

Initial Study/Mitigated Negative Declaration

Kindred Church Expansion Project

Development Project Number: DEV2020-00016

Appendix B – Biological Resources Constraints Analysis

Prepared for | Planning Services Division
City of Anaheim
200 South Anaheim Boulevard
Anaheim, California 92805

Prepared by | Psomas
5 Hutton Centre Drive, Suite 300
Santa Ana, California 92707-8794

March 2022

May 19, 2021

Mr. Andy Uk
Associate Planner
Planning and Building Development
200 South Anaheim Boulevard, Suite 162
Anaheim, California 92805

VIA EMAIL
auk@anaheim.net

Subject: Results of a Biological Constraints Analysis for Kindred Church Expansion Project in the City of Anaheim, California

Dear Mr. Uk:

This Letter Report presents the findings of a biological constraints survey for the Kindred Church Expansion Project site (hereinafter referred to as the “project site”) located in the City of Anaheim, California. The purpose of this Letter Report is to document existing conditions and evaluate potential biological constraints on the project site.

PROJECT DESCRIPTION AND LOCATION

The project site is located southwest of the intersection of State Route (SR) 91 with SR-241 (Exhibit 1). The site is approximately 11.5 acres with a 0.8-acre offsite percolation area, both specifically located at 8712–8720 East Santa Ana Canyon Road, which is a frontage road along the south-side of SR-91 (Exhibit 2). The project would expand the existing Kindred Church over two phases. Phase 1 would include demolition of an existing structure, relocation of modular buildings, and construction or development of mini-plazas, a remodeled parking lot, and a new temporary turf parking lot. Phase 2 would include a remodeled auditorium with two new wings providing additional seating and back-of-house areas; four new modular buildings; a remodeled parking lot; and addition of a monument sign, landscaping, and a pedestrian pathway.

The project site is located on the U.S. Geological Survey’s (USGS’) Black Star Canyon 7.5-minute quadrangle map with an elevation of approximately 360 to 490 feet above mean sea level (Exhibit 3). Surrounding land uses include open space to the east and west, transportation to the north, and slope stabilization for residential development to the south.

SURVEY METHODS

Psomas Senior Biologist Steve Norton conducted a general plant and wildlife survey of the project site and a 100-foot buffer on March 11, 2021. Representative photographs of the project site are included in Attachment A.

Plant species observed were recorded in field notes. Plant species were identified in the field or collected for subsequent identification using keys in the Jepson eFlora (Jepson Flora Project 2019). Nomenclature of plant taxa conform to the *Special Vascular Plants, Bryophytes, and Lichens List* (CDFW 2021b) for special status species and the Jepson eFlora

5 Hutton Centre Drive
Suite 300
Santa Ana, CA 92707

Tel 714.751.7373
Fax 714.545.8883
www.Psomas.com

Andy Uk
May 19, 2020
Page 2

(Jepson Flora Project 2019) for all other taxa. Nomenclature for native vegetation types generally matches those from the online edition of *A Manual of California Vegetation* (CNPS 2019).

Wildlife species detected during the survey were documented in field notes. Active searches for reptiles and amphibians included lifting, overturning, and carefully replacing rocks and debris. Birds were identified by visual and auditory recognition. Surveys for mammals were conducted during the day and included searching for and identifying diagnostic sign, including scat, footprints, scratch-outs, dust bowls, burrows, and trails. Taxonomy and nomenclature for wildlife generally follows the *Special Animals List* (CDFW 2021c) for special status species. Nomenclature for other species follows Crother (2017) for amphibians and reptiles, the American Ornithological Society (AOS 2018) for birds, and the Revised Checklist of North American Mammals North of Mexico (Bradley, et al. 2014) for mammals.

Prior to the survey, a literature review was conducted to identify special status plants, wildlife, and habitats that have been reported to occur in the vicinity of the project site. Resources reviewed included the California Native Plant Society's (CNPS') Inventory of Rare and Endangered Plants (CNPS 2021b) and the California Department of Fish and Wildlife's (CDFW's) California Natural Diversity Database (CDFW 2021a). Database searches included the USGS' Black Star Canyon, Prado Dam, Orange, and Yorba Linda 7.5-minute quadrangles.

EXISTING CONDITIONS

Vegetation

The project site is predominantly developed with stands of ornamental vegetation spread throughout. The ornamental vegetation is subject to regular landscaping activities and other disturbances associated with human activity onsite. The vegetation consists of ornamental shrubs, such as rosemary (*Rosmarinus officinalis*), in the parking lot medians; a large grove of comprised mostly of European olive (*Olea europaea*) trees with no vegetative understory along a manufactured footpath; and a large variety of landscaped ornamental trees and shrub species throughout the remainder of the site, including date palm (*Phoenix* sp.), pine (*Pinus* sp.), Peruvian pepper (*Schinus molle*), pampas grass (*Cortaderia selloana*), golden wattle (*Acacia* sp.), lavender (*Lavendula* sp.), etc.

The areas adjacent to the project site (within the 100-foot buffer) are mostly undeveloped with the exception of East Santa Ana Canyon Road and SR-91 to the north and the manufactured slope developed for slope stabilization to the south. The vegetation on the manufactured slope is comprised of landscaped ornamental consistent with vegetation located on the project site. Open space land uses border the project site to the east and west. The vegetation types in the 100-foot buffer that occur in this open space include coast live oak (*Quercus agrifolia*) forest to the east, lemonade berry (*Rhus integrifolia*) scrub in isolated stands to the east and southwest, and expansive fennel (*Foeniculum vulgare*) fields to the west.

The coast live oak forest, which is located off-site to the east, is comprised of a dense tree canopy of mature coast live oak trees along the bottom of the valley that shows evidence of a drainage feature. The understory is mostly open with portions dominated either by leaf litter, English ivy (*Hedera helix*), or a mix of low-growing plant species including chilicothe (*Marah macrocarpa*), phacelia (*Phacelia* sp.), and non-native grasses (*Bromus* spp.). The vegetation along the boundary of the coast live oak forest is comprised of various native shrub species, including laurel sumac (*Malosma laurina*) and California sagebrush (*Artemisia californica*).

The lemonade berry scrub, which is located off-site to the east and southwest, is comprised of a broad mix of native shrub species, including lemonade berry, laurel sumac, California sagebrush, California encelia

Andy Uk
May 19, 2020
Page 3

(*Encelia californica*), blue elderberry (*Sambucus nigra* ssp. *caerulea*), and scattered prickly pear (*Opuntia* sp.).

The fennel fields, which are located off-site to the west, are comprised of large, continuous stands of non-native grasses and forbs, including fennel, mustard (*Brassica* sp.), and non-native grasses. Occurrences of native shrub species are sparsely scattered, including California sagebrush and California encelia.

Wildlife Habitat

The project site is composed of landscaped, ornamental vegetation and provides habitat for urban-tolerant wildlife species. The vegetation adjacent to the project site contains habitat suitable for less-urban tolerant wildlife species and some of those species likely have foraging ranges that extend onto the project site. Common wildlife species observed or expected to occur in the project site are discussed below.

A shallow, man-made pond feature occurs in the portion of the project site that would be developed in the future as Parking Lot 3. This pond is regularly drained completely and treated with chlorine every few months (Pers comm. 2021). Evidence of these practices were observed during the site visit with the water levels exposing the pond bed and the aquatic vegetation appearing shriveled and discolored. No fish species were observed onsite and none are expected to occur. No amphibian species (adults, tadpoles, or eggs) were observed onsite. Because the ponded water onsite is chemically treated, no amphibian species are expected to breed onsite.

No reptile species were observed during the survey. Common reptile species that likely occur in the project site include Western fence lizard (*Sceloporus occidentalis*), western side-blotched lizard (*Uta stansburiana elegans*), southern alligator lizard (*Elgaria multicarinata*), and California gopher snake (*Pituophis catenifer annectens*).

Bird species observed during the survey included mallard (*Anas platyrhynchos*), mourning dove (*Zenaidura macroura*), Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), Nuttall's woodpecker (*Picoides nuttallii*), northern mockingbird (*Mimus polyglottos*), California scrub-jay (*Aphelocoma californica*), blue-gray gnatcatcher (*Poliophtila caerulea*), yellow-rumped warbler (*Setophaga coronata*), California towhee (*Pipilo crissalis*), song sparrow (*Melospiza melodia*), house finch (*Haemorhous mexicanus*), red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), wrenit (*Chamaea fasciata*), common yellowthroat (*Geothlypis trichas*), white-crowned sparrow (*Zonotrichia leucophrys*), spotted towhee (*Pipilo maculatus*), California thrasher (*Toxostoma redivivum*), and lesser goldfinch (*Spinus psaltria*).

Desert cottontail (*Sylvilagus audubonii*) was observed during the survey. Other small-sized mammal species expected to occur include California ground squirrel (*Spermophilus beecheyi*), eastern fox squirrel (*Sciurus niger*) and Botta's pocket gopher (*Thomomys bottae*). Medium-sized mammal species expected to occur also include Virginia opossum (*Didelphis virginiana*), common raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), and coyote (*Canis latrans*). Many of these mammal species are nocturnal and evidence of these species may not be observable during the day. Bat species are also nocturnal and occur throughout of Southern California. The large oak and pine trees present on the project site contain suitable roosting habitat for tree roosting bats such as hoary bat (*Lasiurus cinereus*), and the onsite buildings contain suitable habitat for crevice roosting bats such as Yuma myotis (*Myotis yumanensis*) and Mexican free-tailed bat (*Tadarida brasiliensis*).

Andy Uk
May 19, 2020
Page 4

Special Status Resources

Special Status Vegetation Types

Vegetation types may be considered special status by State and federal resource agencies, academic institutions, and various conservation groups (e.g., the CNPS). Local jurisdictions may also protect special status vegetation types through ordinances, codes, regulations, or planning policies. The lemonade berry scrub located inside the 100-foot buffer, but outside of the project site, is designated as a Sensitive Natural Community per definitions set by CDFW for the CEQA process (CDFW 2020). While the coast live oak forest, which is located within the survey buffer but outside of the project site, is not listed as a sensitive natural community, it's associated with riparian vegetation and is potentially subject to CDFW jurisdiction under Section 1602 of the California Fish and Game Code.

Jurisdictional Areas

Drainages and associated vegetation types may be subject to regulatory oversight requiring permits from the U.S. Army Corps of Engineers (USACE), the CDFW, and the Regional Water Quality Control Board (RWQCB) pursuant to Sections 404 and 401 of the federal Clean Water Act and Sections 1600 et seq. of the California Fish and Game Code. The USACE and RWQCB take jurisdiction over areas considered “waters of the U.S.” and wetlands. Jurisdictional waters are typically defined by the ordinary high water mark and other specific criteria. The limits of CDFW jurisdiction are often defined by the outer limits of riparian vegetation.

A potentially jurisdictional drainage feature was identified during the survey along the eastern boundary of the project site. The limits of jurisdiction for USACE and/or RWQCB are restricted to the bed and banks for this feature which generally occur outside of the project site boundaries. The limits of jurisdiction for CDFW, however, include the outer drip line of the coast live oak forest, which extends into the project site boundaries.

A small fountain and larger man-made pond are also present on the project site; however, neither are considered jurisdictional due to their lack of connectivity to other drainage features, lack of associated riparian or wetland vegetation, and due to these features being excavated wholly in upland areas not associated with traditional stormwater flows.

A roadside drainage ditch is located along the south side of East Santa Ana Canyon Road (along the northern boundary of the project site). This feature did not contain any wetland or riparian vegetation, but has potential to be jurisdictional under the USACE, RWQCB, and CDFW due to potential connectivity to other drainage features including the feature along the eastern boundary of the project site.

Special Status Plant and Wildlife Species

Plants or wildlife may be considered to have “special status” due to declining populations, vulnerability to habitat change, or restricted distributions. Certain special status species have been listed as Threatened or Endangered under State and/or federal Endangered Species Acts.

Special Status Plants

The project site is comprised development and heavily landscaped, ornamental areas. No suitable habitat for any special status plant species is anticipated to occur on the project site. Areas adjacent to the project site contain suitable habitat for several special status plant species; however, no further assessment is needed as no direct or indirect impacts are anticipated in these areas.

Andy Uk
May 19, 2020
Page 5

Special Status Wildlife

Several special status wildlife species are known to occur in the project region. No federally- or State-listed Threatened or Endangered species are anticipated to occur on the project site due to the extent of the existing development and frequency of landscaping activities. Areas within 100 feet of the project site, however, contain suitable habitat for several federally or State-listed Threatened or Endangered species. The lemonade berry scrub contains habitat suitable for the federally-listed Threatened coastal California gnatcatcher (*Poliopitila californica californica*). The lemonade berry scrub and fennel fields contain habitat suitable for Crotch's bumblebee (*Bombus crotchii*), which is a candidate for State-listing as Endangered.

The areas adjacent to the project site also contain habitat suitable for non-listed special status wildlife species, including California Species of Special Concern (SSC). While none of these species are expected to breed or roost on the project site, the following species have potential to forage onsite: coast range newt (*Taricha torosa*), coastal whiptail (*Aspidoscelis tigris stejnegeri*), red-diamond rattlesnake (*Crotalus ruber*), coast patch-nosed snake (*Salvadora hexalepis virgulata*), coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*), grasshopper sparrow (*Ammodramus savannarum*), pallid bat (*Antrozous pallidus*), and western mastiff bat (*Eumops perotis californicus*).

Raptor species, including the SSC Cooper's hawk (*Accipiter cooperii*), also have potential to nest in the ornamental trees or adjacent to the project site.

Other Potential Biological Constraints

Critical Habitat

Critical habitat is designated for the survival and recovery of species listed as Threatened or Endangered under the Federal Endangered Species Act. The project site is not located in areas designated or proposed as Critical Habitat.

Regional Conservation Planning

The project site is located in the Central/Coastal Subregion of the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) in Orange County. The purpose of this plan is to provide regional protection and recovery of multiple species and habitat while allowing compatible land use and appropriate development. The project applicant is not a participant in the NCCP/HCP and the terms of the NCCP/HCP Implementation Agreement do not explicitly apply to this project.

Regardless, the NCCP/HCP has identified regional wildlife movement corridors and reserve areas, which are discussed in more detail below. Furthermore, the NCCP/HCP generally tracks populations of covered species and has developed a framework for surveying these species in the NCCP/HCP plan area sufficient to determine species presence or absence.

Scenic Corridor Overlay Zone

The project is located within the City's Scenic Corridor Overlay Zone (2020). The Scenic Corridor Overlay Zone was established to provide for and promote orderly growth in an area of the City considered to have distinctive, scenic importance. Section 18.18.040 of the City's Municipal Code contains policies and procedures for tree preservation within the Scenic Corridor Overlay Zone, as well as policies pertaining to the removal of trees in this zone.

Andy Uk
May 19, 2020
Page 6

The project requires the removal of 25 trees within the project site. The project has been designed to retain much of the existing vegetation on the project site, which avoids potential visual impacts to views from areas within the scenic corridor. Trees removed would be replaced with other vegetation throughout the project site as shown in the project's landscaping plan. The net number of trees and landscaped area would increase with the project when compared to existing conditions, including enhanced landscaping at the project site entrance.

Given that the current property owner (i.e. the project applicant) originally planted all trees within the project site, removal of these trees is exempt from the requirements for a Specimen Tree Removal Permit. Furthermore, the trees proposed for removal are not located in an area highly visible from a public or private right-of-way or in a commonly viewed slope that would result in damage to viewers from East Santa Ana Canyon Road, SR-91, or other public vantage points within the Scenic Corridor Overlay Zone.

Wildlife Movement

Within large, open space areas where few or no man-made or naturally occurring physical constraints to wildlife movement are present, wildlife corridors may not yet exist. However, once open space areas become constrained and/or fragmented as a result of urban development or the construction of physical obstacles (e.g., roads and highways), the remaining landscape features or travel routes that connect the larger open space areas become corridors as long as they provide adequate space, cover, food, and water and do not contain obstacles or distractions (e.g., man-made noise, lighting) that would generally hinder wildlife movement.

The project site is bordered to the east and west by large, naturally vegetated areas of open space. The open space area west of the project site is confined by residential development to the west and south, and by SR-91 to the north. The open space area east of the project site includes a conservation easement that is adjacent to the eastern boundary of the project site which ultimately connects to a larger Reserve Area included as part of the Central/Coastal HCP/NCCP reserve system (USFWS 2009). The ornamental landscaping on the project site may provide limited wildlife movement opportunities for more urban tolerant wildlife species; however, these opportunities are limited and the existing development (including street lighting) likely deter most movement across the site. Connectivity between the open space areas to the east and west of the project site is available via the approximately 300-foot wide, landscaped slope-stabilization north of the project site. This landscaped area may still limit movement of some native species because it lacks native vegetation or natural vegetation types.

Nesting Birds and Raptors

The Migratory Bird Treaty Act (MBTA) protects migratory birds and their nests and eggs, both common and special status. Bird species protected under the provisions of the MBTA are identified by the List of Migratory Birds (50 *Code of Federal Regulations* [CFR] §10.13, as amended). Since the 1970s, the MBTA has been interpreted to prohibit the accidental or "incidental" take of migratory birds. However, in December 2017, the acting Solicitor of the Department of the Interior issued a new memorandum disclaiming the interpretation of the MBTA as prohibiting incidental take of migratory birds (DOI 2017). In response to the federal changes in interpretation of the MBTA, the CDFW and the California Attorney General have issued an advisory affirming California's protections for migratory birds (CDFW and Attorney General 2018).

Multiple sections of *California Fish and Game Code* provide protection for nesting birds and raptors unless the *California Fish and Game Code* or its implementing regulations provide otherwise. Section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5

Andy Uk
May 19, 2020
Page 7

specifically addresses raptors (i.e., birds of prey in the orders *Falconiformes* and *Strigiformes*) and makes it unlawful to take, possess, or destroy these birds or their nest or eggs. Section 3513 prohibits the take or possession of migratory non-game birds as designated by the MBTA or any part of such bird.

Migratory birds and raptors (both common and special status) have the potential to nest in the vegetation on or adjacent to the project site. Take of active bird nests would be a violation of *California Fish and Game Code*.

Roosting Bats

The CDFW is increasingly recommending the use of pre-construction roosting bat surveys prior to impacts on mature vegetation to avoid and minimize impacts on these species, in compliance with Section 4150 of *California Fish and Game Code*. As discussed above, bats may roost in large, mature, ornamental trees on the project site as well as within onsite buildings that contain suitable crevices.

CEQA IMPACT ANALYSIS

Impact Question

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 Wildlife or U.S. Fish and Wildlife Service?

Response

Less Than Significant Impact with Mitigation. No native vegetation types or suitable habitat for any special status plant or wildlife species occurs on the project site. No direct impact to any special status species is anticipated as a result of this project.

The following federally- and/or State-listed Threatened, Endangered, or Candidate wildlife species have potential to occur adjacent to the project site and could be subject to indirect impacts (such as noise and vibration) associated with the proposed project: coastal California gnatcatcher and Crotch's bumblebee. Any impact to these species would be considered significant. Potential impacts to these species would be reduced to less than significant levels by implementing the recommendations listed at the end of this report.

The following SSC have potential to occur adjacent to the project site and could be subject to indirect impacts associated with the proposed project: coast range newt, coastal whiptail, red-diamond rattlesnake, coast patch-nosed snake, coastal cactus wren, grasshopper sparrow, pallid bat, and western mastiff bat. Cooper's hawk, an additional SSC, has potential to nest both on and adjacent to the project site. Impacts to any bird species during its nesting activities, including coastal cactus wren, grasshopper sparrow, and Cooper's hawk, would be a violation of the *California Fish and Game Code* and would be considered significant. Impacts to nesting birds would be reduced to less than significant by implementing the recommendations listed at the end of this report. Potential indirect impacts to SSC not otherwise addressed by bird nesting minimization measures are considered less than significant because the proposed project would not reduce the populations of these species below self-sustaining levels.

Potential indirect impacts to any special status plant species adjacent to the project site resulting from dust accumulation would be less than significant and no additional measures are recommended.

Andy Uk
May 19, 2020
Page 8

No impacts to any federally designated Critical Habitat or to habitat of any other special status plant or wildlife species would occur as a result of the project.

Impact Questions

- 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 Wildlife or U.S. Fish and Wildlife Service?
- 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?

Response

No Impact. A drainage feature potentially jurisdictional under USACE, RWQCB, and CDFW extends along the eastern boundary of the project site. The limits of jurisdiction for USACE and/or RWQCB are restricted to the bed and banks for this feature which generally occur outside of the project site boundaries and no impacts are anticipated. The limits of jurisdiction for CDFW, however, includes the coast live oak forest which extends into the project site boundaries. No tree or vegetation removal within any area associated with this coast live oak forest or associated drainage feature would occur as part of the proposed project and no impacts are anticipated.

A roadside drainage ditch also occurs along the south side of East Santa Ana Canyon Road (along the northern boundary of the project site). This feature did not contain any wetland or riparian vegetation, but has potential to be jurisdictional under the USACE, RWQCB, and CDFW due to potential connectivity to other drainage features including the feature along the eastern boundary of the project site. This feature occurs outside the impact boundary of the proposed project and no impacts would occur.

Therefore, the project would have no impact to any wetlands or other jurisdictional areas pursuant to the USACE, RWQCB, or CDFW.

Andy Uk
 May 19, 2020
 Page 9

Impact Question

- 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?

Response

Less Than Significant Impact with Mitigation. The existing conditions at the project site currently limit or deter wildlife movement between the open space land uses to the west and east of the project site. Regardless, the proposed project consists of the redevelopment of an existing developed project site consistent with the existing land uses applicable to the site. Aspects of the project that could further constrain wildlife movement include the addition and relocation of structures, removal of vegetation, and the addition of lighting throughout the project site. Any of these new effects to wildlife movement resulting from the proposed project would not likely result in a significant effect to regional wildlife movement. Impacts to wildlife movement corridors would be less than significant.

The vegetation on and adjacent to the project site provide suitable nesting habitat for bird species protected under California Fish and Game Code. A routine construction practice to avoid impacts is to schedule tree and vegetation removal outside of the breeding season. This requires that all tree removal occur during the non-nesting bird season (i.e., September 1 to February 14). If vegetation removal activities are planned to occur during the nesting season, impacts to actively nesting bird species protected under the *California Fish and Game Code* could be impacted. Implementation of the recommendations below would ensure that impacts to nesting birds are reduced to less than significant levels.

Impact Questions

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

Response

Less Than Significant Impact. The project would require vegetation removal within the City's Scenic Corridor Overlay Zone on a project site that is visible from an eligible state scenic highway. As discussed above, views of the project site would be minimally affected by the removal of 25 trees associated with the project. Furthermore, the project would be developed consistent with the Municipal Code policies related to the Scenic Corridor Overlay Zone. Therefore, less than significant impacts would result from the project related to this threshold, and no mitigation is required.

Impact Questions

- f) Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Response

Less than Significant. The project site is located within the boundaries of the Central/Coastal NCCP/HCP; however, it is not within a Reserve Area or Special Linkage Area and no impacts to Central/Coastal NCCP/HCP are anticipated.

Andy Uk
May 19, 2020
Page 10

The eastern boundary of project site borders a conservation easement. Proposed night lighting associated with the project has the potential to affect the function of this conservation easement area. However, the project design identifies that all new and replaced pole mounted light fixtures would consist of downcast, shielded lighting. This would focus new project lighting onsite and would minimize illumination of the adjacent conservation easement. Therefore, potential impacts would be less than significant and no additional measures are recommended beyond the project design.

RECOMMENDATIONS

The following measures are recommended to avoid and minimize impacts on biological resources:

1. Focused surveys for coastal California gnatcatcher are recommended to determine whether the species is present or absent in the adjacent lemonade berry scrub vegetation to minimize potential indirect impact. Per the survey methods outlined in the Central/Coastal NCCP/HCP, three focused survey visits by a permitted coastal California gnatcatcher biologist are recommended prior to any construction activities within 500 feet of any suitable habitat. The surveys can be conducted year-round; however, it is preferable to conduct the surveys between March 15 and June 30. If the coastal California gnatcatcher are determined to be absent and construction occurs within one year of survey completion, then no further measures are needed. If the adjacent habitat is determined to be occupied, vegetation removal and ground disturbance activities within 500 feet may only occur outside of the nesting season (i.e., September 1–February 14).
2. A pre-construction focused survey for Crotch's bumble bee is recommended during the Crotch's bumble bee active period (i.e., March to July) no more than one year prior to the start of construction. The survey will be a visual survey conducted by a Biologist. The Biologist will search for Crotch's bumble bee activity and the presence of ground nests. If a ground nest is observed, it will be protected in place until it is no longer active as determined by a Biologist.
3. To avoid impacts to nesting birds and raptors, initiation of construction should be scheduled between September 1 and February 14, which is outside the peak nesting season. If construction and/or vegetation removal must occur during the peak nesting season (i.e., February 15– August 31), a pre-construction nesting bird survey should be conducted by a qualified Biologist within 7 days prior to vegetation removal activities.

If the Biologist finds an active nest within or adjacent to the construction area, the Biologist will identify an appropriate protective buffer zone around the nest depending on the sensitivity of the species, the nature of the construction activity, and the amount of existing disturbance in the vicinity. In general, the Biologist should designate a buffer between 10 to 300 feet for common nesting birds and between 200 to 500 feet for nesting raptors. No construction activities will be allowed within the buffer until the nest is deemed to be no longer active by the Biologist to ensure compliance with *California Fish and Game Code*.

4. To avoid impacts on maternity roosting bats, tree removal should occur outside the bat maternity season (i.e., April through August). A pre-construction roost emergence survey will be conducted no more than one year prior to the start of construction by a qualified biologist. Trees and/or structures that are being used by roosting bats and those within 100 feet of an active roost may not be removed during the maternity season to avoid impacts on an active maternity roost, which may include juvenile bats that cannot fly.

Andy Uk
May 19, 2020
Page 11

If you have any questions or comments, please contact Steve Norton at Steve.Norton@Psomas.com or 714.751.7373.

Sincerely,

P S O M A S



Steve Norton
Senior Biologist

Enclosures: Exhibit 1 – Project Vicinity
 Exhibit 2 – Aerial Photograph
 Exhibit 3 – USGS Topographic Map
 Attachment A – Site Photographs

Andy Uk
 May 19, 2020
 Page 12

REFERENCES

- American Ornithological Society (AOS). 2018 (October). *Checklist of North and Middle American Birds* (7th ed., as revised through 58th Supplement). Washington, D.C.: AOU. <http://checklist.aou.org/>.
- Bradley, RD, Ammerman, LK, Baker, RJ, Bradley, LC, Cook, JA, Dowler, RC, Jones, C, Schmidly, DJ, Stangl, Jr., FB, Van Den Bussche, RA, and Würsig, B. 2014 (October 2). Revised Checklist of North American Mammals North of Mexico, 2014. Texas Tech University Natural Science Research Laboratory, Occasional Papers (Number 327). Lubbock, TX: Museum of Texas Tech University.
- California Department of Fish and Wildlife (CDFW). 2021a (March 10, date accessed). California Natural Diversity Database. Records of Occurrence for the USGS Black Star Canyon, Prado Dam, Orange, and Yorba Linda 7.5-minute quadrangles. Sacramento, CA: CDFW, Natural Heritage Division.
- . 2021b (April). *Special Vascular Plants, Bryophytes, and Lichens List*. Sacramento, CA: CDFW, Natural Heritage Division.
- . 2021c (April). *Special Animals List*. Sacramento, CA: CDFW, Natural Heritage Division.
- . 2020 (September). *California Natural Communities List*. Natural Communities List Arranged Alphabetically by Life Form (PDF). Sacramento, CA: CDFW Biogeographic Data Branch. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398&inline>.
- California Department of Fish and Wildlife and California Attorney General Xavier Becerra (CDFW and Attorney General). 2018 (November 29). *Advisory Affirming California's Protections for Migratory Birds*. Sacramento, CA: CDFW. <https://oag.ca.gov/system/files/attachments/press-docs/20181129mbta-advisory3.pdf>.
- California Native Plant Society (CNPS). 2021a (March 10, date accessed). A Manual of California Vegetation, Online Edition. Sacramento, CA: CNPS. <http://www.cnps.org/cnps/vegetation/>.
- . 2021b (March 10, date accessed). Inventory of Rare and Endangered Plants (online edition, v8-03). Records of Occurrence for the USGS Black Star Canyon, Prado Dam, Orange, and Yorba Linda 7.5-minute quadrangles. Sacramento, CA: CNPS. <http://www.rareplants.cnps.org/>.
- Crother, B.I. (Ed.). 2017 (September). Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico, with Comments Regarding Confidence in Our Understanding. *Society for the Study of Amphibians and Reptiles Herpetological Circular* 43:1–102. <https://ssarherps.org/wp-content/uploads/2017/10/8th-Ed-2017-Scientific-and-Standard-English-Names.pdf>
- Department of the Interior, Office of the Solicitor (DOI). 2017 (December 22). *The Migratory Bird Treaty Act Does Not Prohibit Incidental Take*. Washington, D.C.: DOI. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.
- Jepson Flora Project. 2019 (December, Revision 7). Jepson eFlora. Berkeley, CA: The Jepson Herbarium. <http://ucjeps.berkeley.edu/eflora/>.

Andy Uk
May 19, 2020
Page 13

Personal Communication (Pers. Comm.). 2021 (March 11). Onsite conversation with Dave Mitchell, Director of Facilities for Kindred Church.

US Fish and Wildlife Service (USFWS), Pacific Southwest Region. 2009 (December 31). Orange County Central Coastal NCCP/HCP. Conservation Biology Institute via Databasin website:
<https://databasin.org/datasets/ed49d8389c2349f2a0c9e56cfc7c48ef/>

Chino Hills State Park



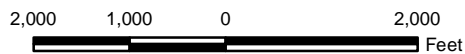
 Project Boundary

D:\Projects\3ANA\009402\MXD\Biolex_Vicinity_20210512.mxd

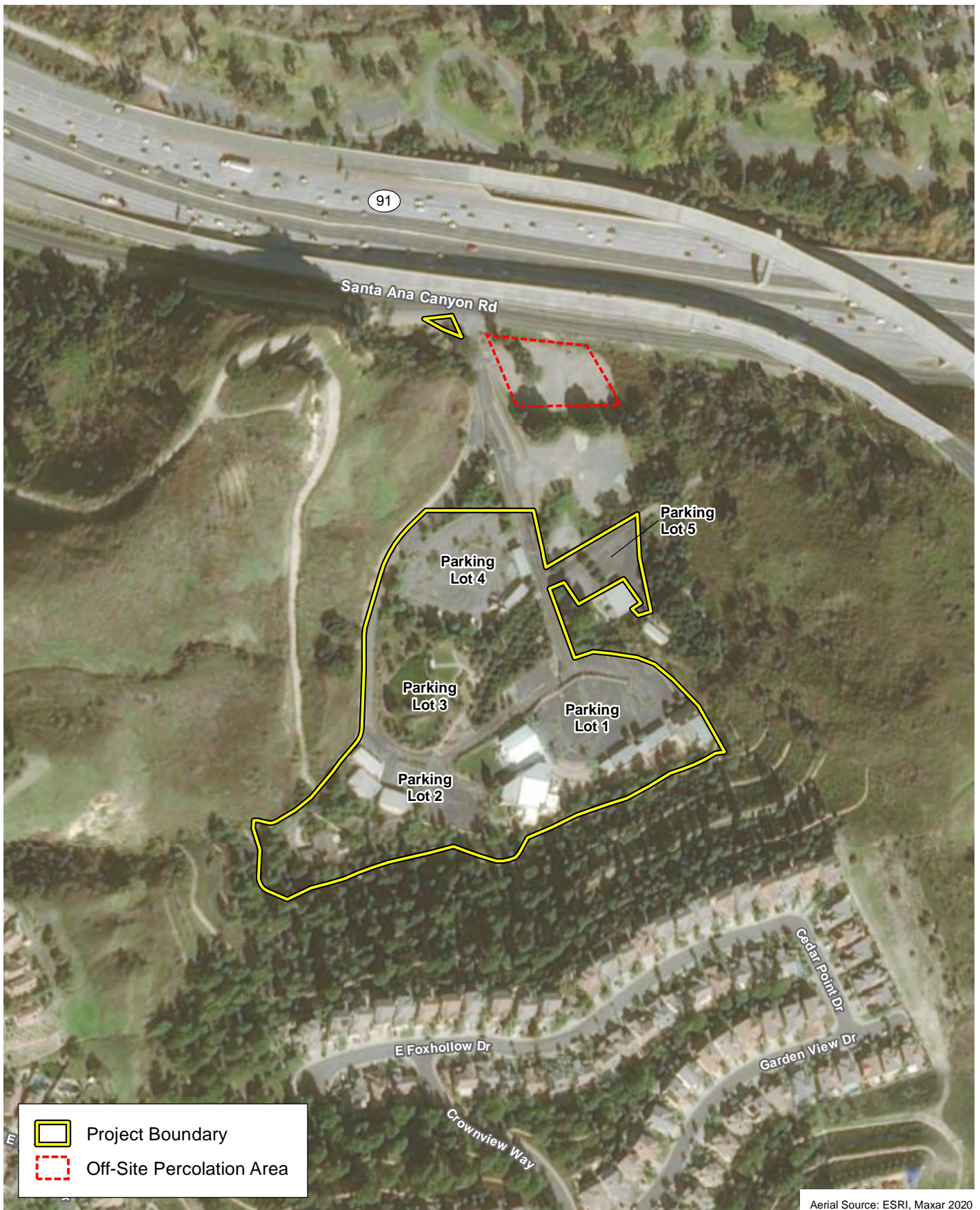
Vicinity Map

Kindred Church Expansion Project (City of Anaheim)

Exhibit 1



D:\Projects\3\ANA\009402\MXDex_Aerial_20210505.mxd

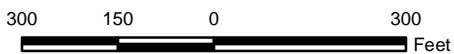


Aerial Source: ESRI, Maxar 2020

Aerial Photograph


Exhibit 2

Kindred Church Expansion Project (City of Anaheim)





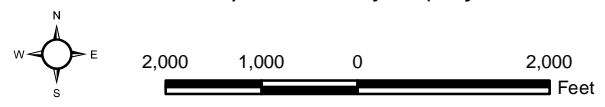
D:\Projects\3ANA\009402\MXD\Biolex_USGS_20210512.mxd

 Project Boundary

Source: USGS 7.5 Minute Quadrangle
 Blackstar Canyon
 Township: 03S
 Range: 08W
 Section: 33

USGS Topographic Map
Kindred Church Expansion Project (City of Anaheim)

Exhibit 3



ATTACHMENT A
SITE PHOTOGRAPHS

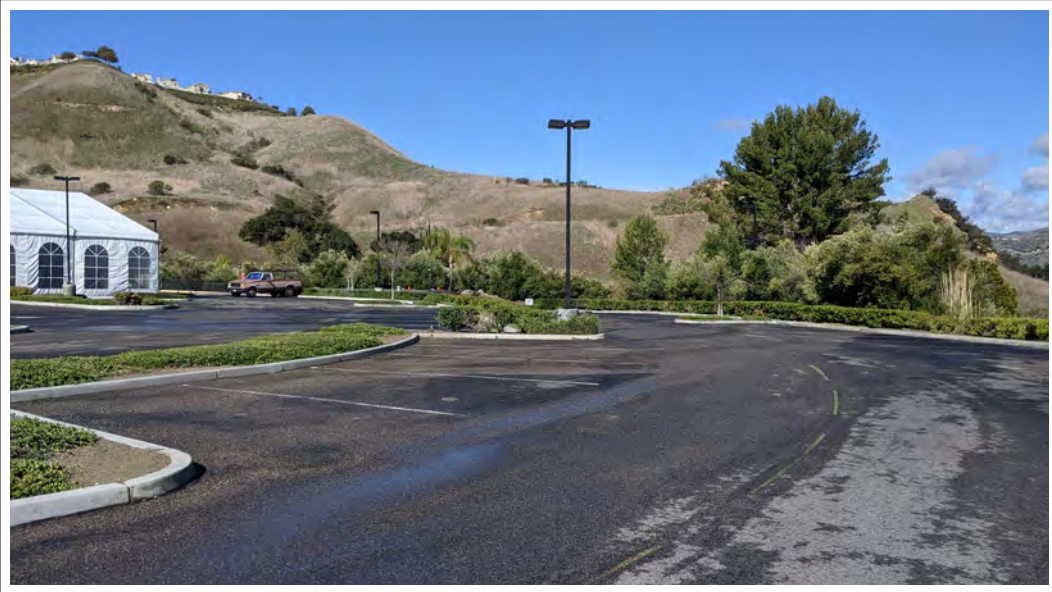


Photo of Parking Lot 1 facing west. The large, onsite, ornamental tree vegetation occurs throughout the site. The hills in the background are comprised of the fennel fields adjacent to the project site.



Photo of the project site boundary on the west side of Parking Lot 2 facing south. The shrubby vegetation along in the center of the photograph and into the background is characteristic of the lemonade berry scrub stands adjacent to the project site.

D:\Projects\3ANA\009402\GRAPHICS\Bio\Att_SP1_20210512.ai

Site Photographs

Kindred Church Expansion Project (City of Anaheim)

Attachment A-1





Photo of Parking Lot 1 facing south. View of the ornamental vegetation on the manufactured slopes located south of the project site.



Photo of the coast live oak forest and associated drainage feature located along the eastern boundary of the project site. This will not be impacted as part of the proposed project.

D:\Projects\3ANA\009402\Graphics\Bio\Att_SP2_20210512.ai

Site Photographs

Kindred Church Expansion Project (City of Anaheim)

Attachment A-2





Photo of the man-made pond located at Parking Lot 3 (feature to be removed). The feature is regularly drained and chlorinated.



Photo of the roadside ditch located along the northern boundary of the project site south of East Santa Ana Canyon Road.

D:\Projects\3\ANA\009402\Graphics\Bio\Att_SP3_20210512.ai

Site Photographs

Kindred Church Expansion Project (City of Anaheim)

Attachment A-3

