

MEMORANDUM

To: Mike Levin, Excel Engineering
Matt Simmons, CCI

From: Kamarul Muri

Subject: Biological Resources on the Ascend Specific Plan Project Site

Date: May 13, 2026

cc: Sophia Habi Mitchell, Sophia Mitchell & Associates

Attachment(s):

1. Figure 1 Vegetation Communities and Land Covers
2. USACE Nationwide Permit Verification Letter (SPL-2022-0040-SAS)
3. USFWS Biological Opinion (2022-0081682-S7-F-SD)
4. RWQCB Water Quality Certification (R9-2022-0046)
5. CDFW Lake and Streambed Notification Letter (EPIMS-SD0-50868-R5)

Description of Proposed Project

The project applicant is requesting approval of a Specific Plan (SP25-0003), General Plan Amendment (GPA25-0004), Rezone (R25-0003), Tentative Subdivision Map (TSM25-0004), Multi-Family Site Development Plan (MFSDP25-0003) and Conditional Use Permit (CUP25-0003) for a new residential development on an undeveloped lot. The proposed Specific Plan allows for up to 160 residential units, but the current Tentative Map and Site Development Plan identify 147 units. Access to the project would be provided at the signalized intersection of Melrose Drive and Diamond Street. Secondary emergency access is proposed on the west side of the project to and from Melrose Drive. All units are designed to be three stories in height and have attached two-car garages. Common open space and recreational amenities are mainly proposed at the north end of the property. The project has been designed around the existing San Diego Gas & Electric (SDGE) easements and utility tower. Project construction will include grading, rock drilling, blasting and the use of a temporary rock crusher may also be required.

Site History

The 16.12-acre project site was created through a Tentative Parcel Map (TPM20-0001) that created Parcel A (16.12 acres) and Parcel B (6.22 acres). That project was known as the Diamond Street Industrial Project. TPM20-0001 was approved concurrent with adoption of a Mitigated Negative Declaration (ND21-002/SCH No. 2021050006). The proposed Ascend Specific Plan project is only within Parcel A. Parcel B is not a part of the proposed project.

The following provides a discussion of past environmental work within Parcel A and Parcel B to provide context of regulatory permitting that includes the project site.

Since 2021, Dudek has worked as the primary environmental consultant for the Diamond Street Industrial Project. During this time, Dudek has prepared applications for and coordinated the approvals of resource permits from the

U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and the Regional Water Quality Control Board (RWQCB). Dudek has also been responsible for ensuring compliance with and implementing the corresponding permit conditions, including conducting biological and cultural resources surveys and monitoring associated with vegetation clearing in 2024 and 2025, and with the recently completed grading in May 2026. Dudek is also preparing the Resource Management Plan describing the long-term management and maintenance of the open space area (Parcel B) to be dedicated as a biological preserve in accordance with the conservation measures in the Section 7 Biological Opinion issued by USFWS for the Diamond Street Industrial Project (USFWS 2024). Parcel B is not a part of the proposed project.

This memorandum describes existing conditions on the Ascend Specific Plan project site including an updated vegetation map, summarizes the status of permitted activities completed to date, and analyzes the potential for significant impacts on biological resources based on the condition of the site and adjacent off-site habitat areas.

Existing Conditions

The 16.12-acre project site includes an existing landscaped slope along the southern site boundary above Melrose Drive but otherwise consists of disturbed lands subject to routine maintenance and a recently graded area near the eastern boundary (Figure 1). The site includes 1.1 acres mapped as ornamental and 15.0 acres mapped as disturbed habitat. A concrete brow ditch lines the top of landscaped slope above Melrose Drive. An SDGE easement with a transmission tower traverses the disturbed habitat in the western portion of the site and an associated access road enters the site from the south. The disturbed habitat is generally characterized by a combination of largely unvegetated land and areas with low-growing weedy species. A nearly 3-acre area of disturbed habitat in the lower portion of the site contains mounds of undocumented fill and an approximately quarter-acre stockpile of abandoned concrete storm drain pipes. Orange environmental fencing and silt fencing is installed along the perimeter of the project site.

Work Completed to Date

Site Work

Work completed on the project site to date as part of the Diamond Street Industrial Park project includes initial vegetation clearing that occurred in December 2024, followed by routine maintenance of the cleared areas in November 2025, and limited grading completed in May 2026. The initial vegetation clearing completed in December 2024 resulted in the removal of 11.92 acres of coastal sage scrub/chaparral and mulefat scrub in accordance with the USFWS Biological Opinion. The limited grading completed in May 2026 included impacts to 0.13 acres of natural flood channel/streambed under the jurisdiction of USACE, RWQCB, and CDFW and was conducted in accordance with the respective permits listed below.

The initial vegetation clearing was conducted in accordance with the approved site clearing plan prepared by Excel Engineering and included the installation and maintenance of orange perimeter fencing and silt fencing for erosion control. A worker environmental awareness program (WEAP) was implemented to train crews prior to the initial vegetation clearing in December 2024, and was repeated prior to routine maintenance conducted in November 2025 and again prior to the grading completed in May 2026. In accordance with the conservation measures listed in the USFWS Biological Opinion, surveys for coastal California gnatcatcher (*Poliophtila californica californica*) were conducted by Dudek biologists approved by USFWS prior to the initial vegetation clearing in December 2024, prior

to the routine maintenance conducted in November 2025, and prior to and during the grading activity that occurred within the previously cleared areas in May 2026.

Open Space Preserve and Resource Management Plan

Dudek has prepared a draft Resource Management Plan (RMP) outlining the long-term management of the proposed off-site open space preserve (Parcel B) that is subject to ongoing review and coordination with USFWS and Fallbrook Land Conservancy, the identified land manager responsible for long-term maintenance and management of the preserve. Site work related to the dedication of the open space preserve and future implementation of the RMP includes a one-time removal of non-native and invasive vegetation consisting of existing Mexican fan palm trees and stands of pampas grass located in the northern portion of the open space area. The planned tree and vegetation removals are scheduled to occur once the respective nesting cycles for an active California gnatcatcher nest located immediately off-site and an active red-tailed hawk (*Buteo jamaicensis*) nest within the open space preserve have been completed to avoid potential indirect impacts to ongoing breeding activity. The tree and vegetation removals will be conducted once the California gnatcatcher and red-tailed hawk nests are confirmed to no longer be active, subject to notification and approval from USFWS.

Permits

All work completed for the Diamond Street Industrial Park project to date has been conducted in accordance with the relevant authorizations from the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) as listed below.

- USACE Verification Letter for Nationwide Permit (NWP) 39 Commercial and Institutional Developments (SPL-2022-0040-SAS) dated September 18, 2024.
- USFWS Section 7 Biological Opinion for the Melrose and Diamond Project (2022-0081682-S7-F-SD), dated August 16, 2024.
- RWQCB Section 401 Water Quality Certification (R9-2022-0046), dated June 30, 2022.
- CDFW Notification of Lake or Streambed Alteration (EPIMS-SDO-50868-R5) for the Melrose and Diamond Industrial Project, approval by operation of law, dated May 29, 2025.

Impacts and Mitigation

Under current conditions, the disturbed and ornamental areas that remain on the project site for the Ascend Specific Plan have little to no potential to support special-status biological resources and the potential for significant biological resource impacts is generally low. However, there is a low to moderate potential for the existing disturbed areas to support Crotch's bumble bee nesting due to the extent of floral resources in adjacent open space and the potential for burrows and other habitat features capable of supporting Crotch's bumble bee nests to be present within the disturbed habitat on site. Although the site has been cleared and is routinely maintained, ground-nesting bird species have the potential to occur and could be impacted if construction or other ground-disturbing activities occur during the breeding season from February 15 to August 31. Likewise, the transmission tower located within the SDGE easement on site could support raptor nests. If present, active raptor nests could be indirectly impacted by noise if construction activity were to occur on site during the raptor breeding season from January 15 through August 31. In addition to the potential for direct and indirect impacts to Crotch's bumble bee and nesting birds and

raptors that could occur on site, noise from construction could have an indirect impact on coastal California gnatcatcher within off-site habitat during the breeding season from February 15 to August 31.

Crotch's Bumble Bee

Broad foraging and nesting habitat requirements and seasonal life history characteristics of Crotch's bumble bee make it difficult to conclusively rule out the potential for the species to occur on a particular site solely through an assessment of habitat conditions. While residential development proposed under the Ascend Specific Plan would occur within a cleared and routinely maintained site, native upland habitat in the surrounding areas supports high quality foraging and nesting resources for the species. As residential development under the Ascend Specific Plan would occur within a cleared and maintained site, direct impacts on the species would be considered unlikely but would still be difficult to rule out entirely. The disturbed conditions on site have low potential to support foraging habitat for Crotch's bumble bee but could support nesting activity if burrows or burrow-like features were present and project activities occurred during the colony active period from April 1 through August 31. Conducting pre-construction surveys and implementing appropriate avoidance and minimization measures during the nesting season as described below, however, would be sufficient to ensure avoidance of take of the species (and the possibility of associated species mitigation) as regulated under the California Endangered Species Act.

Pre-construction Survey for Crotch's bumble bee. A pre-construction survey for Crotch's bumble bee shall be conducted within the construction footprint prior to the start of ground-disturbing construction activities occurring during the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). If ground-disturbing activities occur outside the period, no further mitigation would be required. The survey shall ensure that no nests for Crotch's bumble bee are located within the construction area.

The focused survey shall be performed by a biologist with expertise in surveying for bumble bees in accordance with the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species prepared by the California Department of Fish and Wildlife on June 6, 2023, or more recent guidance. The biologist shall look for nest resources suitable for bumble bee use and ensure that all nest resources receive 100% visual coverage. A photo voucher of the bee species shall be collected, and the location mapped. If required, any capture of bumble bees will be conducted by a biologist with a valid CESA Memorandum of Understanding (MOU) and Scientific Collecting Permit (SCP) for Crotch's bumble bee. If a bumble bee worker is detected, then a representative shall be identified to species.

If Crotch's bumble bee nests are not detected, no further mitigation would be required. If a Crotch's bumble bee nest is detected, the project biologist will establish, monitor, and maintain a no-work buffer around the nest. The size and configuration of the no-work buffer will be based on best professional judgement of the project biologist in consultation with CDFW. The buffer will provide at least 50 feet of clearance around the nest entrance(s). Construction activities will not occur within the no-work buffer until the colony is no longer active. To determine that a nest is no longer active, the nest will be observed for a minimum of 60 minutes each day across a minimum of 3 days during suitable flight weather (i.e., ambient air temperature between 60- and 90-degrees Fahrenheit, winds under 10 mph, and no precipitation more than a drizzling rain). If no bees are seen flying in or out of the nest by the end of the observation period, it will be determined that the

nest is no longer active. If project activities occur outside of the Colony Active Period, then pre-construction surveys for active bee nests and avoidance measures are not required.

A site observation report shall be submitted to the City within 10 days of the pre-construction survey. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed, a description of available burrows and other suitable nest sites, and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The site observation report shall include the qualifications/resumes of the surveyor(s) and biologist(s) approved for identifying photo vouchers. If Crotch's bumble bee nests are observed, the site observation report shall recommend avoidance measures and location information shall be submitted to the California Natural Diversity Database within 30 days of the pre-construction survey.

If the above measures are followed, it is assumed that the Project would not require CDFW authorization through the CESA Incidental Take Permit process.

Nesting Birds and Raptors

Ground-nesting species such as killdeer (*Charadrius vociferous*) will occasionally nest within newly disturbed areas if suitable foraging habitat is present nearby. Although the cleared and maintained areas on site do not support trees or other elevated structures, the electrical tower within the SDGE easement on site could support nesting raptors and should be surveyed for raptor nests prior to construction if project activities are proposed during the nesting season (beginning as early as January 15 for raptors). Incorporating pre-construction surveys for nesting birds and raptors and avoiding and protecting active nests with appropriate buffers would be adequate to avoid potentially significant impacts on nesting birds and raptors if activities occur during the breeding season.

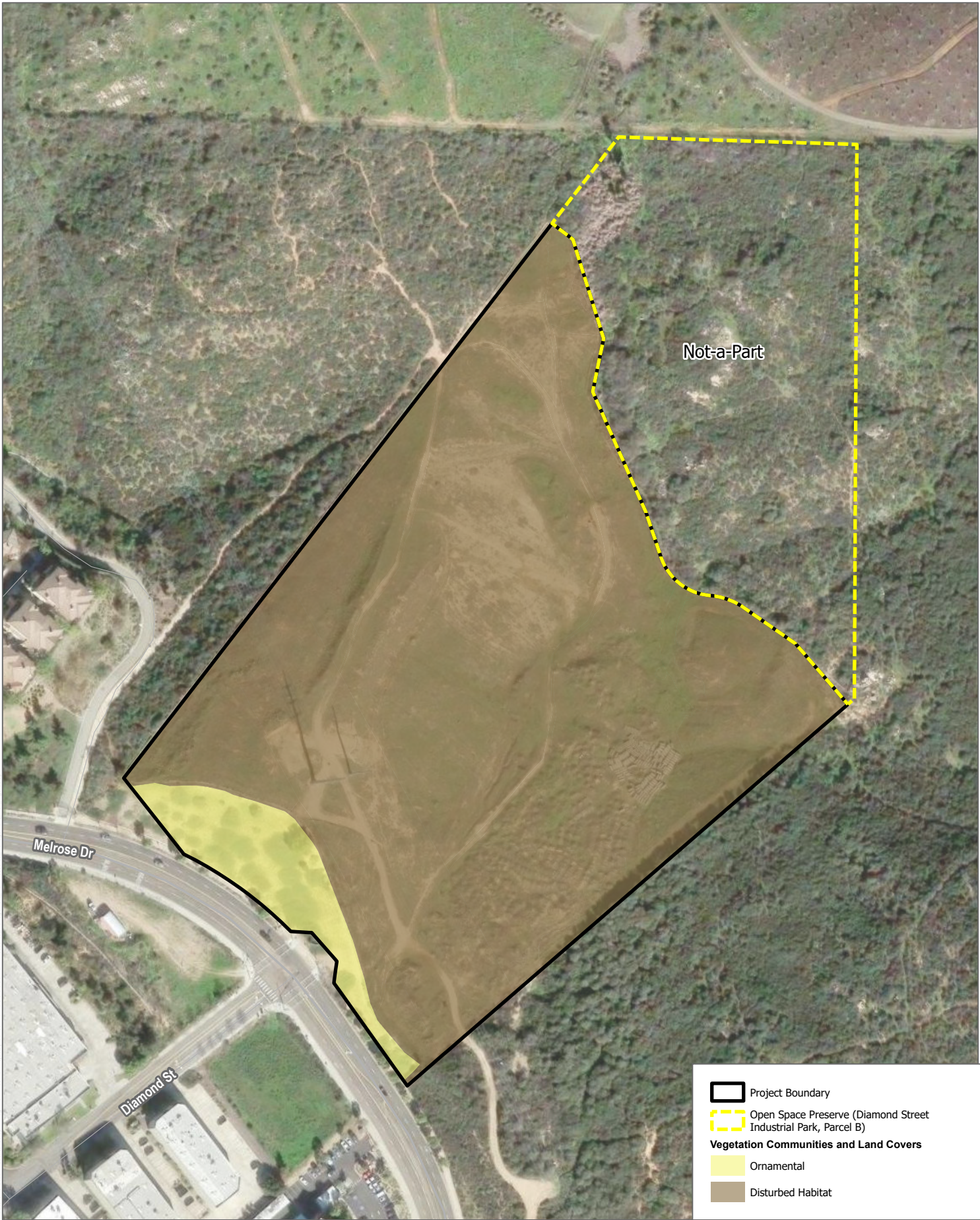
Nesting Bird Survey(s). Take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code shall be avoided during the nesting season. To avoid direct impacts on ground-nesting species that could occur within the grading limits and potential indirect impacts on nesting raptors that could occur on the SDGE transmission towers on site and/or any migratory birds protected under the Migratory Bird Treaty Act and California Fish and Game Code, a pre-construction nesting bird survey shall be conducted not more than 72 hours prior to the start of grading and/or other construction-related activities during the nesting season for these species (February 15 through August 31 for passerines, and January 15 through August 31 for raptors, annually). If nesting birds are detected by the biologist, the following buffers shall be established: (1) no work within 300 feet of a non-listed nesting migratory bird nest, and (2) no work within 500 feet of a listed bird or raptor nest. However, the biologist may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity, vertical separation for raptor nests on elevated sites) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance) in conjunction with consultation with the City of San Marcos. If construction must take place within the recommended buffer widths above, the Project applicant shall contact the City of San Marcos and wildlife agencies to determine the appropriate buffer.

Coastal California Gnatcatcher

Given the history of consultation with USFWS regarding the potential effects on coastal California gnatcatcher associated with the Diamond Street Industrial Park project and the findings of the Biological Opinion issued by USFWS, complying with the relevant conservation measures would address potential indirect impacts associated with the residential development proposed under the Ascend Specific Plan. Because of the lack of California gnatcatcher habitat on the cleared site to be developed for residential use, impacts on gnatcatcher would be limited to potential indirect effects on breeding activity in off-site habitat areas if construction activity were to occur during the breeding season. Conservation Measures 4, 5 and 6 in the Biological Opinion for the Diamond Street Industrial Park project dated August 16, 2024 (attached) address the potential effects of project construction on coastal California gnatcatcher in adjacent habitat areas and could be adopted to address indirect impacts under the Ascend Specific Plan if construction were to occur during the breeding season.

References

- Richardson, L.L. 2023. Bumble bees of North America occurrence records database.
<https://www.leifrichardson.org/bbna.html>. Data accessed January 22, 2026.
- Sophia Mitchell & Associates (SMA) 2021. Diamond Street Industrial TPM20-0001 Final Initial Study/Mitigated Negative Declaration ND21-002 SCH No. 2021050006. September 2.
- U.S Fish and Wildlife Service (USFWS). 2024. Section 7 Consultation for the Melrose and Diamond Project, City of San Marcos, San Diego County, California. August 16.



SOURCE: ESRI 2025

FIGURE 1
Vegetation Communities and Land Covers
Ascend Specific Plan