

**FINDINGS OF CONFORMANCE  
MULTIPLE SPECIES CONSERVATION PROGRAM  
Wheeler Ridge  
TM 5156RPL<sup>4</sup>; ER 98-14-020**

**May 24, 2004**

**Introduction**

The project (14.1 acres) proposes development of 14 residential dwelling units and one 2.1-acre open space lot. Off-site drainage improvements are proposed to connect with Long Canyon. The project site is undeveloped, with Diegan coastal sage scrub (CSS), and non-native grassland (NNG) vegetation, and disturbed areas, and consists of south-facing slopes. A previously graded area of approximately 3 acres exists in the western portion of the project near the terminus of Tim Lane (Grading Permit L2803, approved in April 1996). Most of the surrounding area is developed, with residential uses to the north, west, and south and with developed and preserved lands in the City of Chula Vista to the east. Most of the original native habitat has been disturbed over time, such that only 4 of the 12 acres remain as CSS, with non-native grassland (possibly from old agriculture), landscaping, old and new foot/bike trails, and the legally cleared area. The property is contiguous with approximately 15 acres of undeveloped land lying to the east, falling within the jurisdiction of the City of Chula Vista. The land within the City of Chula Vista is part of a habitat preserve. The project is not within the Pre-Approved Mitigation Area (PAMA), but about 2.2 acres in the eastern portion of the property that contains a concentration of sensitive resources and is adjacent to preserved lands in the City of Chula Vista do qualify as a Biological Resource Core Area (BRCA). The remaining 11.9 acres are not BRCA because they are adjacent to developed land and have lost much of their biological viability. REC prepared a biological technical report, dated March 2003, which addresses the property.

The site consists of 10.1 acres of non-native grassland, 2.2 acres of Diegan coastal sage scrub, and 1.8 acres of disturbed habitat (including landscaping). The site does not contain any wetland vegetation. The site is known to support five sensitive species, including three listed species: San Diego thornmint (*Acanthomintha ilicifolia*), Otay tarplant (*Deinandra conjugens*) and the California gnatcatcher (*Polioptila californica californica*). In addition, San Diego viguera (*Viguiera laciniata*) and desert woodrat (*Neotoma lepida intermedia*) were found on site. Evidence of coastal cactus wren (*Campylorhynchus brunneicapillus covesi*), in the form of two unoccupied nests was found in 1997, but surveys in subsequent years did not relocate the nests or detect the wren's presence. Therefore, it is presumed to be absent from the site. The population of Otay tarplant on-site is large, consisting of 21,950 plants over 0.41 acres in 2002. The thornmint population is smaller, with 115 plants noted in the drier 2001 census (a 2002 census was not required because of its location within the proposed open space). Up to two pairs of gnatcatcher are likely to utilize portions of the site, though most surveys have indicated only one to two individuals.

The development is proposed in the more disturbed western portion of the property, requiring impacts to 1.8 acres of disturbed land, 1.5 acres of CSS and 8.7 acres of NNG. A 2.1-acre open space lot will preserve 100 percent of the San Diego thornmint population, 90 percent of the Otoy tarplant population, 0.7 acres of CSS (including populations of San Diego viguiera and desert woodrat), and 1.4 acres of NNG.

The off-site drainage improvement will impact 0.02 acres of developed, 0.10 of non-native grassland, and 0.03 acres of coastal sage scrub. No wetland habitat exists in the impact area and the outlet is an unlined "bioswale" (channel with herbaceous vegetation) with a gabion structure, which will not result in impacts to any wetlands in Long Canyon Creek.

Table 1. Impacts to habitat and required mitigation.

<b>Impact and Mitigation Summary for the Wheeler Ridge Project</b>					
<b>Habitat</b>	<b>Tier Level And Mitigation Ratio</b>	<b>Impact Acreage (plus indicates off site)</b>	<b>Total Acreage Needed for Mitigation</b>	<b>On-site Conservation (acres)</b>	<b>Off-site Conservation Required (acres)</b>
Coastal Sage Scrub	Tier II 1:1	1.5 plus 0.03	1.6	0.7	0.9
Non-Native Grassland	Tier III 0.5:1	8.7 plus 0.10	4.5	1.4	3.1
Disturbed	Tier IV None	1.8 plus 0.02	0	None	None
<b>Total</b>		<b>12.0 (plus 0.15)</b>	<b>6.1</b>	<b>2.1</b>	<b>4.0</b>

As shown above, a 1:1 ratio of CSS mitigation will be maintained onsite in the form of a conservation easement on 0.7 acres of the open space lot, and offsite by purchase of 0.9 acres of Tier II habitat. NNG mitigation will be maintained on-site in the form of a conservation easement, at a 0.5:1 ratio, on 1.4 acres of the open space lot, and offsite by purchase of 3.1 acres of Tier III habitat. Mitigation also includes barriers to human and domestic animal encroachment. Just outside the boundary of the open space lot a five-foot wall will be constructed as a barrier to encroachment and for fire protection. The project also includes implementation of a Stormwater Management Plan, construction limitations for breeding season avoidance, installation of temporary construction fences, and dedication of a limited building zone (LBZ) easement to minimize indirect biological impacts.

The findings contained within this document are based on County records; DPLU staff site visits and the Biological Technical Report by REC, dated March 2003. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

## **II. BRCA FINDINGS**

A portion of the project site has been determined to be BRCA. The BRCA determination was based on the presence of sensitive species and connectivity as a corridor to off-site viable open space areas. The BRCA has been avoided to the maximum extent feasible, though 10 percent of the Otay tarplant will be impacted. The majority of the BRCA designated area (2.1 acres) has been placed within an open space lot. The BRCA area onsite totals about 2.2 acres and comprises coastal sage scrub and non-native grassland that support Otay tarplant and San Diego thornmint.

Mitigation for impacts will be both on-site and off-site. Off-site mitigation will be within a Pre-Approved Mitigation Area. The findings supporting this conclusion that a portion of the site is not BRCA are made below.

### **Demonstrate whether the Proposed Impact area qualifies as a BRCA:**

1. The land is not shown as a Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

#### **Findings of Fact:**

None of the project site is shown as a Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map. The proposed project is located within the community of Bonita at the eastern terminus of Tim Street, immediately adjacent to the existing Wheeler Ridge Housing Development.

2. The land is not located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species, and is not adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

#### **Findings of Fact:**

The portion of the project site not designated as BRCA does not support San Diego thornmint or Otay tarplant. In addition, the portion of the site that is designated as non-BRCA is disjunct and not connected to any open space

easements. The non-BRCA land does not provide land with viability as contributing to long-term survival to sensitive species. While California gnatcatcher (*Polioptila californica californica*) was observed onsite in BRCA and non-BRCA lands, the site contains fragmented CSS habitat and is largely surrounded by development and land that is not protected by easement. The non-BRCA portion of Wheeler Ridge does not appear to provide habitat that is necessary to support or contribute to the long-term survival of the California gnatcatcher.

3. The land is not part of a regional linkage/corridor. The site is not land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale. The site does not contain adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife. The site has not been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO).

**Findings of Fact:**

The non-BRCA land is not part of a regional linkage or corridor. Specifically, the property is not any part of the five designated linkages within the Metro-Lakeside-Jamul Segment (County of San Diego, 1997). The property is surrounded on two sides and most of a third side by development. Undeveloped land exists to the east, where BRCA is found, but even this area is entirely enclosed by development. None of the Wheeler Ridge property contains topography that serves to allow for the movement of all sizes of wildlife on a regional scale. Rather than “linking” areas of habitat, the Wheeler Ridge Property forms a “cul-de-sac” which is accessible to wildlife via the eastern boundary of the property. The preserved land to the east consists of approximately 15 acres, including the CSS hillsides forming the south-facing slopes of Long Canyon. Because of the small size of the preserved lands and the proximity of urban developed land, wildlife species that are expected to utilize this habitat for ground movement would be smaller urban-tolerant ones, and, in fact, only desert cottontail, common gopher, and striped skunk were detected during the survey of the project site.

While some avian species could potentially utilize the Wheeler Ridge project site as a “stepping stone” habitat in their movements through a larger area, the Wheeler Ridge property site is much smaller and of a more disturbed nature than other open or natural areas in the general vicinity. The Wheeler Ridge property has not been identified as a primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher.

4. The land is not shown on the habitat evaluation map (Attachment J to the BMO) as very high or high and does not link significant blocks of habitat (except that

land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge shall not qualify as BRCA).

**Findings of Fact:**

The Wheeler Ridge Property is not shown on the Habitat Evaluation Map as “very high” or “high” quality habitat on the habitat evaluation map. The project site is shown as “disturbed”. Additionally, the Wheeler Ridge Project site does not link significant blocks of habitat. Rather, the Wheeler Ridge Property forms a “cul-de-sac” which is adjacent to a small block of about 15 acres of natural lands to the east. There exist significant edge effects to of the site from development on three sides.

5. The land does not consist of or is not within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

**Findings of Fact:**

The land does not consist of or is not within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species. The Wheeler Ridge property is about twelve acres in size and most of the original native habitat has been disturbed over time, such that only 4 of the 12 acres remain as CSS, with non-native grassland (possibly from old agriculture), landscaping, old and new foot/bike trails, and a legally cleared area. The property is contiguous with approximately 15 acres of undeveloped land lying to the east, falling within the jurisdiction of the City of Chula Vista. The land within the City of Chula Vista is part of a habitat preserve, but the total block of habitat, including portions of the Wheeler Ridge site would remain much smaller than 500 acres.

6. The land does not contain a high number of sensitive species and is not adjacent or contiguous to surrounding undisturbed habitats, and does not contain soil derived from the following geologic formations: gabbroic rock; metavolcanic rock; clay; and coastal sandstone, which are known to support sensitive species.

**Findings of Fact:**

The Wheeler Ridge Project site contains three listed species: San Diego thornmint (*Acanthomintha ilicifolia*), Otay tarplant (*Hemizonia conjugens*) and the California gnatcatcher (*Polioptila californica californica*). These resources are found in the BRCA portion of the property, with the exception of gnatcatcher, which utilizes some of the fragmented CSS to the western non-BRCA portion of the site. The non-BRCA portion of the property does not support a high number of sensitive species and is adjacent to disturbed habitats, including urban development. While clay soils are present on the site, only those demonstrating affiliation with sensitive species and connected with undisturbed habitat meet the criteria for BRCA.

## **Demonstrate whether the Mitigation Site qualifies as a BRCA:**

The portion of the site that is designated as Biological Resource Core Area and is proposed for dedication as a conservation easement, is eligible to be part of the regional MSCP preserve system. As such, all of the requirements relating to the “Preserve” outlined in the County’s Subarea Plan, the Implementation Agreement and the Final MSCP Plan apply to this open space. In addition, the remaining mitigation requirements will be within a Pre-approved Mitigation Area, which also qualifies as BRCA.

### **III. BMO FINDINGS**

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

1. Project development shall be sited in areas to minimize impact to habitat;

#### **Findings of Fact:**

Project development has been designed to minimize impacts to sensitive species and their habitats. Development has avoided the eastern portion of the site where the entirety of the San Diego thorn mint population (*Acanthomintha ilicifolia*) population and 90 percent of the Otay tarplant (*Hemizonia conjugens*) population is located. Included within the open space easement are 0.7 acres of coastal sage scrub, which supports the San Diego viguiera (*Viguiera laciniata*) and 1.4 acres of non-native grassland that supports the San Diego thorn mint and Otay tarplant. Impacts to 10 percent of Otay tarplant population (based on area) will occur in an area that fringes the main concentration of the population, where the density is minimal. This 10 percent impact also assumes indirect impacts to the 25-foot strip where impacts have not been avoided. The barrier wall will minimize indirect impacts and mark the boundary of the open space lot. This amount of impact is within the 20 percent impact allowed under the BMO. Therefore, the site has been designed to minimize impacts.

2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance:

#### **Findings of Fact:**

The proposed development for the Wheeler Ridge project of 14 graded single-family house pads is not considered a clustered development. Development, however, is concentrated such that it avoids impacts the sensitive resources to the maximum extent practicable. Areas not proposed for development will be

placed in an open space easement and will be a separate lot that will be transferred to an entity that will provide ongoing stewardship for the resources.

3. Notwithstanding the requirements of the Slope Encroachment Regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design which may encroach into steep slopes to avoid impacts to habitat;

**Findings of Fact:**

The site contains steep slope areas that will be utilized for development to provide for the protection of sensitive resources located in flatter areas. Habitat with a concentration of sensitive biological resources will not be developed (i.e. within the BRCA designated area).

4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations;

**Findings of Fact:**

The project impact analysis does not indicate that reducing road standards would reduce impacts to sensitive species, habitats or BRCA.

5. Projects shall be required to comply with applicable design criteria in the County

**Findings of Fact:**

The project conforms to the Preserve Design Criteria (see below), however the Design Criteria for Linkages and Corridors do not apply to this project because no linkages or corridors exist on the project site.

**PRESERVE DESIGN CRITERIA (ATTACHMENT G)**

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

- a. Acknowledge a “no net loss” of wetlands standard that individual projects must meet to satisfy state and federal wetlands goals, policies and standards, and implement applicable County ordinances with regard to wetland mitigation.

**Findings of Fact:**

No wetland habitats are present onsite; there will be no loss of wetlands.

- b. Include measures to maximize the habitat structural diversity of conserved habitat areas, including conservation of unique habitats and habitat features.

**Findings of Fact:**

The proposed project will place the area with the greatest concentration of sensitive resources within an open space easement. On-site preservation will include 0.7 acres of coastal sage scrub (which supports the San Diego viguiera) and 1.4 acres of non-native grassland that supports the San Diego thornmint and the Otay tarplant. Development has avoided the eastern portion of the site where the entirety of the San Diego thornmint population and 90 percent, including the most concentrated portion of Otay tarplant population is located.

- c. Provide for the conservation of spatially representative examples of extensive patches of coastal sage scrub and other habitat types that were ranked as having high or very high biological value by MSCP habitat evaluation model.

**Findings of Fact:**

The Wheeler Ridge Property is not shown on the Habitat Evaluation Map as “very high” or “high” quality habitat on the habitat evaluation map. The project site is shown as “disturbed”. Additionally, the Wheeler Ridge Project site does not link significant blocks of habitat. Rather, the Wheeler Ridge Property forms a “cul-de-sac” which is adjacent to a small block of about 15 acres of natural lands to the east. There exist significant edge effects to the site from development on three sides. Therefore, impacts will be mitigated primarily by offsite purchase of mitigation credits or lands. However, the proposed project will place the area with the greatest concentration of sensitive resources within an open space lot over which a conservation easement will be dedicated. On-site preservation will include 0.7 acres of coastal sage scrub (which supports the San Diego viguiera) and 1.4 acres of non-native grassland. Development has avoided the eastern portion of the site where the entirety of the San Diego thornmint population and 90 percent of the Otay tarplant population.

- d. Create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats (use criteria in Chapter 6, Section 6.2.3 of the Plan).

**Findings of Fact:**

The proposed project will create an open space lot with dedicated open space easement in the eastern portion of the project site, where the greatest concentration of sensitive resources occurs. A 5-foot high solid barrier wall will be placed just inside the development portion of the property. In addition a 25-foot buffer has been included from the wall to the major concentrations of the tarplant. Otherwise impacts are assumed to any tarplant within the 25-foot buffer. Therefore, edge effects have been reduced. In addition, the ratio of surface area to perimeter of the conserved habitat is acceptable because only a single nearly straight edge

is formed between the development and the open space. The barrier wall also extends to the east to separate the resource from the existing homes and the proposed hiking trail.

- e. Provide incentives for development in the least sensitive habitat areas.

**Findings of Fact:**

All grading and clearing will take place in the least sensitive portions of the site. Non-native grassland, a Tier III habitat type, covers the majority of the impact area (8.7 acres). A small amount of coastal sage scrub, a Tier II habitat, will also be impacted (1.5 acres). No Tier I habitats are present. The impact area has been subjected to a higher level of human disturbance related to proximity of existing residential development and from legal clearing. The heavy clay soils and sensitive resources occur in the eastern fifth of the property where impacts are avoided. This area provides more biological value based on the biological diversity and viability due to its proximity to existing preserved lands. Therefore, by avoiding the most sensitive resources, the project has developed in the least sensitive areas.

- f. Minimize impacts to narrow endemic species and avoid impacts to core populations of narrow endemic species.

**Findings of Fact:**

Otay tarplant and San Diego thornmint are narrow endemic species, but MSCP did not identify this site as being core populations for either. As required by BMO, the design of the project has avoided impacts, except for impacts to a fringe area of tarplant (0.04 acre), surpassing the required 80 percent avoidance. An additional 1:1 mitigation occurs on site to total 90.2 percent avoidance and preservation of 0.37 acres occupied by Otay tarplant. 100 percent of the thornmint has been avoided.

- g. Preserve the biological integrity of linkages between BRCAs.

**Findings of Fact:**

The land is not part of a regional linkage because it lies within an area in which habitats have constraints due to adjacency to developed lands. Existing residential communities abut the property to the north, south and west sides. There is a preserved area of approximately 15 acres to the east, and the project will contribute approximately 2.1 acres to that system. Otherwise, open land is scarce, and mostly on existing residential lots. Additional contributions to expand this system are not expected in the future. While open space in this area is generally not contiguous and therefore there are no opportunities to add to the integrity of regional linkages between BRCAs, the project does contribute to increasing the value of the City of Chula Vista's preserved lands.

- h. Achieve the conservation goals for covered species and habitats (Table 3-5 of the MSCP Plan).

**Findings of Fact:**

Project development has been designed to minimize impacts to sensitive species and their habitats. Development has avoided the eastern portion of the site where the entirety of the San Diego thorn mint population (*Acanthomintha ilicifolia*) population and the large concentration of the Otoy tarplant (*Hemizonia conjugens*) population is located. Included within the open space easement are 0.7 acres of coastal sage scrub, which support San Diego viguiera (*Viguiera lacinata*). Table 3-5 indicates that measures must be in place to protect against detrimental edge effects, and the 5-foot barrier/fire wall will prevent access from the developments. The proposed trail to the south of the sensitive resources will also have a barrier wall. However, use of the trail as it enters the City of Chula Vista does not have any barrier. Mitigation for existing indirect impacts from the trail on City lands is beyond what this County approval can address.

**Design Criteria for Linkages and Corridors (Attachment H)**

The site is not within a regional linkage and does not support linear, topographical and/or vegetative features that might encourage wildlife movement along a specific local path. Existing residential communities abut the property to the north, south and west sides. There are small areas of open space scattered within these communities but these are not contiguous and do not connect to any regional linkages. The area designated as BRCA is directly linked to a preserved area of approximately 15 acres within the City of Chula Vista. While the open space focus is Long Canyon, the canyon is south of the project and no portion of it extends onto the project site.

**IV. SUBAREA PLAN FINDINGS**

All projects within the geographical area covered by the MSCP, whether considered an exception or an exemption to the BMO, must conform to the San Diego County Subarea Plan. Conformance with the Subarea Plan is demonstrated by the following findings that the project does not affect the potential for preserve design:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying state and federal wetland goals and policies.

**Findings of Fact:**

The project will not conflict with the no-net-loss-of-wetlands standard in satisfying state and federal wetland goals and policies as no wetland habitats occur on-site.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

**Findings of Fact:**

The proposed project will place the area with the greatest concentration of sensitive resources within an open space easement. On-site preservation will include 0.7 acres of coastal sage scrub (which supports the San Diego viguiera) and 1.4 acres of non-native grassland that is associated with the site's clay soils. This area contains the entirety of the San Diego thorn mint (*Acanthomintha ilicifolia*) population and 90 percent of the Otay tarplant (*Hemizonia conjugens*) population (based on area) and the project will preserve these areas to maximize the habitat structural diversity and conserve the unique habitat found there.

3. The project provides for conservation of spatially representative examples of extensive patches of coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

**Findings of Fact:**

The Wheeler Ridge Property is not shown on the Habitat Evaluation Map as "very high" or "high" quality habitat on the habitat evaluation map. The project site is shown as "disturbed". The Wheeler Ridge Property forms a "cul-de-sac" which is adjacent to a small block of about 15 acres of natural lands to the east. There exist significant edge effects to the site from development on three sides. Therefore, impacts will be mitigated primarily by off-site purchase of mitigation credits or lands. However, the proposed project will place the area with the greatest concentration of sensitive resources within an open space lot over which a conservation easement will be dedicated. On-site preservation will include 0.7 acres of coastal sage scrub (which supports the San Diego viguiera) and 1.4 acres of non-native grassland. Development has avoided the eastern portion of the site where the entirety of the San Diego thornmint population and 90 percent of the Otay tarplant population.

4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

**Findings of Fact:**

The proposed project will create an open space lot with dedicated open space easement in the eastern portion of the project site, where the greatest concentration of sensitive resources occurs. The 2.1-acre area will contribute to the preserved area of approximately 15 acres to the east in the City of Chula Vista. A 5-foot high solid barrier wall will be placed just inside the development portion of the property. In addition a 25-foot buffer has been included from the

wall to the major concentrations of the tarplant. Otherwise impacts are assumed to any tarplant within the 25-foot buffer. Therefore, edge effects have been reduced. In addition, the ratio of surface area to perimeter of the conserved habitat is acceptable because only a single nearly straight edge is formed between the development and the open space. The barrier wall also extends to the east to separate the resource from the existing homes and the proposed hiking trail. Otay tarplant directives also include monitoring and adaptive management. These activities will be accomplished through the County of San Diego MSCP Division and the County Department of Parks and Recreation. Stewardship is the responsibility of the landowner, required to be a conservation entity acceptable to the Director of Planning and Land Use.

5. The project provides for the development of the least sensitive habitat areas.

**Findings of Fact:**

All grading and clearing will take place in the least sensitive portions of the site. Non-native grassland, a Tier III habitat type, covers the majority of the impact area (8.7 acres). A small amount of coastal sage scrub, a Tier II habitat, will also be impacted (1.5 acres). No Tier I habitats are present. The impact area has been subjected to a higher level of human disturbance related to proximity of existing residential development and from legal clearing. The heavy clay soils and sensitive resources occur in the eastern fifth of the property where impacts are avoided. This area provides more biological value based on the biological diversity and viability due to its proximity to existing preserved lands. Therefore, by avoiding the most sensitive resources, the project has developed in the least sensitive areas.

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

**Findings of Fact:**

Surveys have detected only one pair of California gnatcatchers present on or near the site. Impacts will remove a total of 1.2 acres found on two separate hillsides. This impact may remove a portion of a gnatcatcher territory that extends off-site onto private lands. This CSS is not preserved and may be removed, as it is exempt from MSCP (parcels less than 10 acres with existing residences). The viability of the impacted habitat is not good, and therefore would not be a key population. The 0.7 acres of preserved CSS has also been documented as occupied. The viability of the preserved habitat is good because of its adjacency with about 15 acres of occupied habitat to the east. Mitigation for the impact to 1.2 acres will be within an MSCP PAMA (mitigation bank) that is occupied by gnatcatcher, and will contribute to the conservation of California gnatcatcher. The site evidently was habitat for coastal cactus wren prior to 1997, based on the discovery of unoccupied nests that year. The site therefore does

not provide for conservation of this key animal. No other covered animals have been documented to occur on the site.

7. Conserve large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as mule deer, golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near golden eagle nest sites.

**Findings of Fact:**

No portion of the proposed project site is part of a large, interconnecting block of habitat that contributes to the preservation of wide-ranging species. Existing residential properties abut the property on the north, south and west sides. There are areas of open space scattered in these communities but these are not contiguous and do not connect to any regional linkages. To the east is a preserve of about 15 acres, but even when taken together with the project's proposed open space, it would still be unlikely to support wide-ranging species given its small size and proximity of residential development. The biological survey did not detect wide-ranging species, only detected small sized mammals including cottontail, gopher and skunk.

8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.

**Findings of Fact:**

Otay tarplant and San Diego thornmint are narrow endemic species. While not identified as such prior to the discovery of the populations for this project, based on the size and location the tarplant population may be a key regional population. The thornmint population is much smaller and probably is not a key regional population. As required by BMO, the design of the project has avoided impacts, except for impacts to a fringe area of tarplant, surpassing the required 80 percent avoidance to achieve a 1:1 mitigation on-site for the impacted individuals for a total 90.2 percent avoidance. One-hundred (100) percent of the thornmint population is preserved.

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

**Findings of Fact:**

Existing residential properties abut the property on the north, south and west sides, and this area of the County's MSCP is not near PAMA. Nevertheless, the proposed project will preserve the best quality habitat with the best chance of long term viability such that it can contribute to the City of Chula Vista's existing preserve system.

10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

**Findings of Fact:**

The proposed project will create an open space lot with dedicated open space easement in the eastern portion of the project site, where the greatest concentration of sensitive resources occurs. A 5-foot high solid barrier wall will be placed just inside the development portion of the property. In addition a 25-foot buffer has been included from the wall to the major concentrations of the tarplant. Otherwise impacts are assumed to any tarplant within the 25-foot buffer. Therefore, edge effects have been reduced, and the conservation criterion has been met. In addition, the ratio of surface area to perimeter of the conserved habitat is acceptable because only a single nearly straight edge is formed between the development and the open space. Edge effects from the trail are also reduced because the barrier wall extends to the east to separate the sensitive resources from the existing homes and the proposed hiking trail.

11. Every effort has been made to avoid impacts to sensitive resources and specific sensitive species as defined in the Biological Mitigation Ordinance.

**Findings of Fact:**

The proposed project will place the area with the greatest concentration of sensitive resources within an open space easement. This area also has the best potential for long-term viability. Onsite preservation will include 0.7 acres of coastal sage scrub (which supports the San Diego viguiera) and 1.4 acres of non-native grassland (which supports Otay tarplant and San Diego thornmint). The CSS that is preserved has the best potential for long-term viability because it is adjacent to the preserved lands to the east of the project. Impacts to California gnatcatcher have been avoided by preserving the portion of the site that has long-term viability for California gnatcatcher. Off-site preservation of occupied habitat will also be required. The only other County sensitive species noted as present on the site (desert woodrat) will have habitat-based mitigation of CSS on and off-site.

**Maggie Loy**  
**Environmental Planner/Biologist**  
**May 24, 2004**

**MSCP Map:**

- Streets
- Freeways
- Parcels
- Community Plans
- Military
- Indian Reservations
- Lakes
- Major Amend Area
- MSCP PAMA
- Take Authorized Areas
- Planned Preserve
- Cities

