**OF 2333 PACIFIC DRIVE**

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### Site Photos of 2333 Pacific Drive



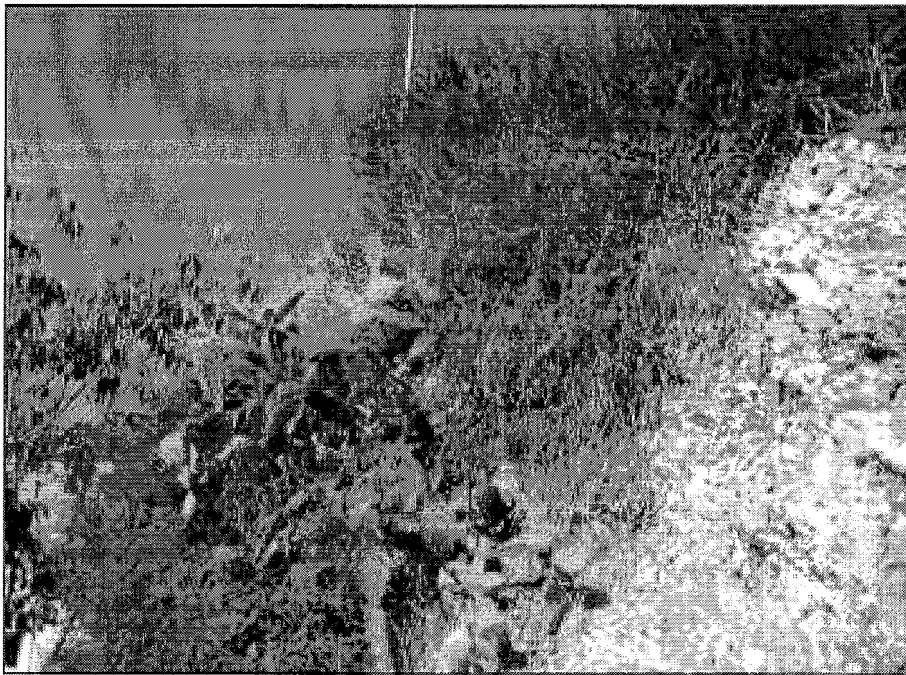
**Photo 1.** This photo was taken facing northwest from Bayside Drive. It shows disturbed areas (top of bluff), Coastal Bluff Scrub (natural cliff), and disturbed / ornamental vegetation communities (in foreground).



**Photo 2.** This photo was taken facing southwest of Bayside Drive. It shows the barren/ disturbed portion at the top of property.



**Photo 3.** This photo was taken of the bluff facing west. It shows the proximity of the bluff to the adjacent developed areas.



**Photo 4.** This picture shows the species present on the bluff. These species include fig, coast prickly pear, and California buckwheat.



**Photo 5.** This photo was taken facing west of Bayside Drive. It shows the disturbed / ornamental vegetation community located at the base of the bluff.



**Photo 6.** This photo was taken from bluff facing southwest looking down onto the disturbed / ornamental vegetation.

**APPENDIX B**

**2333 PACIFIC DRIVE WILDLIFE SPECIES OBSERVED**

Wildlife Species Observed at 2333 Pacific Drive Project Site

<i>Scientific Name</i>	<b>Common Name</b>
<b>CLASS REPTILIA</b>	<b>REPTILES</b>
<b>PHRYNOSOMATIDAE</b>	<b>LIZARDS</b>
<i>Sceloporus occidentalis</i>	western fence lizard
<b>CLASS AVES</b>	<b>BIRDS</b>
<b>COLUMBIDAE</b>	<b>PIGEONS &amp; DOVES</b>
<i>Zenaida macroura</i>	mourning dove
<b>TROCHILIDAE</b>	<b>HUMMINGBIRDS</b>
<i>Calypte anna</i>	Anna's hummingbird
<b>TYRANNIDAE</b>	<b>TYRANT FLYCATCHERS</b>
<i>Sayornis nigricans</i>	black phoebe
<b>TIMALIIDAE</b>	<b>BABLERS</b>
<i>Chamaea fasciata</i>	wrentit
<b>MIMIDAE</b>	<b>MOCKINGBIRDS, THRASHERS</b>
<i>Mimus polyglottos</i>	northern mockingbird
<b>EMBERIZIDAE</b>	<b>EMBERIZIDS</b>
<i>Melospiza melodia</i>	Song Sparrow



**APPENDIX C**

**PLANT SPECIES OBSERVED AT 2333 PACIFIC DRIVE  
PROJECT SITE**

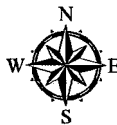
Plant Species Observed at 2333 Pacific Drive Project Site

Scientific Name	Common Name
<b>ANGIOSPERMS (DICOTYLEDONS)</b>	
<b>AIZOACEAE</b> <i>Carpobrotus edulis</i> * <i>Mesembryanthemum nodiflorum</i> *	<b>FIG-MARIGOLD FAMILY</b> hottentot-fig slender-leaved iceplant
<b>ANACARDIACEAE</b> <i>Rhus integrifolia</i>	<b>SUMAC OR CASHEW FAMILY</b> lemonadeberry
<b>APIACEAE</b> <i>Foeniculum vulgare</i> *	<b>CARROT FAMILY</b> fennel
<b>ASTERACEAE</b> <i>Encelia californica</i> <i>Malacothrix saxatilis</i>	<b>SUNFLOWER FAMILY</b> California bush sunflower cliff malacothrix
<b>BRASSICACEAE</b> <i>Brassica nigra</i> * <i>Raphanus sativus</i> *	<b>MUSTARD FAMILY</b> black mustard radish
<b>CACTACEAE</b> <i>Opuntia littoralis</i>	<b>CACTUS FAMILY</b> coastal prickly pear
<b>CHENOPODIACEAE</b> <i>Atriplex semibaccata</i> * <i>Chenopodium album</i> * <i>Salsola tragus</i> *	<b>GOOSEFOOT FAMILY</b> Australian saltbush lamb's quarters Russian thistle
<b>CRASSULACEAE</b> <i>Crassula ovata</i> *	<b>STONECROP FAMILY</b> jade plant
<b>CUCURBITACEAE</b> <i>Marah macrocarpus</i>	<b>GOURD FAMILY</b> wild cucumber
<b>MALVACEAE</b> <i>Malva parviflora</i> *	<b>MALLOW FAMILY</b> cheeseweed
<b>MORACEAE</b> <i>Ficus sp.</i> *	<b>MULBERRY FAMILY</b> fig
<b>MYOPORACEAE</b> <i>Myoporum laetum</i> *	<b>MYOPORUM FAMILY</b> myoporum
<b>POLYGONACEAE</b> <i>Eriogonum fasciculatum</i>	<b>BUCKWHEAT FAMILY</b> California buckwheat
<b>ANGIOSPERMS (MONOCOTYLEDONS)</b>	
<b>POACEAE</b> <i>Bromus diandrus</i> *	<b>GRASS FAMILY</b> rippgut grass
* Denotes Non-native Species	




**Legend**

 Property Boundary



0 300 600 900  
Feet





A horizontal scale bar with four segments, corresponding to the markings 0, 300, 600, and 900 feet.

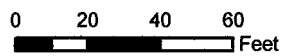
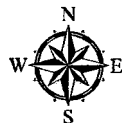
Project Location map  
2333 Pacific Drive, Newport Beach





**Legend**

-  Coastal Bluff Scrub (0.006 acres)
-  Disturbed/Ornamental (0.034 acres)
-  Disturbed (0.063 acres)
-  Property Boundary



Vegetation Map  
2333 Pacific Drive, Newport Beach





**Legend**

 Property Boundary







0 300 600 900  
Feet

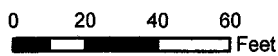
Project Location map  
2333 Pacific Drive, Newport Beach





**Legend**

-  Coastal Bluff Scrub (0.006 acres)
-  Disturbed/Ornamental (0.034 acres)
-  Disturbed (0.063 acres)
-  Property Boundary



Vegetation Map  
2333 Pacific Drive, Newport Beach





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February 27, 2009  
(20009)

Kim Megonigal  
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**Subject: Follow-Up Survey and Results in Response to Comments Issued by BonTerra Consulting Regarding the Biological Study of 2333 Pacific Drive, Newport Beach, Orange County, California.**

Dear Mr. Megonigal:

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The portion of the property identified as Coastal Bluff Scrub is approximately 0.006 acre (216.36 square feet) and supports a total of 15 plants consisting of three native species. These species include: California buckwheat (*Eriogonum fasciculatum*), California bush sunflower (*Encelia californica*), and prickly pear cactus (*Opuntia prolifera*). The remaining portion of the natural bluff on the project site is bare, and shows signs of significant natural erosion, which is characteristic of coastal bluffs.

Chambers Group received a request from the City of Newport Beach (City) to respond to comments issued by BonTerra Consulting (BonTerra) on October 21, 2008. The comments referenced the determinations made by Chambers Group in the Biological Assessment dated October 9, 2008, stating that two sensitive plant species, many-stemmed dudleya (*Dudleya multicaulis*) and the Laguna Beach dudleya (*Dudleya stolonifera*), are absent from the project site. This memo addresses those comments.

### **Rare Plant Reference Populations**

The purpose of visiting a reference site for a species is to confirm the species is both evident and identifiable at the time of the survey conducted on a given project site. To satisfy the inquiry regarding the potential for the many-stemmed dudleya and the Laguna Beach dudleya to occur on the project site property, Chambers Group botanist, Jenny McGee, visited two known reference populations in Orange County (within 20 miles of the project site) to assess the phenological development of each of the sensitive *Dudleya* species at the time of the survey. Both reference site visits and the re-visit to the project site were completed following recent rain events when plants would have responded positively to the increased soil moisture content.

#### Many-Stemmed Dudleya

One of BonTerra's comments stated that the many-stemmed dudleya may not have been apparent in October when the Biological Assessment was conducted. To resolve any question as to the presence of this species on the project site, Ms. McGee visited a known reference site on February 10, 2009 where the many-stemmed dudleya is known to occur. The reference population is within the Santiago Oaks Regional Park located at the end of Glen Albyn Lane in the City of Orange. The many-stemmed dudleya was observed growing on an exposed rock outcrop in vegetative form (GPS coordinates: UTM, Zone 11S 426299mE; 3740586mN). No flowers were present on the plants at the time of the site visit; however the species was confirmed to be both evident and identifiable through vegetative characteristics in February.

#### Laguna Beach Dudleya

BonTerra also stated the Laguna Beach dudleya would be "virtually undetectable" during the time of the original survey conducted in October 2008. To resolve any question as to the presence of this species on the project site, Ms. McGee, visited a known reference site on February 17, 2009 where the Laguna Beach dudleya is known to occur. The reference site is the Laguna Coast Wilderness Park located off of Highway 133 in Laguna Beach. Upon arrival, Ms. McGee spoke with Orange County Park staff who confirmed the species is present within the park, and provided location information of the population. The species was observed using binoculars off of a trail originating at the main parking lot (Gate 1) for the wilderness park. Ms. McGee went to the identified location (GPS coordinates: UTM, Zone 11S 429158mE; 3716328mN) and the Laguna Beach dudleya was observed in vegetative form growing on a rock outcrop. This observation confirmed the Laguna Beach dudleya would be evident and identifiable on February 12 had it been present at the project site.

#### **Additional Evidence**

In addition, the known locations of this species recognized in the California Natural Diversity Database (CNDDDB) are in close proximity, if not directly within, the Laguna Beach area. The nearest occurrence is approximately 7 miles from the project site (see attached map). The California Native Plant Society Electronic Inventory (CNPSEI) shows a historical occurrence of this species recorded in Newport Beach, however little documentation is provided regarding this occurrence.

Furthermore, due to the disturbed nature of the project site and its low habitat quality which only supports three native plant species, it is highly unlikely that any sensitive plant species inhabit the project site.

#### **Other Sensitive Species**

##### Coulter's Saltbush

At the time of the site visits (either in October 2008 or in February 2009), Chambers Group did not observe any plants within the genus *Atriplex* growing onsite. Because Coulter's saltbush (*Atriplex coulteri*) is a perennial herb and can have flowers persist into October or begin as early as March, this species would have been observed in some vegetative state during one of the site visits. Chambers Group can confirm this species absent from the project site.

##### Davidson's Saltscale

Davidson's saltscale (*Atriplex serenana* var. *davidsonii*) is an annual herb that flowers between April and October. This species would have been conspicuous in October, even if it was in a desiccated form. There were no plants onsite resembling this species. Davidson's saltscale is considered absent from the project site.

##### Aphanisma

*Aphanisma* (*Aphanisma blitoides*) is an annual herb that flowers as early as March. Known populations of this species growing in Dana Point have been known to flower as early as February. Because flowers appear subsequent to the vegetative structures of a plant, Ms. McGee would have seen evidence of this



species on the project site during her site visit in February. No plant resembling an aphanisma was observed on the project site and this species can therefore be confirmed absent from the site.

The remaining sensitive species that were determined to have a potential to occur on the project site based on the literature review (CNDDB and CNPSEI database searches) have all been confirmed absent because they were not observed growing onsite at the appropriate flowering time when these plants would be conspicuous and identifiable or due to a lack of suitable habitat on the project site.

As stated in the October 9, 2009 Biological Assessment by Chambers Group, the following species were not observed growing onsite during the flowering period when these species would have been in bloom:

- south coast saltscale (*Atriplex pacifica*);
- Coulter's saltbush (*Atriplex coulteri*);
- Davidson's saltscale (*Atriplex serenana* var.  *davidsonii*);
- cliff spurge (*Euphorbia misera*); and
- woolly seablite (*Sueda taxifolia*).

In addition, no habitat was present on site for the following species:

- chaparral sand-verbena (*Abronia villosa* var.  *aurita*);
- southern tarplant (*Centromedia parryi* ssp.  *australis*);
- San Fernando Valley spineflower (*Chorizanthe parryi* var.  *fernandina*);
- salt marsh bird's beak (*Cordylanthus maritimus* ssp.  *maritimus*);
- Los Angeles sunflower (*Helianthus nuttallii* ssp.  *parishii*);
- Coulter's goldfields (*Lasthenia glabrata* ssp.  *coulteri*);
- mud nama (*Nama stenocarpum*);
- Gambel's yellowcress (*Nasturtium gambelii*);
- prostrate vernal pool navarretia (*Navarretia prostrata*);
- coast woolly-heads (*Nemacaulis denudata* var.  *denudata*); and
- estuary seablite (*Sueda esteroa*);

Therefore, these species are confirmed absent from the project site.

## Conclusions

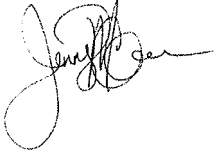
Although not in bloom in February, the many-stemmed dudleya and the Laguna Beach dudleya were both evident and identifiable as a *Dudleya* species when the project site was re-visited in February 2009. Chambers Group botanist Ms. McGee did not observe evidence of any sensitive plant on the property during surveys conducted in October or February. Furthermore, had any vegetative characteristics indicative of sensitive plant species having potential to occur on the property been observed (such as a basal nodes, desiccated leaves, or other morphologic characters), it would have warranted recommendation for further surveys to be conducted during an active blooming period.

In summary, results of the follow-up site visits requested by the City and discussed herein are consistent with the original findings of the Biological Assessment. Although representative species of the Coastal Bluff Scrub vegetation community are present on the project site, the overall habitat quality is low, and no evidence of sensitive species was observed. No further surveys are recommended.

If you have any questions, please do not hesitate to contact the undersigned at (949) 261-5414.

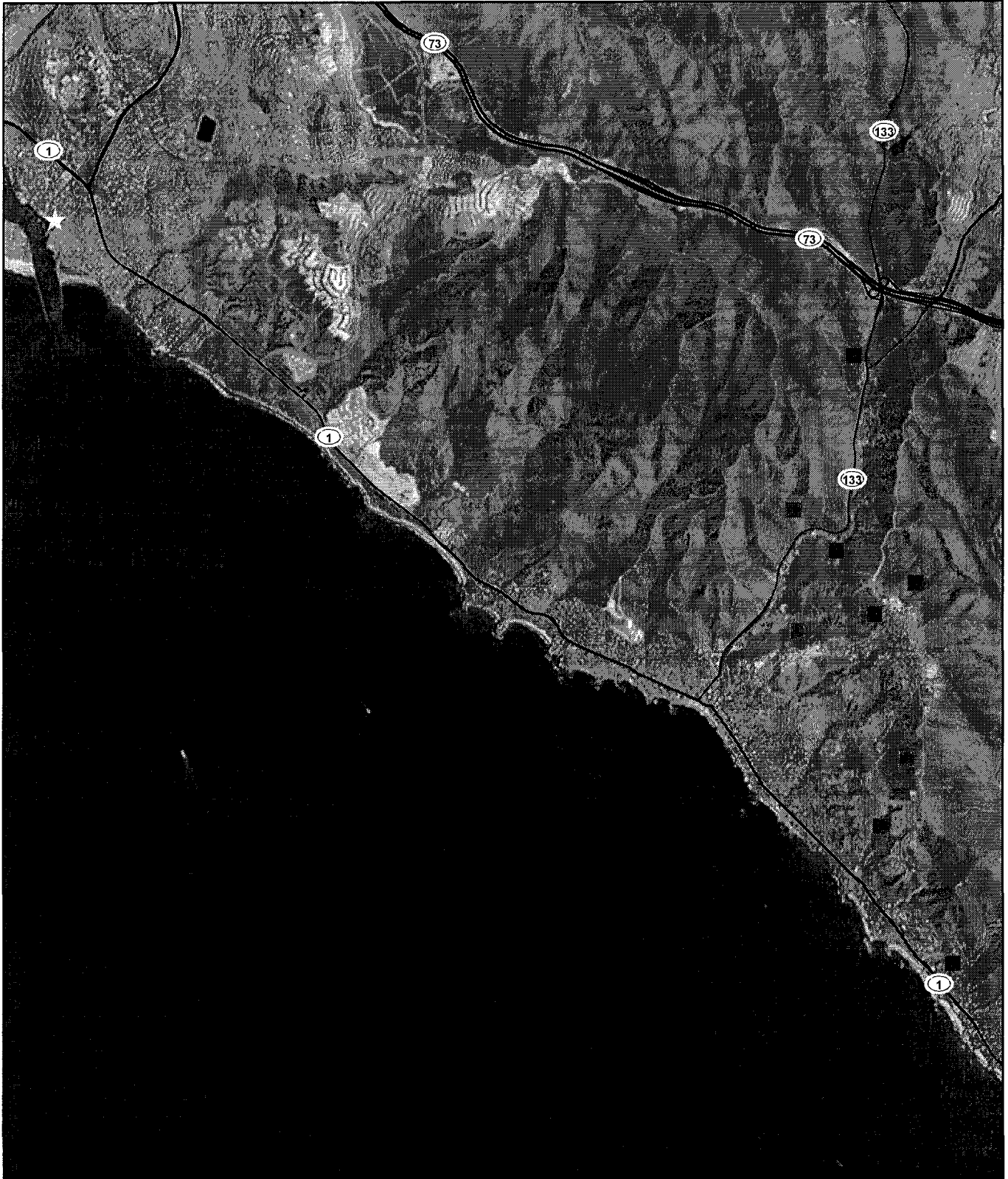
Sincerely,

**CHAMBERS GROUP, INC.**

A handwritten signature in black ink, appearing to read 'Jenny McGee', written in a cursive style.


Jenny McGee  
Staff Biologist

cc: Jim Campbell  
Principal Planner  
City of Newport Beach



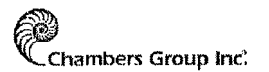
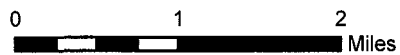
**Legend**

Site Location

 Laguna Beach dudleya\*



Laguna Beach Dudleya in Reference to  
2333 Pacific Drive, Newport Beach



\*Source: California Natural Diversity Database





## MEMORANDUM

October 21, 2008

**To:** Patrick Alford, AICP  
City of Newport Beach

**From:** Sandra Leatherman, Senior Botanist and Dana C. Privitt, AICP, Principal

**Subject:** Review of Biological Documents for 2333 Pacific View Drive, Newport Beach, California

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The City of Newport Beach has requested BonTerra Consulting to review the two biological reports for the Magonigal Property located on 2333 Pacific View Drive in the City of Newport Beach California. The purpose of our firm's review was to assess the findings of the documents. BonTerra Consulting did not conduct any field work associated with the review of these documents. The reports are "Re: September 23 Appeal Hearing on the Magonigal Property Biological Evaluation 2333 Pacific Drive, Newport Beach" dated September 22, 2008 prepared by Robert Hamilton of Hamilton Consulting; and "Biological Assessment Survey at 2333 Pacific Drive, Newport Beach, California Following Initial Biological Evaluation conducted by Hamilton Consulting" dated October 9, 2008 prepared by the Chambers Group.

The review was prepared by Sandy Leatherman, Senior Botanist and Senior Project Manager at BonTerra Consulting. Ms. Leatherman has over 17 years of experience in plant biology; mitigation monitoring; and the performance of biological surveys, restoration studies, and habitat evaluations. Ms. Leatherman's professional experience has focused on plant ecology and taxonomy, and she has conducted and/or managed both general and directed surveys for biological resources, which includes plants listed as special status or Threatened or Endangered under State and federal laws and regulations. She has developed habitat restoration programs and evaluated restoration site conditions on a quantitative and qualitative basis for public-sector and private-sector clients throughout Southern California. Ms. Leatherman has also authored the biological resources sections of numerous Environmental Impact Reports (EIRs) and separate biological reports, including Biological Assessments (pursuant to Section 7 consultations with the U.S. Fish and Wildlife Service [USFWS]); Natural Environmental Studies (NESs) (pursuant to California Department of Transportation [Caltrans] guidelines); reports in accordance with Natural Community Conservation Plan; focused surveys for special status species; tree reports; and general biological assessments and Constraints Analyses.

Robert Hamilton's report "evaluated the biological resources at the property and includes his opinion regarding whether the property supports any biological resources that could be subject to local, state, or federal regulation due to their ecological sensitivity."

Chambers' report "assesses the quality and quantity of native habitat present on the property, to evaluate the suitability of the habitat to support listed or otherwise sensitive species, to survey for sensitive species identifiable at this time, to map the vegetation communities occurring within

the property boundaries.” It is our understanding that the Chambers Group report was prepared at the request of the property owner to address recommendations in Hamilton’s report.

Hamilton’s report concludes that southern coastal bluff scrub, a plant community identified as rare by the California Department of Fish and Game (CDFG) is present on the property and that the property could also support listed or otherwise sensitive plant species (special status). Mr. Hamilton lists one special status plant species, Coulter’s saltbush (*Atriplex coulteri*), as having the potential to occur on the property. Hamilton’s report is a general overview and was not presented to the City to provide the analysis of all special status plant species. Therefore, it is not known if Hamilton has determined if there is potentially suitable habitat for all of the species listed in the California Natural Diversity Database (CNDDDB) and California Native Plant Society Electronic Inventory (CNPSEI).

Chambers’ report concurs with the Hamilton report that southern coastal bluff scrub is present on the property but determines that the habitat value of the vegetation association has been significantly compromised by fragmentation and influences of human activities and it provides very limited long term habitat value. The report also concludes that no federal, State, or otherwise sensitive species as having potential to occur on the property were observed during the survey.

As stated above, BonTerra Consulting was not directed to by the City and therefore did not conduct any field work on this property and has not assessed the habitat on the property. Neither the quality of the habitat nor can the potential to support special status plant and wildlife species has been determined by BonTerra Consulting. However, in an analysis of the above stated reports the following comments can be made:

1. A biological assessment should address all special status species known to occur in the area with the use of the CNDDDB and the CNPSEI. The Hamilton report was not considered a biological assessment therefore it did not assess these databases. The Chambers’ report did not address the federally and State listed plant species from the CNPSEI, such as Laguna Beach dudleya (*Dudleya stolonifera*). All listed species need to be addressed because they are a potential constraint to development. However, a verbal message was given to BonTerra Consulting that Chamber’s provided a paragraph stating that Laguna Beach dudleya was not present during the October 2008 survey and not expected because it is detectable outside the blooming period. This is addressed below.
2. A focused survey for special status plant species should follow the “Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened and Endangered Plants and Natural Communities” (CDFG May 2000). These guidelines state that “nearby reference sites should be observed to determine that the species are identifiable at the time of the survey.” Hamilton did not conduct special status plant surveys. Chamber’s states that surveys were conducted at the appropriate blooming period. The methods section of their report does not identify that any reference populations were visited. This information needs to be added to the report if the surveys are valid for the annual species. Many annual species during the 2008 season bloomed much earlier because of early rainfall and the following drought conditions, and October is the end (of the blooming) period for two of the special status plant species, Davidson’s saltscale (*Atriplex serenana* var.  *davidsonii*) and South Coast saltscale (*Atriplex pacifica*), addressed in Chamber’s report.
3. The Chamber’s report states that many-stemmed dudleya (*Dudleya multicaulis*) is visible outside its blooming period. While many-stemmed dudleya is a perennial species, it is a

perennial species from a corm (bulb-like structure). This means that this species dies completely back following the blooming period which is typically April through July. Dried flowering stocks can sometimes be visible following the flowering period. However, this is not a reliable trait unless you are looking at a known population since wind, wildlife, and human disturbance can destroy the flowering stocks. Therefore, the conclusion stating that this species is visible during October is not considered valid.

4. Chamber's also stated that Laguna Beach dudleya would be visible during this time of year. Laguna Beach dudleya is a perennial species, but the succulent leaves of the dudleya shrivel and desiccate during the summer months. Therefore this federally and State listed species would be virtually undetectable during this time, and most botanists would not conduct conclusive presence/absence surveys during this time of year without at least visiting a reference site.

The City, through execution of the NCCP/HCP Implementing Agreement (IA) and the receipt of a 10(a) Permit, is a participating land use jurisdiction in the Central-Coastal Subregional NCCP/HCP program. As a participating land use jurisdiction, the City receives specific regulatory authorizations pursuant to the provisions of the IA and the 10(a) Permit including full regulatory coverage for 32 species and three habitat types, and conditional regulatory coverage for 7 species. As such, the City would receive full regulatory coverage for impacts to the Laguna Beach dudleya (*Dudleya stolonifera*), an "Identified Species" pursuant to Section 1.29 of the IA. Also, all impacts (permanent or temporary) to coastal sage scrub resources must be reported as annual take report to the Executive Director, Nature Reserve of Orange County.

If you have any questions regarding the findings presented in this memo, please feel free to contact us.