

Appendix CD

Biological Mitigation Ordinance Analysis

FINAL

**Proposed Project Amendment
Biological Mitigation Ordinance Findings for
PV2 and a Portion of PV3 Located in Otay Ranch Village 14
San Diego County, California**

Lead Agency:

**County of San Diego
Planning and Development Services
PDS2016-SP-16-002
5510 Overland Avenue
San Diego, California 92123**

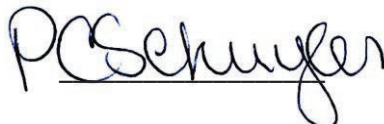
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DECEMBER 2019

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
ACOE	U.S. Army Corps of Engineers
BMO	Biological Mitigation Ordinance
BRCA	Biological Resource Core Area
CDFW	California Department of Fish and Wildlife
County	County of San Diego
CRPR	California Rare Plant Rank
dBA	A-weighted decibel
DRA	Dispute Resolution Agreement
EIR	Environmental Impact Report
GPA	General Plan Amendment
LDA	Limited Development Area
L_{eq}	equivalent sound level
MSCP	Multiple Species Conservation Program
Otay Ranch GDP/SRP	Otay Ranch General Development Plan/Otay Subregional Plan, Volume II
PEIR	Program Environmental Impact Report
POM	Preserve Owner/Manager
PV	Proctor Valley
RMP	Resource Management Plan
RWQCB	Regional Water Quality Control Board
USFWS	U.S. Fish and Wildlife Service

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1 Introduction

1.1 Proposed Project Amendment

On June 26, 2019, the San Diego County Board of Supervisors (“County Board”) approved the Otay Ranch Village 14 and Planning Areas 16/19 project (herein referred to as “the Approved Project”). The County Board also certified the Final Environmental Impact Report (Final EIR) for the Approved Project, and adopted findings demonstrating the Approved Project’s consistency with the County’s Biological Mitigation Ordinance (BMO). Most of the Approved Project is exempt from the BMO, but certain parcels within Village 14 – known as Proctor Valley (PV) 1, 2, and 3 – are subject to the BMO, thus necessitating BMO consistency findings.

Shortly before the County held the June 26, 2019, hearing on the Approved Project, the project applicant attempted to resolve certain issues raised by the California Department of Fish and Wildlife (“CDFW”), most of which related to the proposed development on PV1, PV2, and PV3. As part of that effort, the applicant entered into a Dispute Resolution Agreement (“DRA”) with CDFW, the U.S. Fish and Wildlife Service (“USFWS”), and the County of San Diego (County), which outlines a series of processes which, if followed successfully through to completion, could result in a project that differs in key respects from the Approved Project. The DRA was executed on June 27, 2019, but the processes described within it are expected to take between 9 to 12 months to complete. For purposes of this document, the project contemplated by the DRA processes is referred to as the “Proposed Project Amendment.”

The Proposed Project Amendment would implement a portion of the Otay Ranch General Development Plan/Otay Subregional Plan, Volume II (Otay Ranch GDP/SRP) (City of Chula Vista and County of San Diego 2015a), which identifies and coordinates land use patterns, objectives, and goals for the Otay Ranch community. The Otay Ranch GDP/SRP organizes development in a series of villages and planning areas with varying character and density, and designates boundaries for residential development and the Otay Ranch Resource Management Plan (RMP) Preserve (see Section 3, Glossary, for definition).

As indicated above, when the County approved the project, it also adopted findings demonstrating that development of PV1, PV2, and PV3 could be accomplished consistent with the BMO. The purpose of this document is to address whether those consistency findings remain valid for purposes of the Proposed Project Amendment. The Proposed Project Amendment, as compared to the Approved Project, would not change the amount of development previously contemplated at PV2. It would, however, transfer PV1 and 96% of PV3 to CDFW. To reflect this transfer, the County’s proposed Subarea Plan Amendment would designate PV1 and 128 acres of PV3 as hardline Preserve. Based on these facts, the BMO consistency findings originally adopted by the County on June 26, 2019, remain valid. Below, we discuss how those consistency findings differ for the Proposed Project Amendment. Again, however, the conclusion remains the same in both cases – that is, the Approved Project and the Proposed Project Amendment can both be implemented consistent with the BMO.

The Proposed Project Amendment proposes 1,266 homes within a Project Area of 1,543 acres. The actual Development Footprint would be approximately 578.6 acres. Of the 1,266 residential units, 1,253 residential units would be located in Village 14, and 13 estate lots would be located in Planning Area 19. The Proposed Project Amendment requires a Specific Plan Amendment and Revised Tentative Map, both of which must be approved by the County.

1.2 Proposed Project Amendment Background

In 1993, the County Board approved the Otay Ranch General Development Plan/Subregional Plan (“GDP/SRP”) and certified the Final Program EIR for that project (the “1993 GDP/SRP FEIR”). As part of its impact analysis, the 1993 GDP/SRP FEIR evaluated the effects of the GDP/SRP on biological resources within Village 14, including those located on three parcels known as PV1, PV2, and PV3 (Figure 1, Otay Ranch Village 14 and Planning Areas 16/19). The same parcels, and the biological resources within them, were assessed again in 2011 as part of the County’s General Plan Update (“2011 GPU”) and Program EIR. The 1993 GDP/SRP and the 2011 GPU, as well as the County’s Otay Ranch Resource Management Plan (RMP), all designate PV1, PV2, and PV3 as development, and identify them as zoned for residential uses (i.e., “Village Residential”).

On June 26, 2019, the County Board approved the Approved Project, certified its Final EIR, and adopted the BMO consistency findings – all of which contemplated development of PV1, PV2, and PV3 as part of the overall project.

The Multiple Species Conservation Program (MSCP) County of San Diego Subarea Plan (MSCP County Subarea Plan) Implementing Agreement between the County and the Wildlife Agencies, Section 10.5.A.2, Assembly and Protection of the MSCP Plan Open Space Preserve – Application of Mitigation to Development, states, “The County shall require the following mitigation in order to complete the segments of the Subarea Plan. . . . Protection of the areas identified as preserved in the boundaries of the Otay Ranch project including approximately 11,375 acres and an additional approximate 1,166 acres of limited development areas” (USFWS et al. 1998). Exhibit 24 of the Otay Ranch RMP identifies the 11,375 acres of Preserve that is referenced in Section 10.5.2 of the Implementing Agreement. PV1, PV2, and PV3 are not included in the 11,375-acre Otay Ranch RMP Preserve (City of Chula Vista and County of San Diego 1996). As discussed further in Section 1.3 (Biological Mitigation Ordinance Purpose and Need as Related to the Proposed Project Amendment) and Section 2.1 (Biological Mitigation Ordinance Sections 86.502, 86.503, and 86.504), PV1, PV2, and PV3 are shown on the MSCP Boundary Map (Attachment A of Document No. 0769999 on file with the clerk of the Board) but are not exempt from the BMO (Attachment B of Document No. 0769999) (County of San Diego 2010).

1.3 Biological Mitigation Ordinance Purpose and Need as Related to the Proposed Project Amendment

Section 86.502, Application of Regulations, of the BMO states that, unless exempt, the BMO “shall apply to all land within San Diego County shown on the MSCP Boundary Map (Attachment A of Document No. 0769999 on file with the Clerk of the Board)” (County of San Diego 2010). Section 86.503 outlines instances when an exemption applies from the BMO requirements. Subsection (a)(4) provides an exemption for “any Take Authorization Area approved by the Board of Supervisors and the Wildlife Agencies as part of the County Subarea Plan, as shown on Attachment B of Document No. 0769999 on file with the Clerk of the Board or any approved Habitat Loss Permit issued pursuant to 16 U.S.C. Sec. 1533(d)” (County of San Diego 2010, Section 86.503, Item a[4]). Section 86.503 of the BMO, Exemptions, identifies 11 criteria for exemptions. PV1, PV2, and PV3 do not qualify for any of these exemptions. In addition, Attachment B of the BMO shows the entire approved Otay Ranch GDP/SRP Development Footprint for the proposed Otay Ranch Village 14 and Planning Areas 16/19 Project (Proposed Project), with the exception of PV1, PV2, and PV3, as exempt from the BMO (County of San Diego 2010).

The DRA described above sets in motion various processes which, if completed successfully, could lead to the County's adoption of the Proposed Project Amendment. As currently contemplated, the Proposed Project Amendment would require incidental take authorization for development on PV2 and a small portion of PV3. Such take authorization would be secured through the County MSCP Subarea Plan and the County's existing Section 10(a) permit.¹ To accomplish this goal, the County must make findings demonstrating that the development activities contemplated on PV2 and the identified portion of PV3 conform to the BMO criteria.

Accordingly, this BMO findings report analyzes the Proposed Project Amendment's contemplated development activities on PV2 and the identified portion of PV3 and determines whether such activities are consistent with the requirements of the BMO.

1.4 Summary of Biological Mitigation Ordinance Findings Report

This BMO Findings Report evaluates the Proposed Project Amendment's development impacts on all of PV2 and a small portion of PV3 within Village 14, pursuant to the requirements of the County's BMO. The areas evaluated are as follows:

- PV2 is composed of approximately 44.6 acres and was originally designated for L2 (i.e., low-density residential) development under the Otay Ranch GDP/SRP and as Specific Plan Area in the County's General Plan.
- PV3 is composed of approximately 134.5 acres and was originally designated for LM2 and LM3 development (i.e., low-medium density residential) under the Otay Ranch GDP/SRP and as Specific Plan Area in the County's General Plan. The Proposed Project Amendment proposes development within a small portion of PV3 (6.1 acres) for construction of a basin and realignment of Proctor Valley Road.
- Thus, of the 198 acres that comprise PV1, PV2, and PV3 – all of which was assessed in the BMO findings adopted by the County on June 26, 2019, as part of the Approved Project – the Proposed Project Amendment would affect only 50.7 acres (approximately 25%). This BMO Findings Report focuses only on those 50.7 acres.

This analysis does not apply the County's BMO requirements to other areas of Village 14 because these areas are explicitly exempt pursuant to Section 86.503(a)(4) of the BMO (County of San Diego 2010.). Although this BMO Findings Report references Village 14 and the Proposed Project Amendment as a whole, the discussion is only to provide context for the BMO findings of PV2 and a portion of PV3.

Based on the analysis, it was determined that PV2 and PV3 conform to the BMO and County of San Diego MSCP Subarea Plan Implementing Agreement. Specifically, this BMO Findings Report demonstrates that the specific criteria identified in the BMO that allows the County to authorize incidental take to an applicant can be met for PV2 and a portion of PV3.

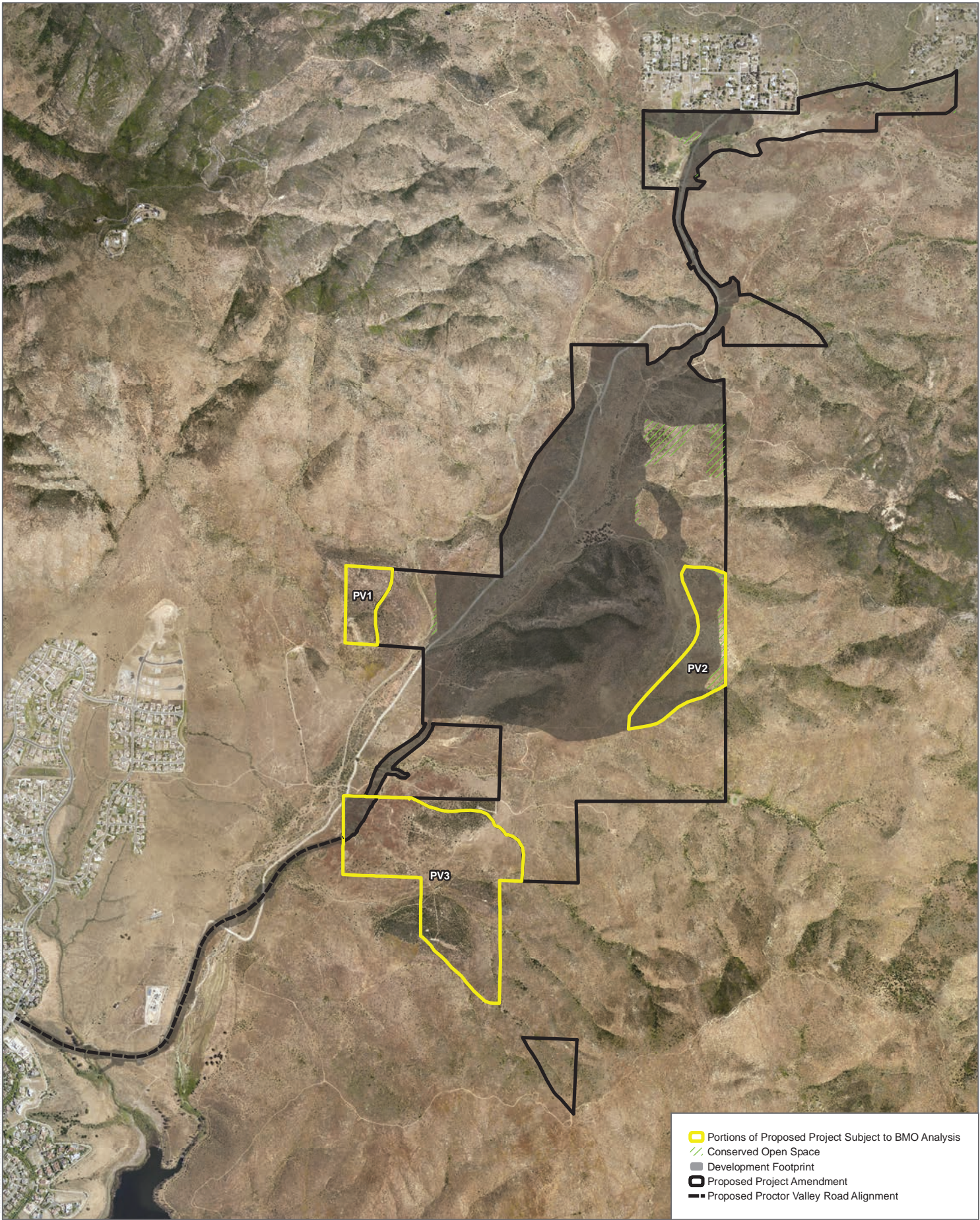
¹ PV1 and the remainder of PV3 are not a part of the Proposed Project Amendment; therefore, they do not require take authorization and thus are not analyzed in this document.

Note the following facts:

- PV2 and PV3 are not shown within the MSCP Preserve boundary as designated in the County of San Diego MSCP Subarea Plan Implementing Agreement.
- The 11,375-acre Otay Ranch RMP Preserve footprint, which is a component of the MSCP Preserve, would not be changed.
- The impacts resulting from development of PV2 and a portion of PV3 would be mitigated by conveying habitat to the Otay Ranch RMP Preserve, along with any additional habitat and species-specific mitigation identified in this BMO Findings Report; findings would be provided.
- The Otay Ranch Preserve Owner/Manager (POM) would manage and maintain the Otay Ranch RMP Preserve. The applicant would be required to establish a funding mechanism for the management and maintenance of dedicated Preserve areas. The Preserve conveyance requirement serves to mitigate throughout the Otay Ranch Preserve and, therefore, enables the Otay Ranch RMP Preserve system designed for Otay Ranch to be assembled and conveyed to the Otay Ranch POM to be managed by one entity regardless of ownership.
- The Preserve Edge Plan requirements would provide a buffer between the Otay Ranch RMP Preserve and development in PV2 and PV3.
- 6.2 acres of Conserved Open Space would be preserved within PV2 and would either be conveyed into the Otay Ranch RMP Preserve at a future date or self-managed under a separate RMP. This is in addition to the Otay Ranch RMP Preserve Conveyance Obligation.

18.9 acres of PV1 and 128.4 acres of PV3 are currently in the Wildlife Conservation Board process as part of a land exchange. These parcels are proposed to be transferred in fee title to CDFW and, if the transfer is approved by the Wildlife Conservation Board and escrow closes, they will not be developed. Instead, they will be placed into permanent MSCP Preserve via an amendment to the MSCP Subarea Plan initiated by the County. These lands, which will be owned and managed by CDFW, are not currently Preserve lands. They are located immediately adjacent to other Preserve lands, and therefore incorporation of these lands to the Preserve through the land exchange creates a larger interconnected Preserve system.

It is important to note that the BMO criteria below focuses on PV2 and a small portion of PV3, which together total 50.7 acres. However, the particular concepts of clustering (as discussed in Section 2.2.2) and Preserve design (as discussed in Section 2.2.5) provide additional habitat protection benefits that would be enhanced through implementation of the of the DRA processes. With respect to those processes, the DRA requires that the proposed land exchange be approved by the Wildlife Conservation Board, the Proposed Project Amendment be approved by the County, and the amendment to the County's Subarea Plan be approved by the County with concurrence from CDFW and USFWS. If all of these approvals are obtained, the result would be an overall reduced development footprint (311.6 acres), which consolidates/connects preserve and consolidates/clusters development on a much larger scale (see Figure 2, Project Area).



SOURCE: SANGIS 2017; Hunsaker 2019

FIGURE 1

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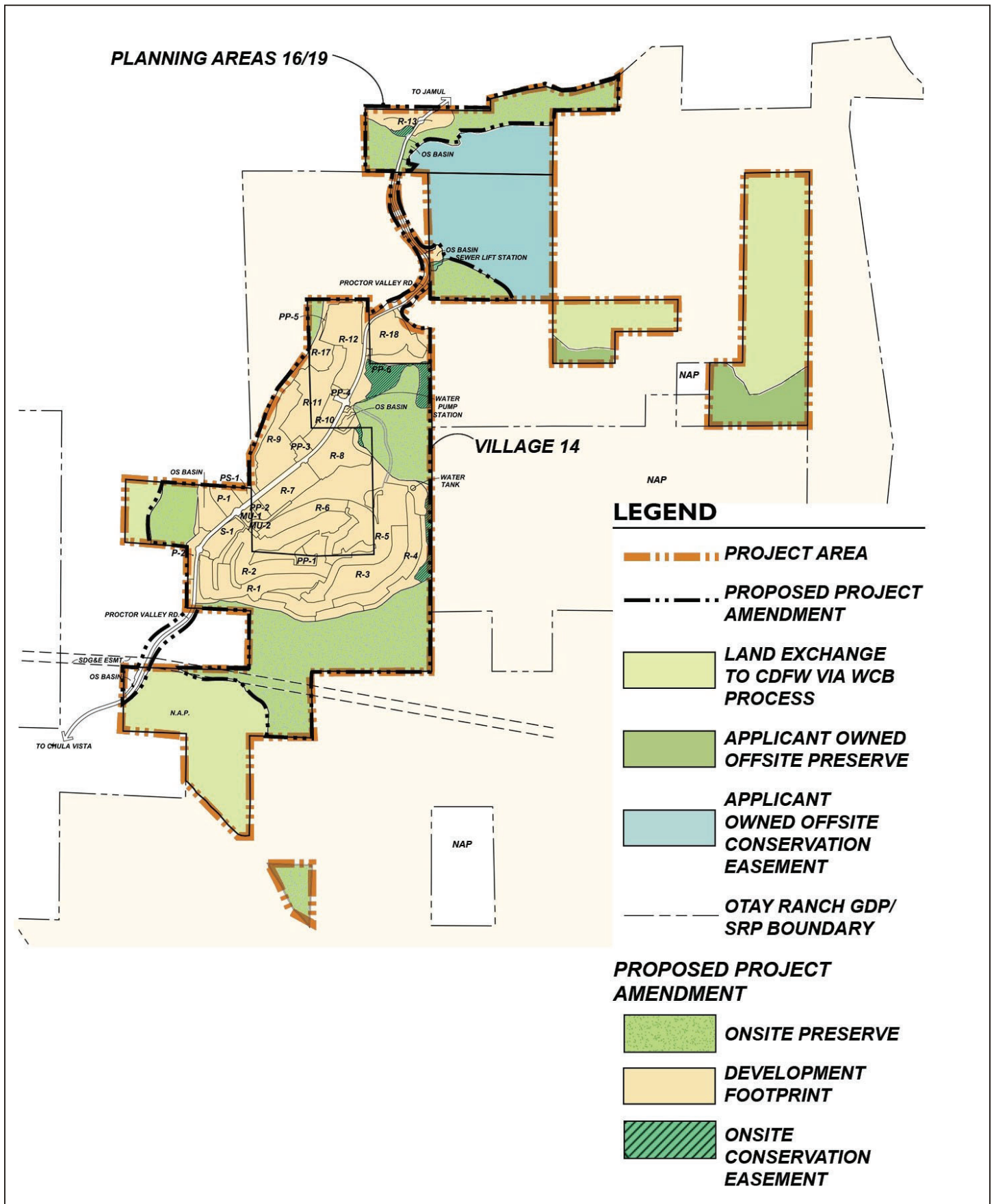


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Feet

Otay Ranch Village 14 and Planning Areas 16/19

Otay Ranch Village 14 and Planning Areas 16/19 Proposed Project Amendment - BMO Analysis

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SOURCE: Hunsaker 2019

FIGURE 2

Project Area

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2 Biological Mitigation Ordinance Analysis and Findings as Applied to the Proposed Project Amendment

As discussed below, the Proposed Project Amendment's contemplated development on PV2 and a portion of PV3 conforms to the BMO and the County of San Diego MSCP Subarea Plan Implementing Agreement, as discussed in this analysis.

The Final EIR certified by the County Board of Supervisors on June 26, 2019, analyzed the Approved Project's impacts on biological resources, including those anticipated to occur within PV1, PV2, and PV3, and recommended mitigation measures to address those impacts identified as significant (County of San Diego 2019). This revised BMO Findings Report, however, is limited to the Proposed Project Amendment and its contemplated impacts on PV2 (38.4 acres) and a small portion of PV3 (6.1 acres). Because the Proposed Project Amendment does not contemplate development on PV1, it is not discussed in this document.

Table 1 summarizes the impacts and required mitigation for Tier II and Tier III vegetation communities within PV2 and PV3. Attachment K of the BMO outlines the tier levels for vegetation communities (County of San Diego 2010). The mitigation requirements in Attachment M of the BMO are based on those tier levels and the locations of the impacts and mitigation sites. The BMO does not outline mitigation ratios for impacts to waters or streambeds. These resources are regulated by the Resource Agencies (i.e., U.S. Army Corps of Engineers [ACOE], Regional Water Quality Control Board [RWQCB], and CDFW), and would be fully addressed and mitigated during the permitting process with input and direction from the Resource Agencies. Impacts to sensitive wildlife would be mitigated through habitat conveyance; however, the Proposed Project would also implement specific mitigation measures to address impacts to coastal California gnatcatcher (*Poliioptila californica californica*). Impacts to sensitive plant species would be mitigated through habitat conveyance; however, the Proposed Project Amendment would implement additional mitigation to address impacts to San Diego marsh-elder (*Iva hayesiana*).

Table 1 Mitigation Requirements for Impacts to Tier II and III Habitats within PV2 and a Portion of PV3

Habitat Types/ Vegetation Communities	Code ^a	Impacts PV2 and PV3	Required Mitigation – BRCA		Preservation	
			Mitigation Ratio	Required Mitigation	On-Site PV2	Otay Ranch RMP Preserve ^b
Tier II						
Diegan coastal sage scrub	32500	37.2	1.5:1	55.8	6.2	49.6
Diegan coastal sage scrub (disturbed)	32500	4.8	1.5:1	7.2	—	7.2
Subtotal of Tier II Habitats ^c		42.0	—	63.0	6.2	56.8
Tier III						
Non-native grassland	42200	0.8	1:1	0.8	—	0.8
Subtotal of Tier III Habitats		0.8	1:1	0.8	—	0.8

Table 1 Mitigation Requirements for Impacts to Tier II and III Habitats within PV2 and a Portion of PV3

Habitat Types/ Vegetation Communities	Code ^a	Impacts PV2 and PV3	Required Mitigation – BRCA		Preservation	
			Mitigation Ratio	Required Mitigation	On-Site PV2	Otay Ranch RMP Preserve ^b
Total for Tier II and III Habitats ^c		42.8	—	63.8	6.2	57.6
Jurisdictional Aquatic Resources						
Waters/streambed ^d	64200	0.05	1:1	0.05	0.01	0.04
Subtotal of Jurisdictional Aquatic Resources ^c		0.05	—	0.05	0.01	0.04

BRCA = Biological Resource Core Area; RMP = Resource Management Plan.

^a Oberbauer et al. 2008.

^b The Otay Ranch RMP Preserve is a component of the MSCP Preserve.

^c May not total due to rounding.

^d Waters/streambed is an overlay within various vegetation communities and is therefore not counted in the total.

2.1 Biological Mitigation Ordinance Sections 86.502, 86.503, and 86.504

Section 86.502 of the BMO states that, unless exempt, the BMO “shall apply to all land within San Diego County shown on the MSCP Boundary Map (Attachment A of Document No. 0769999 on file with the Clerk of the Board).” The BMO applies upon application for a discretionary approval subject to the California Environmental Quality Act, and no project requiring a discretionary permit “shall be approved unless a finding is made that the project is consistent with the MSCP Plan, the County Subarea Plan, and the provisions of [the BMO]” (County of San Diego 2010).

Section 86.503, Exemptions, of the BMO states that the BMO “shall not apply” to certain categories of projects (County of San Diego 2010). The exemption applicable to the BMO Findings of the Proposed Project Amendment is Subsection (a)(4) of Section 86.503 of the BMO. This subsection states that the BMO shall not apply to “any Take Authorization Area approved by the Board of Supervisors and the Wildlife Agencies as part of the County Subarea Plan, as shown on Attachment B of Document No. 0769999 on file with the Clerk of the Board or any approved Habitat Loss Permit” (County of San Diego 2010). Most of the Proposed Project is designated as a Take Authorized Area in Attachment B of the BMO and, thus, is exempt from the BMO.

However, two areas within Village 14, PV2 and PV3, are not exempt from the BMO as specifically as set forth in Section 86.503(a)(4), Attachment B of the BMO (Document No. 0769999 on file with the Clerk of the Board). Therefore, a BMO consistency analysis was conducted for all of PV2 (44.6 acres) and a small portion of PV3 (6.1 acres) that would be affected by the Proposed Project Amendment. For projects not exempt from the BMO, Section 86.504, Administrative Process and Evaluations, outlines the requirements for submitting an environmental Initial Study pursuant to the San Diego County California Environmental Quality Act Guidelines. When it was processing what became the Approved Project, the applicant submitted an Initial Study for County review. Later, the applicant submitted to the County a Biological Resources Technical Report containing all relevant biological studies. The Biological Resources Technical Report and the studies cited therein were later incorporated into the Final EIR for the Approved Project, which assessed all project-related biological impacts, including those contemplated to occur within PV1, PV2, and PV3 (County of San Diego 2019).

Since approval of the Approved Project (June 26, 2019), the project applicant, the County, USFWS, and CDFW have entered into a DRA, which, among other things, contemplates that the applicant will process a Revised Tentative Map for the Proposed Project Amendment. A Biological Resources Technical Report Memorandum has been prepared to provide a summary of the biological resources and impacts on those resources specific to the Proposed Project Amendment. Therefore, the requirements of this section have been fulfilled.

2.2 Biological Mitigation Ordinance Section 86.505 – Project Design Criteria

Section 86.505 of the County's BMO (County of San Diego 2010) describes five design criteria that should be used to avoid and minimize impacts to the following resources: (1) critical populations of sensitive plant species within the MSCP Subarea (Attachment C of the BMO); (2) significant populations of rare, narrow endemic animal species within the MSCP Subarea (Attachment D of the BMO); (3) narrow endemic plant species within the MSCP Subarea (Attachment E of the BMO); (4) San Diego County sensitive plants, as defined in the County's BMO; and (5) impacts to land determined to be a Biological Resource Core Area (BRCA). These five design criteria as they apply to PV2 and PV3 are described in Sections 2.2.1 through 2.2.5 herein, and include minimization of Proposed Project Amendment impacts, clustering of development, slope encroachment, road standards, and Preserve design.

2.2.1 Criterion 1 – Minimization of Impacts to Habitat

Criterion 1: Project development shall be sited in areas which minimize impact to habitat.

Discussion Specific to PV2 and PV3: Development of the 50.7 acres within PV2 and PV3 would result in impacts to 42.8 acres of Tier II and III upland vegetation communities and 0.05 acres of impacts to waters/streambed regulated by the Resource Agencies (see Table 2 and Figure 3, Biological Resources). Within PV2, the Proposed Project Amendment would preserve 6.2 acres of land currently designated as low-density residential development within the Otay Ranch GDP/SRP as Conserved Open Space. Areas of Conserved Open Space would be protected by a biological open space easement or conveyed to the Otay Ranch RMP Preserve. The land designation of areas of Conserved Open Space would not be changed from development to Otay Ranch RMP Preserve unless the decision is made to convey the land to the Otay Ranch POM through the boundary adjustment process. The Conserved Open Space within PV2, which is designated for development under the Otay Ranch GDP/SRP and County General Plan, is located along the eastern edge of development and the Preserve boundary. Development in this area of PV2 is proposed to be eliminated to minimize impacts to Tier II Diegan coastal sage scrub immediately adjacent to MSCP Preserve owned by the Bureau of Land Management (Table 2; Figure 3).

This portion of the Proposed Project Amendment area was chosen as Conserved Open Space because it is adjacent to the Otay Ranch RMP Preserve, is composed principally of Tier II coastal sage habitat, includes habitat for coastal California gnatcatcher, and include steep slopes. Although the BMO allows for encroachment into steep slopes if it reduces impacts to biological resources, within the boundaries of PV2, development within steep slopes would result in further impacts to sensitive biological resources, as discussed in Section 2.2.3, Criterion 3 – Slope Encroachment.

In addition, development of PV2 was designed to include a 100-foot Preserve edge, providing a buffer between the Proposed Project Amendment's Development Footprint and the Otay Ranch RMP Preserve. The 100-foot buffer requirements are described in detail in the Preserve Edge Plan for the Proposed Project Amendment (RH Consulting Group et al. 2019). Within the Development Footprint of PV2, approximately 26%, or 9.9 acres, is included within the 100-foot Preserve edge buffer. Development of the road and basin within PV3 would not require a Preserve edge buffer.

Further reduction in the Development Footprint of PV2 would limit the ability of the Proposed Project Amendment to achieve the density and land use policies set forth in the County's General Plan and the Otay Ranch GDP/SRP. Density transfer to other areas of Village 14 is not feasible because it would increase the density and reduce lot sizes beyond what is allowed in the Otay Ranch GDP/SRP and the County's General Plan, and would result in inconsistencies in achieving the guiding principles and goals outlined in both of these regulatory documents. The BMO allows for mitigation off site for impacts to habitat that cannot be avoided on site. Development within PV3 is restricted to realignment of Proctor Valley Road and construction of a basin along the road, resulting in 6.1 acres of impact. The remaining 128.4 acres of PV3 are anticipated to be exchanged to CDFW and placed within the MSCP Preserve if the Wildlife Conservation Board land exchange process results in close of escrow.

Table 2 Vegetation Communities and Land Cover Types in PV2 and a Portion of PV3

Habitat Types/Vegetation Communities (Code ^a)	PV2		PV3	Total Acres
	Development Footprint (acres)	Conserved Open Space (acres)	Development Footprint (acres)	
Diegan Coastal Sage Scrub (32500)	37.2	6.2	—	43.4
Diegan Coastal Sage Scrub; Disturbed (32500)	—	—	4.8	4.8
<i>Subtotal of Tier II Habitats</i>	37.2	6.2	4.8	48.2
Non-Native Grassland (42200)	0.8	—	—	0.8
<i>Subtotal of Tier III Habitats</i>	0.8	—	—	0.8
<i>Subtotal for Tier II and Tier III Habitats</i>	38.0	6.2	4.8	49.0
Disturbed Habitat (11300)	0.4	<0.1	1.1	1.5
Urban/Developed (12000)	—	—	0.1	0.1
<i>Subtotal of Tier IV Habitats</i>	0.4	<0.1	1.2	1.6
<i>Subtotal Habitats</i>	38.4	6.2	6.1	50.7
Totals^b	44.6		6.1	50.7
Waters/Streambed	0.05	0.01	—	0.05
<i>Subtotal of Jurisdictional Aquatic Resources^c</i>	0.05	0.01	—	0.06

^a Oberbauer et al. 2008.

^b May not total due to rounding.

^c Unvegetated stream channel is an overlay within various vegetation communities and is therefore not counted in the total.

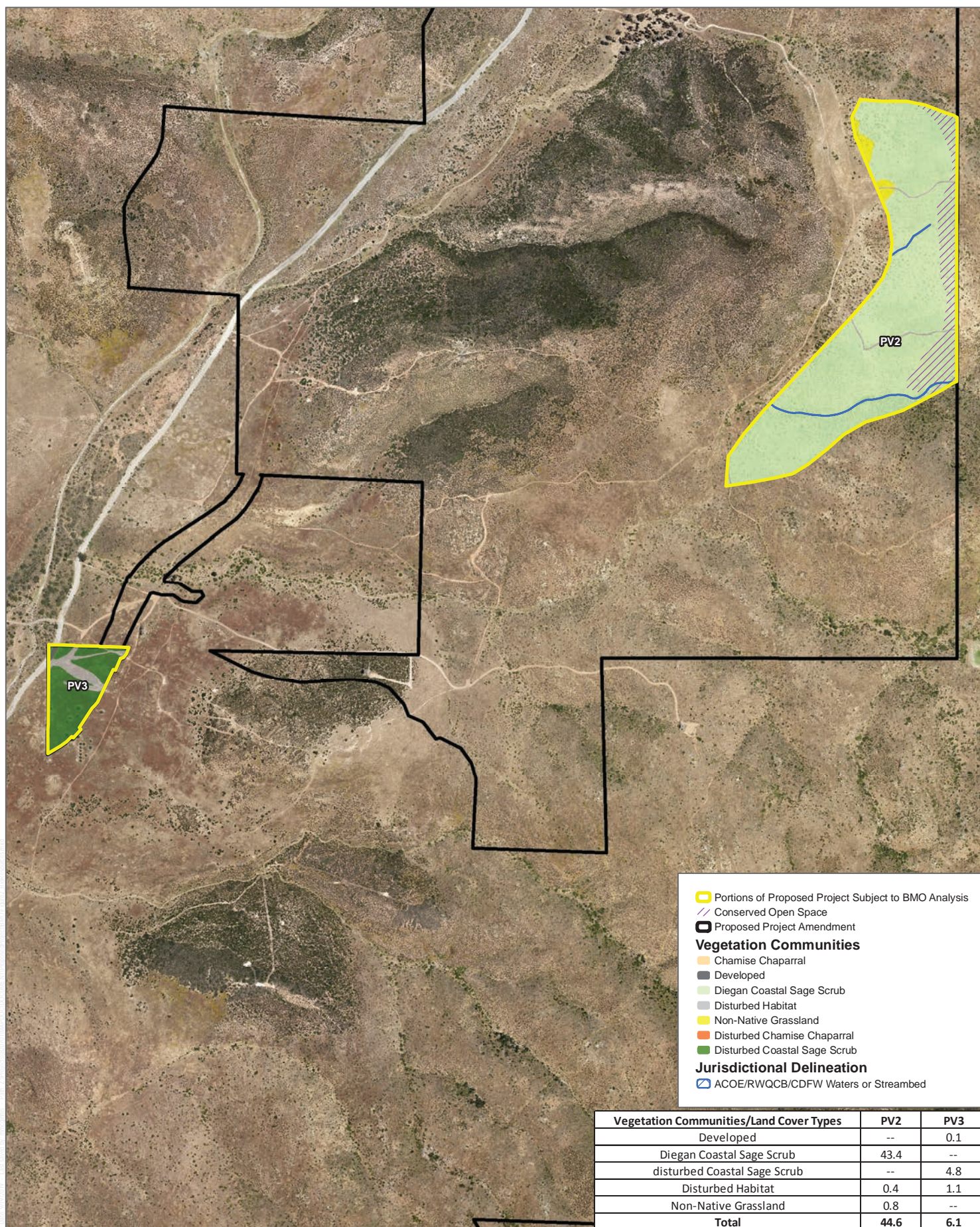
Discussion in the Context of the Otay Ranch RMP Preserve: Impacts to biological resources within PV2 and PV3 were identified and analyzed in conjunction with the original Otay Ranch GDP/SRP approval, including the Otay Ranch PEIR (City of Chula Vista and County of San Diego 1993a). The County designated the Development Footprint for Otay Ranch, which includes PV2 and PV3, after extensive analysis, as outlined in the Otay Ranch PEIR, to ensure that impacts to habitat were minimized. The least sensitive areas within Otay Ranch were designated for development, and the habitat deemed higher priority was included within the 11,375-acre Otay Ranch RMP Preserve.

Section 3.3.3.7 of the MSCP County Subarea Plan, when discussing Otay Ranch, states the following: “The planned preserve area or Management Preserve plans to capture the highest value resource areas as preserved lands and concentrate development in disturbed habitat or agricultural areas” (County of San Diego 1997, p. 3-15). PV2 and PV3 were not designated Preserve in the MSCP County Subarea Plan.

Analyzing the region, the Otay Ranch GDP/SRP and related environmental documents designated 5,517.2 acres of the 7,895.0-acre Otay Ranch Proctor Valley Parcel as Otay Ranch RMP Preserve. The Village 14 Development Footprint was generally sited to minimize impacts to the highest-value resource areas in the Otay Ranch GDP/SRP. As described in detail herein, the Development Footprint for PV2 and PV3 would not impact the highest-value resource areas, and impacts to biological resources would be further minimized with an additional 6.2 acres in PV2 and 128.4 acres in PV3 conserved beyond what was anticipated by the Otay Ranch GDP/SRP and the Otay Ranch RMP, and implementation of the 100-foot Preserve edge buffer.

Findings: Based on the discussion above, the Proposed Project Amendment would minimize impacts to habitat because an additional 6.2 acres of habitat that is designated for development under the Otay Ranch GDP/SRP within PV2 would be preserved in Conserved Open Space areas, avoiding impacts to sensitive coastal sage scrub habitat and habitat for coastal California gnatcatcher, and providing more Preserve/development buffer; PV2 would pull development back 100 feet from the edge of any interface with the Otay Ranch RMP Preserve, creating a 9.9-acre undevelopable buffer; and, pursuant to the original Otay Ranch GDP/SRP and Otay Ranch RMP approvals, on a subregional level, development areas in Otay Ranch, including PV2 and PV3, were located in areas designed to minimize impacts to habitat, while the more sensitive/higher-priority habitat was included in the 11,375-acre Otay Ranch RMP Preserve. Development in PV2 was sited to minimize impacts to habitat. By providing additional preservation of 6.2 acres of habitat beyond what was originally identified within the Otay Ranch GDP/SRP and Otay Ranch RMP approvals, the proposed development within PV2 would be in conformance with this criterion. Impacts to habitat that are not avoided within PV2 and PV3 would be mitigated through conveyance of acreage to the Otay Ranch RMP Preserve, which is a component of the MSCP Preserve, and through additional BMO requirements (see Section 2.3, Section 86.506 – Habitat-Based Mitigation).

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SOURCE: SANGIS 2017; Hunsaker 2019

FIGURE 3

Biological Resources

Otay Ranch Village 14 and Planning Areas 16/19 Proposed Project Amendment - BMO Analysis

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2.2.2 Criterion 2 – Clustering of Development

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

Discussion Specific to PV2 and PV3: PV2 and PV3 have been reviewed in conjunction with this BMO Findings Report to determine if additional clustering within those boundaries was feasible.

PV2 is located adjacent to Otay Ranch GDP/SRP–designated development for Village 14 and has similar planned densities. The eastern edge of PV2’s Development Footprint has been pulled back (i.e., the area adjacent to the Otay Ranch RMP Preserve and Bureau of Land Management land) to create a 6.2-acre area of Conserved Open Space. The Conserved Open Space would have a permanent open space easement recorded against it, ensuring it would not be developed. In addition, the 100-foot Preserve edge buffer between development and the Otay Ranch RMP Preserve around PV2 comprises 9.9 acres of the 38.4-acre Development Footprint in PV2 (26%).

Within PV3, development is restricted to a basin and the realignment of Proctor Valley Road (6.1 acres of the entire 134.5-acre parcel). The Proposed Project Amendment would relocate the existing Proctor Valley Road, an approved MSCP County Subarea Plan Mobility Element facility, onto PV3 to avoid potential impacts to vernal pools and fairy shrimp areas within the City of San Diego MSCP Cornerstone Lands. The remainder of PV3 would be preserved and managed by CDFW.

Discussion in the Context of the Otay Ranch RMP Preserve: The Development Footprint of PV2 and PV3 is less than the original land use area of the designated Otay Ranch GDP/SRP Development Footprint, which previously considered clustering. The original land use area of the Otay Ranch GDP/SRP clustered residential lots to minimize impacts to biological resources, steep slopes, and other environmental resources in Otay Ranch, as determined in the Otay Ranch PEIR.

Findings: Clustering of development to the maximum extent permitted by County regulations has been considered. PV2 clusters residential lots to the extent feasible under existing Otay Ranch GDP/SRP land use designations of Low Density Residential (L) The Conserved Open Space and the 100-foot Preserve edge buffer would reduce the Development Footprint within PV2 by 9.9 acres (a 26% reduction). It is not feasible to further cluster development and still meet land use designations. Should the Wildlife Conservation Board land exchange process results in a close of escrow, development within PV3 would be reduced by 96% and would be focused toward the center of Village 14, resulting in additional clustering. Therefore, the proposed development within PV2 and PV3 would be in conformance with this criterion.

2.2.3 Criterion 3 – Slope Encroachment

Criterion 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.

Discussion: The Otay Ranch RMP is deemed the functional equivalent of the County Resource Protection Ordinance (County of San Diego 2007) for Otay Ranch (City of Chula Vista and County of San Diego 1996, p. P-1). Otay Ranch projects are exempt from the provisions of the Resource Protection Ordinance “if determined to be consistent with

a Comprehensive Resource Management and Protection program which has been adopted by the Board of Supervisors for the ‘Otay Ranch’” (i.e., the Otay Ranch RMP) (City of Chula Vista and County of San Diego 1996, p. P-1; Resource Protection Ordinance Article V, Section 9 [County of San Diego 2007]).

Development of PV2 would avoid approximately 4 acres of allocated Otay Ranch RMP steep slope impacts, and would be consistent with the Otay Ranch RMP steep slope requirements. Since the majority of the vegetation within PV2 would be considered habitat for special-status species (Table 2), encroachment into steep slopes would not help avoid impacts to habitat. Encroachment into the steep slopes within areas designated as Conserved Open Space would not avoid impacts to habitat because these areas are composed of coastal sage scrub habitat. Thus, encroachment into steep slopes would result in additional impacts to biological resources.

Findings: Encroachment into steep slopes beyond the proposed Development Footprint would not avoid impacts. The steep slopes within the Conserved Open Space contain coastal sage scrub. Development within PV2 would not impact steep slopes beyond what was anticipated by the Otay Ranch RMP because doing so would not avoid impacts to habitat. The proposed development within PV2 would be in conformance with this criterion.

2.2.4 Criterion 4 – Road Standards

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

Discussion: The Otay Ranch GDP/SRP designated Proctor Valley Road as a four-lane major roadway. The County downsized Proctor Valley Road from four lanes to two lanes in its 2011 General Plan Update (County of San Diego 2011). The June 26, 2019, Approved Project’s General Plan Amendment (GPA) designated Proctor Valley Road as a two-lane facility through PV3 consistent with the County’s effort to downsize the road. Included in the June 26, 2019, amendment to the Otay Ranch GDP/SRP was a reclassification of Proctor Valley Road to a two-lane light collector within Otay Ranch Village 14 and north to Jamul. Amending the Otay Ranch GDP/SRP to reclassify Proctor Valley Road as a two-lane road would minimize environmental impacts, as discussed in the Final EIR and associated Biological Resources Technical Report for the Approved Project. In addition, the June 26, 2019, GPA realigned Proctor Valley Road into PV3 to avoid impacts to the City of San Diego MSCP Cornerstone Lands.

Proposed local roads within PV2 are designed to County road standards and are consistent with public safety considerations. Based on extensive discussions with the San Diego County Fire Authority, further reductions to the widths of roads in PV2 would result in unacceptable life safety risk and therefore are not feasible.

Findings: As discussed previously, the County has considered reduction in road standards to the maximum extent consistent with public safety considerations. The Proposed Project Amendment is consistent with the June 26, 2019, GPA, which reduced Proctor Valley Road to a two-lane facility through PV3, consistent with the County’s effort to downsize the road. This design criterion is met because Proctor Valley Road has previously been reduced in width, and further reductions in internal road standards are not feasible due to public safety issues.

2.2.5 Criterion 5 – Preserve Design Criteria and Design Criteria for Linkages and Corridors

Criterion 5: Projects shall be required to comply with applicable design criteria in the MSCP County Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).

2.2.5.1 Preserve Design Criteria (Attachment G)

This section provides the Preserve Design Criteria, as outlined in Attachment G of the BMO (County of San Diego 2010), and analyzes whether PV2 and PV3 conform to those criteria.

1. **Acknowledge the no-net-loss-of-wetlands standard to satisfy state and federal wetland goals, policies, and standards, and implement applicable County ordinances with regard to wetland mitigation.**

Discussion: Development of PV2 would result in the loss of 0.05 acres of unvegetated stream channel. There are no jurisdictional resources within PV3. The following mitigation would ensure that PV2 would result in no net loss of jurisdictional resources, as required by the Otay Ranch RMP:

- Prior to impacts occurring to ACOE, RWQCB, and CDFW jurisdictional aquatic resources, the applicant shall obtain the following permits: ACOE 404 permit, RWQCB 401 Water Quality Certification, and CDFW California Fish and Game Code Section 1600 Streambed Alteration Agreement. Impacts to unvegetated stream channel shall occur at a minimum of 1:1 impact-to-creation ratio to ensure no net loss of these resources. A suitable mitigation site shall be selected and approved by ACOE, RWQCB, and CDFW during the permitting process. The mitigation may occur within the Proposed Project Amendment area or at a suitable off-site location.
- Prior to issuance of land development permits, including clearing, grubbing, and grading permits that impact jurisdictional aquatic resources, the applicant shall prepare a wetlands mitigation and monitoring plan to the satisfaction of the Director of Planning and Development Services (or designee), the Director of Parks and Recreation, ACOE, RWQCB, and CDFW. The conceptual wetlands mitigation and monitoring plan shall, at a minimum, prescribe site preparation, planting, irrigation, and a 5-year maintenance and monitoring program with qualitative and quantitative evaluation of the revegetation effort and specific criteria to determine successful revegetation.

Findings: The Otay Ranch GDP/SRP is exempt from the Resource Protection Ordinance and is instead regulated by the Otay Ranch RMP, which requires no net loss of wetlands (Policy 2.10). Development of PV2 would result in the loss of 0.05 acres of unvegetated stream channel within the jurisdiction of ACOE, RWQCB, and CDFW. This impact would be mitigated at the minimum of 1:1 impact-to-creation ratio set forth in the Otay Ranch RMP. Therefore, the no-net-loss standards of the Otay Ranch RMP and the BMO would be met.

2. **Include measures to maximize the habitat structural diversity of conserved habitat areas, including conservation of unique habitats and habitat features (e.g., soil types, rock outcrops, drainages, host plants).**

Discussion Specific to PV2 and PV3: PV2 and the portion of PV3 proposed for development are composed of habitats found throughout the Otay Ranch RMP Preserve and Proctor Valley Parcel, as well as other conserved land within the MSCP Preserve. Although PV2 and PV3 contain sensitive habitat, the parcels do not support unique habitats not otherwise found within the region. PV2 and PV3 are not identified as Preserve in the Otay Ranch GDP/SRP, the County General Plan, or the MSCP County Subarea Plan. Impacts to habitat within PV2

and PV3 would be mitigated through conveyance habitat within the Otay Ranch RMP Preserve (see Section 2.3), which is a component of the MSCP Preserve. The habitat conveyed to the Otay Ranch RMP Preserve is anticipated to be similar to, or of higher quality than, the habitat being impacted. If feasible, an area that is structurally diverse and includes unique habitats and habitat features would be selected for mitigation.

Provided the processes outlined in the DRA are completed successfully, including the Wildlife Conservation Board's approval of the proposed land exchange, the majority of PV3 (96%) would be preserved per the property transfer between CDFW and the Proposed Project Amendment applicant, and development would be clustered in Village 14. Under the Proposed Project Amendment, the only development within PV3, consisting of 6.1 acres, would be associated with construction of a basin and realignment of Proctor Valley Road.

In addition, 6.2 acres of habitat would be conserved in PV2. These 6.2 acres would be designated as Conserved Open Space, and a permanent open space easement would be recorded or the land would be conveyed to the Otay Ranch RMP Preserve. All 6.2 acres of Conserved Open Space would consist of native coastal sage scrub vegetation with a very small area of disturbed habitat. As discussed previously in this BMO Findings Report, the 6.2 acres of Conserved Open Space would include habitat for coastal California gnatcatcher and is contiguous to MSCP Preserve, which contains high habitat structural diversity and unique habitats and features.

The Conserved Open Space in PV2 would include 0.1 acres of Hermes copper butterfly (*Lycaena hermes*) survey areas² (Figure 4, Hermes Copper Survey Area) and a population of Quino checkerspot butterfly (*Euphydryas editha quino*) host plant (dwarf plantain [*Plantago erecta*] and woolly plantain [*P. patagonica*]), as well as 6.2 acres of suitable habitat for Quino checkerspot butterfly (Figure 5, Quino Checkerspot Butterfly Host Plants). In addition, the Conserved Open Space would include 0.01 acres of waters/streambed. As previously discussed, the Otay Ranch GDP/SRP designated these areas for development – a designation that was reconfirmed when the County approved the 2011 GPU and again when the County approved the Approved Project on June 26, 2019. In addition, the Otay Ranch RMP Preserve lands and Conserved Open Space within the Proposed Project Amendment area and the R14 Conservation Easement include 1.93 acres of Quino checkerspot butterfly host plant and 9.2 acres of Hermes copper butterfly host plant. Approximately 1.87 acres of stream channel within the Proposed Project Amendment area either would remain un-impacted and be conveyed to the Otay Ranch RMP Preserve, or would be restored to pre-project conditions.

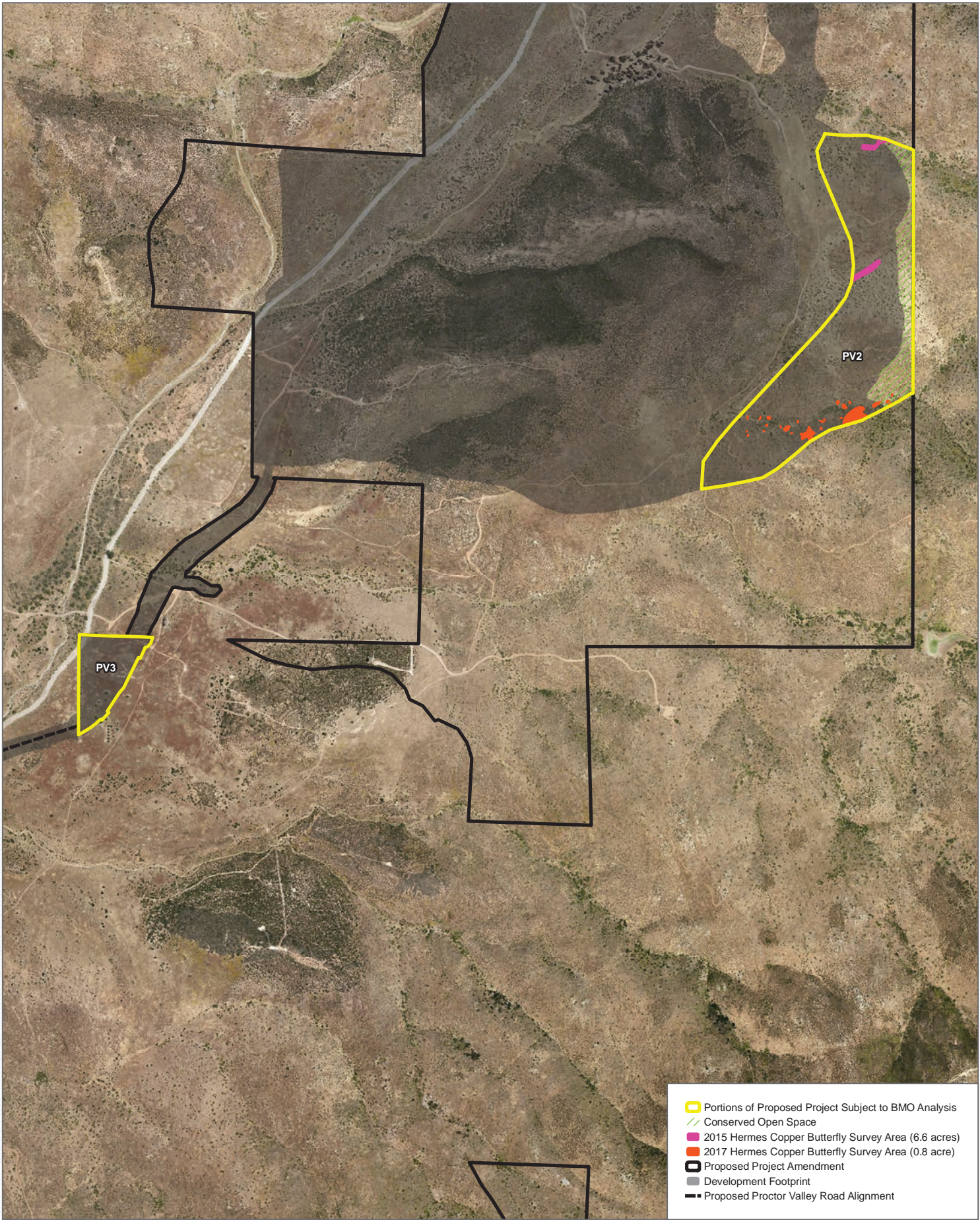
Discussion in the Context of the Otay Ranch RMP: After years of extensive analysis, the County and the City of Chula Vista approved the Otay Ranch GDP/SRP and Otay Ranch RMP and, in so doing, designated development areas and Otay Ranch RMP Preserve areas. During the Otay Ranch PEIR analysis, and prior to the County's and the City of Chula Vista's approval of the Otay Ranch GDP/SRP and Otay Ranch RMP, more than seven alternative land plans were considered for the Proctor Valley Parcel, which includes PV2 and PV3, taking into consideration sensitive habitat and species, wildlife corridors, topography, surrounding land uses, and proposed circulation systems. Impacts to biological resources and mitigation for those impacts were analyzed extensively during the Otay Ranch GDP/SRP planning of the Proposed Project to maximize the structural habitat diversity of conserved areas; conserve unique habitats and habitat features; and ensure that efforts were made to limit development, where feasible, to areas with the least-sensitive habitat. The Proposed Project Amendment, including the proposed development within PV2 and a small portion of PV3, would not change the Otay Ranch RMP Preserve footprint. As previously stated, the

² The Hermes copper survey area includes locations of redberry buckthorn (*Rhamnus crocea*) within 15 feet of Eastern Mojave buckwheat (*Eriogonum fasciculatum*).

Otay Ranch RMP Preserve was designated to encompass the highest-value resource areas as Preserve land (County of San Diego 1997, p. 3-15). Per the requirements of the BMO, the impacts to habitat in PV2 and PV3 would be mitigated by using like kind or up-tiered habitat within the Otay Ranch RMP Preserve.

Findings: The Proposed Project Amendment would maximize habitat structural diversity of conserved areas by providing preservation of areas within PV2 that include a population of Quino checkerspot butterfly host plant and 6.2 acres of suitable habitat for this species, and 0.1 acres of Hermes copper butterfly host plant. In addition, the Conserved Open Space would include 0.01 acres of waters/streambed. These areas would have otherwise been developed under the Otay Ranch GDP/SRP and County General Plan. The Otay Ranch RMP Preserve essentially functions as Otay Ranch's mitigation bank, and possesses characteristics of high to very high habitat structural diversity and conservation of unique habitats and habitat features. Therefore, the proposed development within PV2 would be in conformance with this criterion.

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- Portions of Proposed Project Subject to BMO Analysis
- Conserved Open Space
- 2015 Hermes Copper Butterfly Survey Area (6.6 acres)
- 2017 Hermes Copper Butterfly Survey Area (0.8 acre)
- Proposed Project Amendment
- Development Footprint
- Proposed Proctor Valley Road Alignment

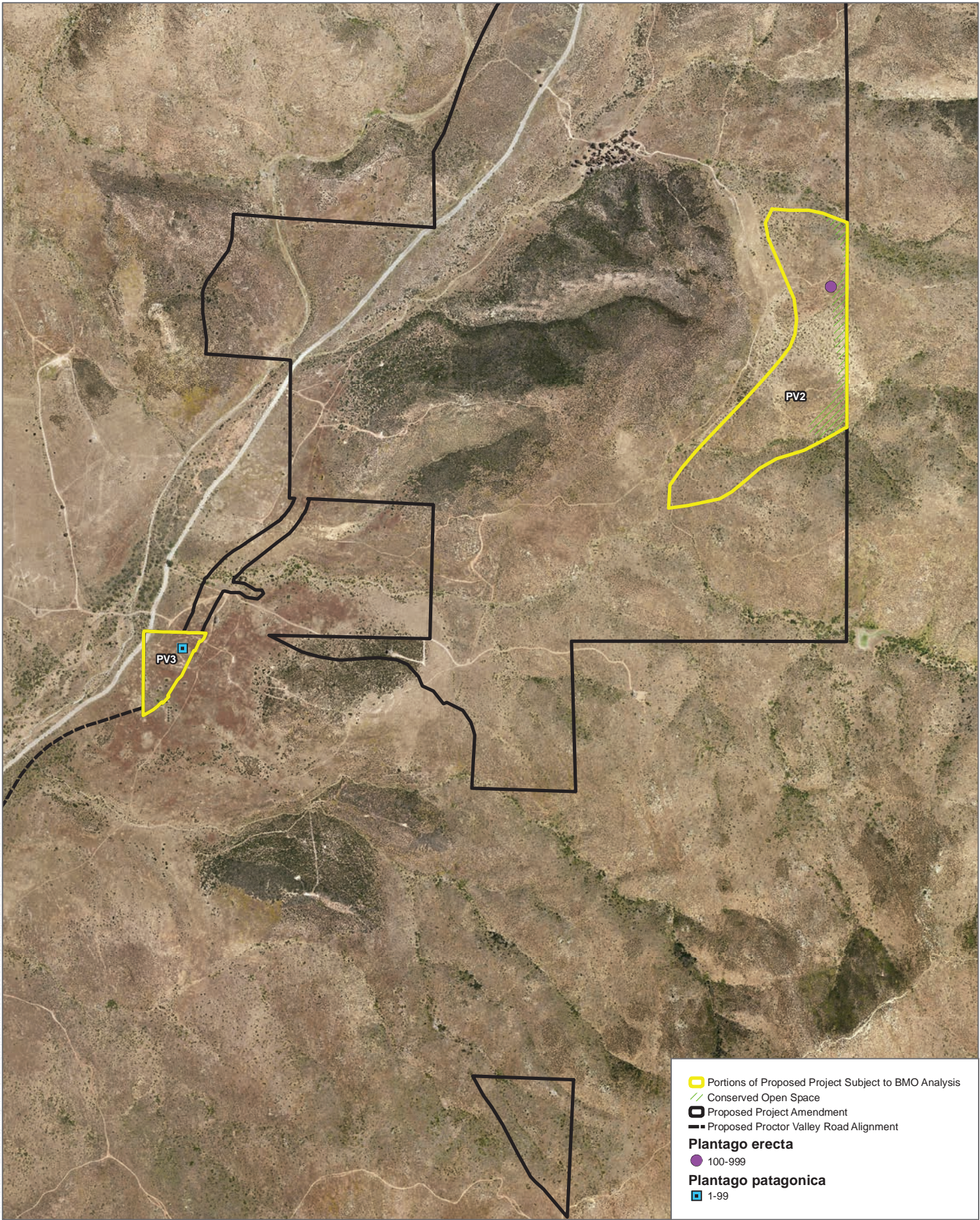
SOURCE: SANGIS 2017; Hunsaker 2019

FIGURE 4

Hermes Copper Survey Area

Otay Ranch Village 14 and Planning Areas 16/19 Proposed Project Amendment - BMO Analysis

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SOURCE: SANGIS 2017; Hunsaker 2019; Helix 2016

FIGURE 5
Quino Checkerspot Butterfly Host Plants
Otay Ranch Village 14 and Planning Areas 16/19 Proposed Project Amendment - BMO Analysis

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3. *Provide for the conservation of spatially representative (e.g., north of I-8 vs south of I-8) examples of extensive patches of coastal sage scrub and other habitat types that were ranked as having high and very high biological value by the MSCP habitat evaluation model.*

Discussion Specific to PV2 and PV3: Per Figure 4-1, Habitat Evaluation Model, of the MSCP County Subarea Plan (County of San Diego 1997), of the 44.6 acres within PV2, 21.2 acres is considered to have very high habitat value, 9.2 acres is considered to have high habitat value, and 14.3 acres is considered to have moderate habitat value (Figure 6, Habitat Evaluation Model). Within PV3, the 6.1 acres proposed for impact is considered to have very high habitat value. Proposed development within PV2 and PV3 would have impacts to 32 acres of coastal sage scrub categorized as high or very high habitat value, but would conserve 6.2 acres of coastal sage scrub that would otherwise be subject to development under the Otay Ranch GDP/SRP. The 6.2 acres of coastal sage scrub within Conserved Open Space is considered to have moderate to high habitat value.

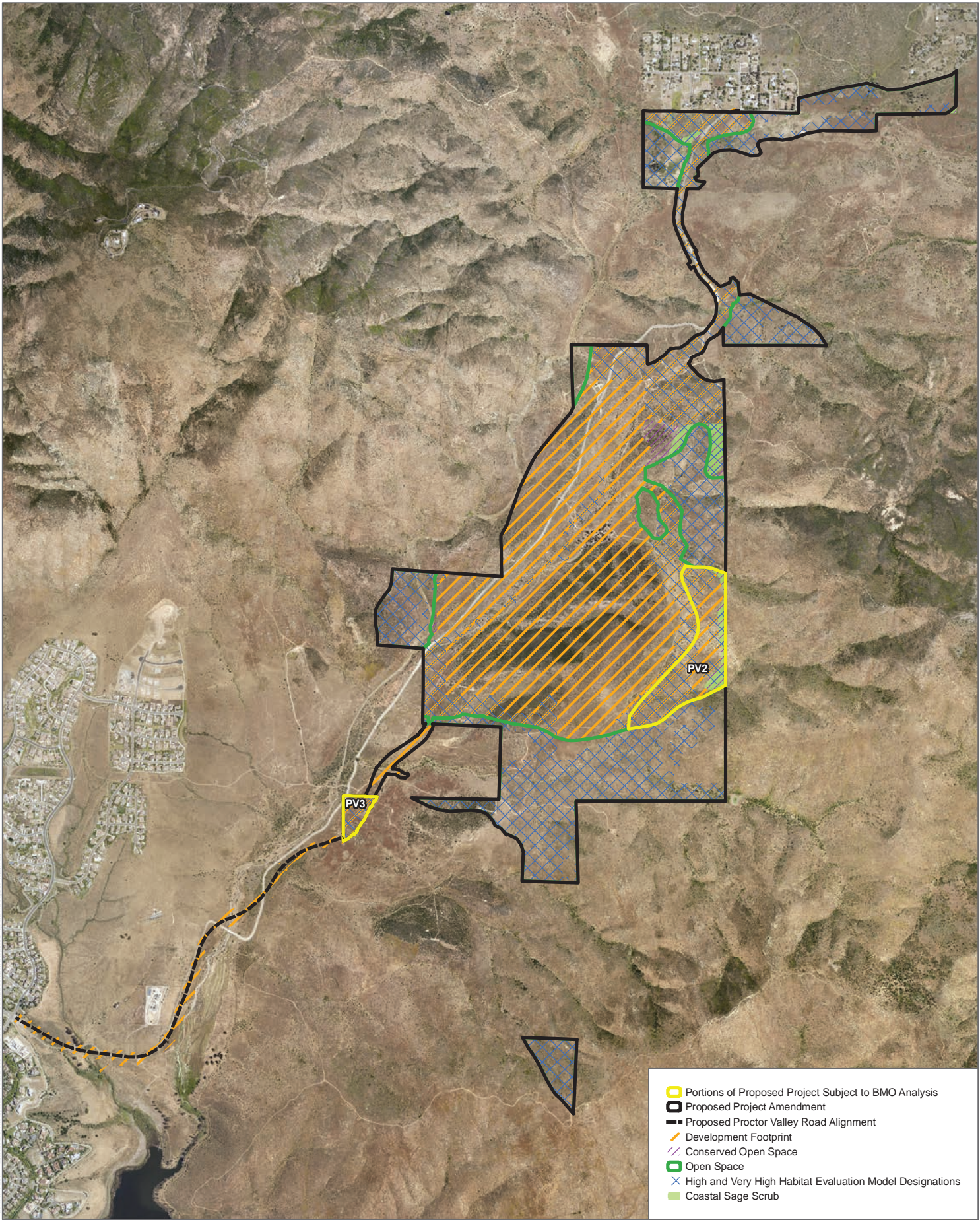
Discussion in the Context of the Otay Ranch RMP Preserve: The overall mitigation requirements for the Proposed Project, including development on PV2 and PV3, are set forth in the conveyance obligation outlined in the Otay Ranch RMP. Pursuant to the Otay Ranch RMP Preserve Conveyance Obligation, the Proposed Project would convey 1.188 acres of Otay Ranch RMP Preserve for every 1 acre of Otay Ranch development, which may be satisfied with any acre of Otay Ranch RMP Preserve regardless of location, ownership, or habitat value. According to these requirements, the Proposed Project Amendment would be required to convey approximately 551.5 acres to the Otay Ranch RMP Preserve. For PV2 and PV3, conveyance would equal 52.4 acres, which would be conveyed to mitigate the impacts of the development (see Section 2.3).

Beyond the mitigation requirements of the Otay Ranch RMP, the BMO mitigation ratios would require additional acreage to mitigate the impacts of development on PV2 and PV3 (see Section 2.3). The additional acres of mitigation would be located in either the on-site Otay Ranch RMP Preserve or the on-site Conserved Open Space areas, and would be like-kind (or up-tiered) habitat. For example, development of PV2 and PV3 would impact 42 acres of coastal sage scrub. Based on the BMO-required mitigation ratios, the mitigation requirement for PV2 and PV3 would be 63 acres of coastal sage scrub; however, because there are 6.2 acres of coastal sage scrub within Conserved Open Space in PV2, the remaining mitigation required is 56.8 acres. In the Proposed Project Amendment area, there is 415.9 acres of coastal sage scrub in the Otay Ranch RMP Preserve and R14 Conservation Easement area and an additional 14.7 acres of coastal sage scrub within Conserved Open Space, for a total of 430.6 acres. Therefore, there is more than sufficient like-kind habitat (430.6 acres) within the Proposed Project Amendment area to mitigate the coastal sage scrub impacts from development of PV2 and PV3. The majority of this like-kind habitat is of high to very high habitat value (212.1 acres [49%] is designated as very high habitat value and 84.3 acres [20%] is designated as high habitat value), with much of it found in large patches.

Therefore, with the Otay Ranch RMP Preserve Conveyance Obligation requirements for impacts from development of PV2 and PV3, and additional mitigation required by the BMO mitigation ratios (see Section 2.3), the like-kind mitigation conveyed for impacts within PV2 and PV3 would provide for the conservation of spatially representative examples of extensive patches of coastal sage scrub and other habitat types that are ranked as having high and very high biological value by the MSCP County Subarea Plan habitat evaluation model.

Findings: As discussed previously, impacts to coastal sage scrub and other sensitive habitat types within PV2 and PV3 would be mitigated through either conveyance management and funding of habitat within

the Otay Ranch RMP Preserve, or preservation and management of Conserved Open Space on site through a conservation program and long-term funding. This mitigation would provide for conservation of spatially representative, extensive patches of coastal sage scrub and other high and very high biological-value habitat. Preservation in PV2 would include 6.2 acres of Conserved Open Space, of which 3.8 acres is high/very high habitat value and contiguous to other areas considered to have high habitat value in the Otay Ranch RMP Preserve. As shown in Table 1, the 6.2 acres of Conserved Open Space helps to meet the habitat-based mitigation requirements of this BMO Findings. As stated previously, the Otay Ranch RMP Preserve is a component of the MSCP Preserve. Development of PV2 and PV3 would be consistent with this criterion.



SOURCE: SANGIS 2017; Hunsaker 2019

FIGURE 6
Habitat Evaluation Model
Otay Ranch Village 14 and Planning Areas 16/19 Proposed Project Amendment - BMO Analysis

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4. *Create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats using the criteria set out in Chapter 6, Section 6.2.3 of the MSCP [County Subarea] Plan. Potential impacts from new development on biological resources within the Preserve that should be considered in the design of any project include access, non-native predators, non-native species, illumination, drain water (point source), urban runoff (non-point source), and noise.*

Discussion Specific to PV2 and PV3: The Approved Project included a Preserve Edge Plan, which the County Board adopted on June 26, 2019. That Preserve Edge Plan addressed development on PV1, PV2, and PV3 and was based, in part, on the BMO consistency findings that were part of the Approved Project's review package. With respect to the Proposed Project Amendment, the same Preserve Edge Plan applies, but with certain modifications reflecting the fact that the County's proposed Subarea Plan Amendment would designate PV1 and all but 6.1 acres of PV3 as hardline Preserve.

Under the Preserve Edge Plan, the Proposed Project Amendment, like the Approved Project, would create a 100-foot buffer between the Otay Ranch RMP Preserve and development on PV2. The Preserve Edge Plan identifies the limited uses and functions allowed within the 100-foot-wide Preserve edge, and provides a list of plant species that are appropriate adjacent to the Otay Ranch RMP Preserve. The Preserve Edge Plan addresses drainage, toxic substances, lighting, noise, fuel modification, fencing, and invasive species in accordance with Chapter 3 of the Otay Ranch RMP and additional MSCP County Subarea Plan guidelines. The Preserve edge would reduce development within PV2 and adjacent to the Otay Ranch RMP Preserve by 9.9 acres (RH Consulting Group et al. 2019).

In addition, development would be prohibited in 6.2 acres of area currently designated in the Otay Ranch GDP/SRP and County General Plan as low-density residential for development in PV2, which would instead be categorized as Conserved Open Space, which would be protected under a Biological Open Space Easement. The 6.2 acres of Conserved Open Space along the eastern edge of PV2 is immediately adjacent to proposed development. Providing an additional 6.2 acres of Conserved Open Space along the entire development edge would pull development away from designated Preserve and add to the adjacent open space habitat blocks. Since the 6.2 acres of PV2 is adjacent to development, fragmentation of large blocks of habitat would not occur.

In regard to PV3, the Proposed Project Amendment is consistent with the June 26, 2019, GPA, which relocates the existing Proctor Valley Road, an approved MSCP County Subarea Plan Mobility Element facility, onto PV3 to avoid potential impacts to vernal pools and fairy shrimp within the City of San Diego MSCP Cornerstone Lands. The improvements necessary to implement the realignment of Proctor Valley Road would result in 6.1 acres of impact within PV3. Under the Proposed Project Amendment the remainder of PV3, consisting of 128.4 acres, would not be developed, further reducing the development footprint and associated edge effects related to this parcel.

The Conserved Open Space areas, the 100-foot buffer in the Preserve Edge Plan, and realignment of Proctor Valley Road would further ensure preservation of the large blocks of habitat already set aside in the Otay Ranch RMP Preserve and other MSCP Preserve lands adjacent to PV2 and PV3.

Findings: Within PV2, development would not occur within 6.2 acres adjacent to the significant blocks of habitat in the existing Otay Ranch RMP Preserve. These 6.2 acres was previously designated for development in the Otay Ranch GDP/SRP and County General Plan; however, these acres are now proposed to be protected from development as Conserved Open Space with a biological open space easement and, as such, would reduce the Preserve/development interface and contribute to large adjacent blocks of habitat. PV2 would include a 100-foot buffer along the Otay Ranch RMP Preserve, as required in the

Preserve Edge Plan (RH Consulting Group et al. 2019), to assist in regulating access, non-native predators, non-native species, illumination, drain water, and urban runoff. In addition, the alignment of Proctor Valley Road would be shifted onto PV3. These actions would reduce edge effects along the Preserve/development interface, and contribute to the preservation of additional lands adjacent to existing Preserve lands. As noted previously, the Otay Ranch Preserve is a component of the larger MSCP Preserve, which interconnects to other open space blocks under agency ownerships. Thus, the proposed development of PV2 and PV3 would be consistent with this criterion.

5. ***Provide incentives for development in the least sensitive habitat areas.***

Discussion Specific to PV2 and PV3: As discussed in Section 2.2.1, Criterion 1 – Minimization of Impacts to Habitat, the majority of PV2 and PV3 contains sensitive habitat areas, with the exception of 1.5 acres of disturbed habitat and 0.1 acres of existing development. To reduce impacts to sensitive habitats, areas of Conserved Open Space are proposed for PV2, which would reduce the Development Footprint as designated under the Otay Ranch GDP/SRP by 6.2 acres. All 6.2 acres of Conserved Open Space is mapped as coastal sage scrub, which is a Tier II vegetation community under the BMO, with a very small area (less than 0.1 acres) mapped as disturbed habitat. In addition, the Proposed Project Amendment would only impact a small portion of PV3 (4%), with the remainder preserved and managed by CDFW.

Discussion in the Context of the Otay Ranch RMP Preserve: As noted previously, the Development Footprint and Otay Ranch RMP Preserve boundary for the Proposed Project Amendment were designated in the Otay Ranch GDP/SRP and Otay Ranch PEIR after extensive analysis and consideration of the on-site habitat values, wildlife corridors, topography, and other existing constraints. The planning efforts were established to ensure that development occurred in habitat areas that were deemed to be lower priority than those placed in the 11,375-acre Otay Ranch RMP Preserve. The Development Footprint for the Proposed Project Amendment, which includes PV2 and a small portion of PV3, conforms to the originally designated Otay Ranch GDP/SRP and Otay Ranch RMP Preserve boundary.

Findings: As described previously, the incentives to develop in the least-sensitive areas of Otay Ranch were provided through designation of the Development Footprint and Otay Ranch RMP Preserve boundary in the Otay Ranch GDP/SRP. PV2 and PV3 were previously designated as developable areas within the Otay Ranch GDP/SRP after extensive consideration of the on-site habitat values, wildlife corridors, topography, and other existing constraints within the Proposed Project area, as well as the entire Otay Ranch overall. Thus, development of PV2 and PV3 would be consistent with the incentives to develop in the least-sensitive areas within Otay Ranch. In addition, the impacts to sensitive habitat would be further reduced compared to the previously designated Development Footprint because (1) the Proposed Project Amendment would reduce the amount of development within PV2 by 6.2 acres and (2) the County's proposed Subarea Plan Amendment would designate the vast majority of PV3 (128.4 of 134.5 acres) as hardline Preserve. Thus, the proposed development within PV2 and a small portion of PV3 would be in conformance with this criterion.

6. ***Minimize impacts to narrow endemic species and avoid impacts to core populations of narrow endemic species.***

No narrow endemic plant or wildlife species were observed within PV2 or the portion of PV3 proposed for development; therefore, this criterion does not apply.

7. ***Preserve the biological integrity of linkages between BRCAs.***

Discussion Specific to PV2 and PV3: The linkages identified in the MSCP Plan are based on the Baldwin Otay Ranch Wildlife Corridors Studies Report (Wildlife Corridors Studies Report) (Ogden 1992). The Wildlife Corridors Study Report identified two BRCAs overlapping the Proposed Project Amendment area. There are

no identified linkages within or surrounding PV2 or PV3. PV2 and PV3 and the immediately surrounding areas are currently undeveloped, with the exception of the adjacent existing Proctor Valley Road, which means that wildlife can move freely throughout the landscape. The wildlife corridor study identified specific local and regional corridors, which are not included in the boundaries of PV2 or PV3, used by wildlife. Although wildlife may currently move throughout PV2 and PV3, these two parcels are not considered habitat linkages (Ogden 1992). Additionally, the MSCP Plan provides designated BRCA and linkages, which are appropriate for this analysis, in Figure 2-2 (MSCP 1998).

Because PV2 and PV3 would be consistent with the originally designated Otay Ranch GDP/SRP and Otay Ranch RMP Preserve boundaries, development of these two areas would not impact identified habitat linkages.

Discussion in the Context of the Otay Ranch RMP: The Wildlife Corridors Studies Report identified local and regional corridors used by wildlife that would be maintained in the Otay Ranch RMP Preserve. There are no linkages within or surrounding the Proposed Project Amendment area as identified in Figure 2-2 of the MSCP Plan. The designated Otay Ranch RMP Preserve areas adjacent to and surrounding PV2 and PV3 provide for wildlife corridors and movement to those linkages, but are not identified linkages in the MSCP Plan (MSCP 1998).

Findings: As shown in Figure 7, Biological Resource Core Areas, PV2 and PV3 do not contribute directly to the defined linkages as identified in the MSCP Plan (MSCP 1998). Thus, the proposed development on these two parcels would not impede existing linkages or otherwise compromise their functionality.

8. ***Achieve the conservation goals for Covered Species and habitats.***

No MSCP covered plant species have been observed within PV2 or within the portion of PV3 proposed for development. Ten MSCP covered wildlife species have a high potential to occur. The following text discusses these species and how PV2 and PV3 achieve conservation goals for Covered Species and their habitats. The conservation goals for Covered Species are presented in Table 3-5 of the MSCP Plan (MSCP 1998).

Discussion of Covered Wildlife Species Specific to PV2 and PV3: Neither PV2, PV3, nor the Proposed Project Amendment as a whole, contain key regional populations of covered wildlife species. However, there is a high potential for some covered wildlife species to occur in these areas (Table 3) (Figures 8A and 8B, Special-Status Species Occurrences).

Impacts specifically associated with PV2 and PV3 are also provided in Table 3. Impacts to covered wildlife species that are known to occur, or those that have a high potential to occur, within the entire Proposed Project Amendment area, are also outlined in Table 3. Table 3 also provides data regarding on-site preservation of habitat. Impacts and Preserve acreage for the entire Proposed Project Amendment are included in this analysis to provide the context for the BMO Findings of PV2 and PV3. Conservation goals, as outlined in Table 3-5 of the MSCP Plan (MSCP 1998), for each of the covered wildlife species listed in Table 3 were reviewed to ensure that development within PV2 and PV3 would not impede these conservation goals.

Table 3 Permanent Impacts to MSCP Covered Wildlife Species Present within the On-site Development Footprint of the Proposed Project Amendment (Including PV2 and a Portion of PV3) or with High Potential to Occur

Species Common Name (Scientific Name)	Regulatory Status: Federal/State/ MSCP/County	Basis for Impact Evaluation	Total Proposed Project Amendment Development Footprint ^a	Non-Impacted Portions of the Proposed Project Amendment	
				Conserved Open Space and R14 Conservation Easement (acres)	Otay Ranch RMP Preserve (acres) ^b
orange-throated whiptail (<i>Aspidoscelis hyperythra</i>)	USFWS: None CDFW: WL MSCP: Covered County: Group 2	High potential to occur. There is 1,071.9 acres of modeled habitat within the Proposed Project Amendment area. Modeled habitat for this species includes chamise chaparral, disturbed chamise chaparral, coastal sage scrub, disturbed coastal sage scrub, disturbed habitat, eucalyptus woodland, mulefat scrub, oak riparian forest, and southern mixed chaparral.	483.9 acres, of which 43.5 acres are in PV2 and PV3 combined.	187.2 (6.2 of Conserved Open Space in PV2)	382.8
Blainville's horned lizard (<i>Phrynosoma blainvillii</i>)	USFWS: None CDFW: SSC MSCP: Covered County: Group 2	Observed within the Biological Study Area (see Chapter 3, Glossary) but not specifically within PV2 or PV3. There is 1.185.3 acres of modeled habitat within the Proposed Project Amendment area. Modeled habitat for this species includes chamise chaparral, disturbed chamise chaparral, coastal sage scrub, disturbed coastal sage scrub, disturbed habitat, eucalyptus woodland, mulefat scrub, oak riparian forest, non-native grassland, and southern mixed chaparral.	530.6 acres, of which 44.3 acres are in PV2 and PV3 combined.	215.6 (6.2 of Conserved Open Space in PV2)	415.1
Cooper's hawk (<i>Accipiter cooperii</i>) (nesting)	USFWS: None CDFW: WL MSCP: Covered County: Group 1	Observed within the Biological Study Area but not specifically within PV2 or PV3. There is 6.5 acres of modeled nesting habitat and 1,169.0 acres of modeled foraging habitat within the Proposed Project Amendment area. Nesting modeled habitat for this species includes eucalyptus woodland and oak riparian forest. Foraging modeled habitat for this species includes chamise chaparral,	3.0 acres of nesting and 516.9 acres of foraging habitat, of which 0 acres of nesting and 42.8 acres of foraging habitat are	0 nesting; 211.4 foraging (6.2 of Conserved Open Space in PV2)	3.4 nesting; 418.0 foraging

Table 3 Permanent Impacts to MSCP Covered Wildlife Species Present within the On-site Development Footprint of the Proposed Project Amendment (Including PV2 and a Portion of PV3) or with High Potential to Occur

Species Common Name (Scientific Name)	Regulatory Status: Federal/State/ MSCP/County	Basis for Impact Evaluation	Total Proposed Project Amendment Development Footprint ^a	Non-Impacted Portions of the Proposed Project Amendment	
				Conserved Open Space and R14 Conservation Easement (acres)	Otay Ranch RMP Preserve (acres) ^b
		cismontane alkali marsh, coastal sage scrub, disturbed chamise chaparral, disturbed coastal sage scrub, eucalyptus woodland, mulefat scrub, oak riparian forest, non-native grassland, and southern mixed chaparral.	in PV2 and PV3 combined. There is no nesting habitat in PV2 or PV3.		
Southern California rufous-crowned sparrow (<i>Aimophila ruficeps canescens</i>)	USFWS: None CDFW: WL MSCP: Covered County: Group 1	Observed within the Biological Study Area but not specifically within PV2, or PV3. There is 1,154.6 acres of modeled nesting/foraging habitat within the Proposed Project Amendment area. Nesting and foraging modeled habitat for this species includes chamise chaparral, disturbed chamise chaparral, coastal sage scrub, disturbed coastal sage scrub, mulefat scrub, non-native grassland, and southern mixed chaparral.	513.0 acres, of which 42.8 acres are in PV2 and PV3 combined.	211.1 (6.2 of Conserved Open Space in PV2)	407.8
golden eagle (<i>Aquila chrysaetos</i>) (nesting and wintering)	USFWS: BCC CDFW: FP, WL MSCP: Covered County: Group 1	Observed within the Biological Study Area but not specifically within PV2 or PV3. There is 1,155.0 acres of modeled foraging habitat within the Proposed Project Amendment area. Foraging modeled habitat for this species includes coastal sage scrub (including disturbed and <i>Baccharis</i> dominated), chamise chaparral (including disturbed), southern mixed chaparral, and non-native grassland. These vegetation communities are based on the MSCP definition of foraging habitat and the crosswalk with Proposed Project Amendment specific data.	512.9 acres of foraging habitat, of which 42.8 acres are in PV2 and PV3 combined.	211.1 foraging (6.2 of Conserved Open Space in PV2)	407.1 foraging

Table 3 Permanent Impacts to MSCP Covered Wildlife Species Present within the On-site Development Footprint of the Proposed Project Amendment (Including PV2 and a Portion of PV3) or with High Potential to Occur

Species Common Name (Scientific Name)	Regulatory Status: Federal/State/ MSCP/County	Basis for Impact Evaluation	Total Proposed Project Amendment Development Footprint ^a	Non-Impacted Portions of the Proposed Project Amendment	
				Conserved Open Space and R14 Conservation Easement (acres)	Otay Ranch RMP Preserve (acres) ^b
burrowing owl (<i>Athene cunicularia</i>) (burrow sites and some wintering sites)	USFWS: BCC CDFW: SSC MSCP: Covered County: Group 1	Direct observations of these species did not occur during focused surveys. Incidental sighting of white wash, feathers, and pellets were observed at one location in the central portion of the Biological Study Area during rare plant surveys (not within PV2). There is 115.3 acres of burrowing owl survey areas mapped within the Proposed Project Amendment area based on the burrowing owl habitat assessment conducted for the entire Biological Study Area.	71.8 acres, none of which are in PV2 and PV3.	0 (0 in PV1 and PV2)	29.6
coastal California gnatcatcher (<i>Polioptila californica californica</i>)	USFWS: FT CDFW: SSC MSCP: Covered County: Group 1	Observed within the Biological Study Area but not within PV2 or PV3. There is 1,041.2 acres of modeled nesting/foraging habitat within the Proposed Project Amendment area. Nesting and foraging modeled habitat for this species includes chamise chaparral, disturbed chamise chaparral, coastal sage scrub, disturbed coastal sage scrub, mulefat scrub, and southern mixed chaparral.	466.3 acres, of which 42.0 acres are in PV2 and PV3 combined.	182.7 (6.2 of Conserved Open Space in PV2)	375.5
western bluebird (<i>Sialia mexicana</i>)	USFWS: None CDFW: None MSCP: Covered County: Group 2	Observed within the Biological Study Area but not within PV2 or PV3. There is 707.3 acres of modeled foraging habitat within the Proposed Project Amendment area. Nesting and foraging modeled habitat for this species includes coastal sage scrub, disturbed coastal sage scrub, disturbed habitat, eucalyptus woodland, mulefat scrub, oak riparian forest, and non-native grassland.	174.7 acres, of which 44.3 acres are in PV2 and PV3 combined.	206.7 (6.2 of Conserved Open Space in PV2)	302.8

Table 3 Permanent Impacts to MSCP Covered Wildlife Species Present within the On-site Development Footprint of the Proposed Project Amendment (Including PV2 and a Portion of PV3) or with High Potential to Occur

Species Common Name (Scientific Name)	Regulatory Status: Federal/State/ MSCP/County	Basis for Impact Evaluation	Total Proposed Project Amendment Development Footprint ^a	Non-Impacted Portions of the Proposed Project Amendment	
				Conserved Open Space and R14 Conservation Easement (acres)	Otay Ranch RMP Preserve (acres) ^b
mule deer (<i>Odocoileus hemionus</i>)	USFWS: None CDFW: None MSCP: Covered County: Group 2	Observed within the Biological Study Area. There is 1,201.7 acres of modeled habitat within the Proposed Project Amendment area. Modeled habitat for this species includes chamise chaparral, cismontane alkali marsh, coastal sage scrub, developed, disturbed chamise chaparral, disturbed coastal sage scrub, disturbed habitat, eucalyptus woodland, mulefat scrub, oak riparian forest, non-native grassland, and southern mixed chaparral.	538.4 acres, of which 44.4 acres are in PV2 and PV3 combined.	215.9 (6.2 of Conserved Open Space in PV2)	422.3
cougar (<i>Puma concolor</i>)	USFWS: None CDFW: None MSCP: Covered County: Group 2	Observed within the Biological Study Area (indirect observation of scat) but not within PV2 or PV3. There is 1,185.3 acres of modeled habitat within the Proposed Project Amendment area. Modeled habitat for this species includes chamise chaparral, disturbed chamise chaparral, coastal sage scrub, disturbed coastal sage scrub, disturbed habitat, eucalyptus woodland, mulefat scrub, oak riparian forest, non-native grassland, and southern mixed chaparral.	530.6 acres, of which 44.3 acres are in PV2 and PV3 combined.	215.6 (6.2 of Conserved Open Space in PV2)	415.1
American badger (<i>Taxidea taxus</i>)	USFWS: None CDFW: SSC MSCP: Covered County: Group 2	Observed within the Biological Study Area by sign only but not within PV2 or PV3. There is 1,119.5 acres of modeled habitat within the Proposed Project Amendment area. Modeled habitat for this species includes coastal sage scrub, chamise, disturbed chamise chaparral, disturbed coastal sage scrub, disturbed habitat, mulefat scrub, and non-native grassland.	527.6 acres, of which 44.3 acres are in PV2 and PV3 combined.	215.6 (6.2 of Conserved Open Space in PV2)	355.6

CDFW = California Department of Fish and Wildlife; MSCP = Multiple Species Conservation Program; RMP = Resource Management Plan; USFWS = U.S. Fish and Wildlife Service.

PROPOSED PROJECT AMENDMENT
BIOLOGICAL MITIGATION ORDINANCE FINDINGS FOR
PV2 AND A PORTION OF PV3 LOCATED IN OTAY RANCH VILLAGE 14

- ^a Total development footprint acreage does not include off-site impacts. The off-site impacts are within lands owned by the City of Chula Vista and City of San Diego and both impacts and mitigation within those areas are subject to their respective planning documents.
- ^b Otay Ranch RMP Preserve acreages exclude 13.1 acres of permanent impacts within the Preserve.

Status Legend

Federal

BCC: Bird of Conservation Concern

FT: Federally Threatened

State

SSC: Species of Special Concern

WL: Watch List

FP: Fully Protected

MSCP

Covered: Covered Species under the MSCP Plan

County of San Diego

Group 1

Group 2

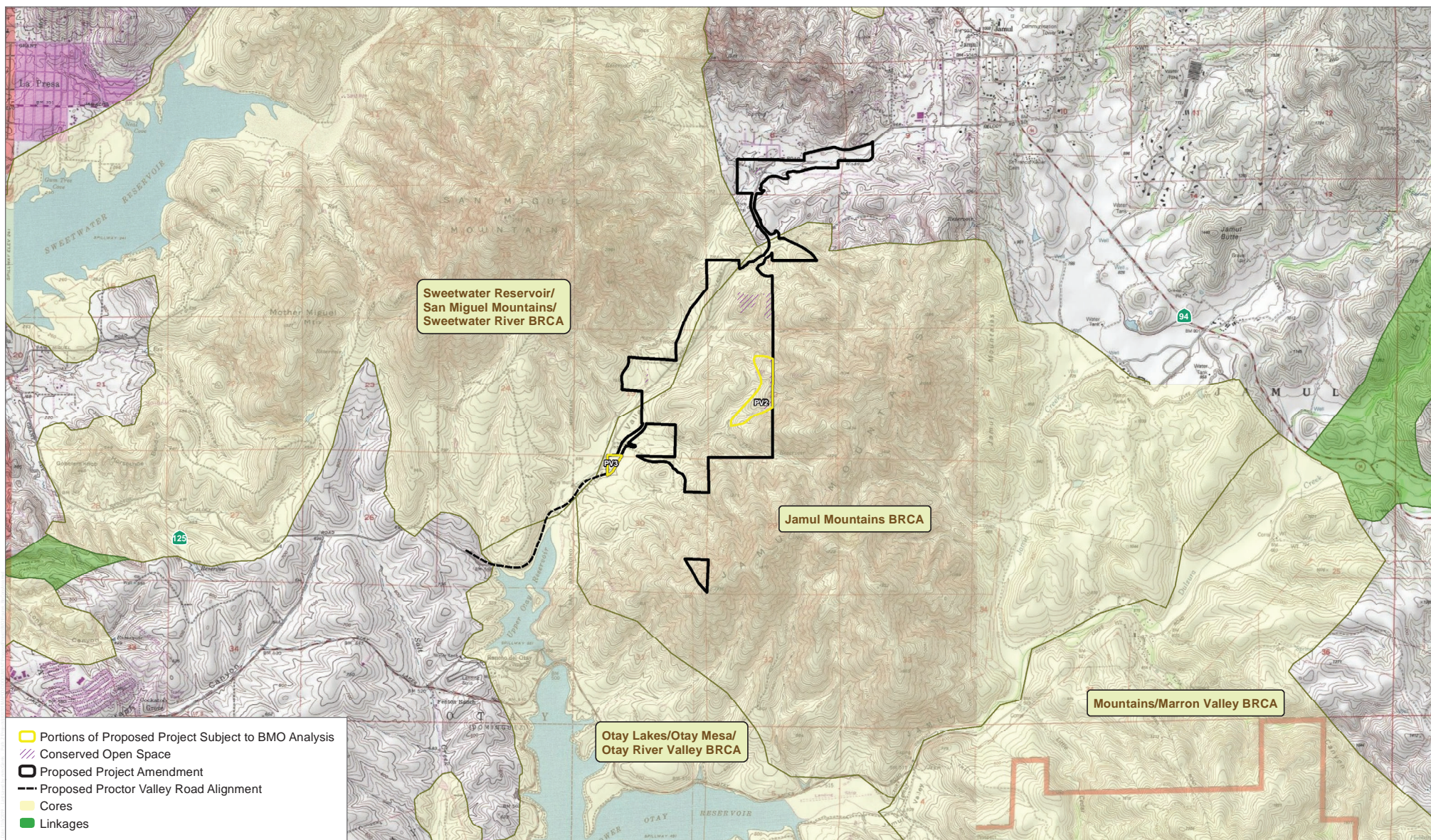
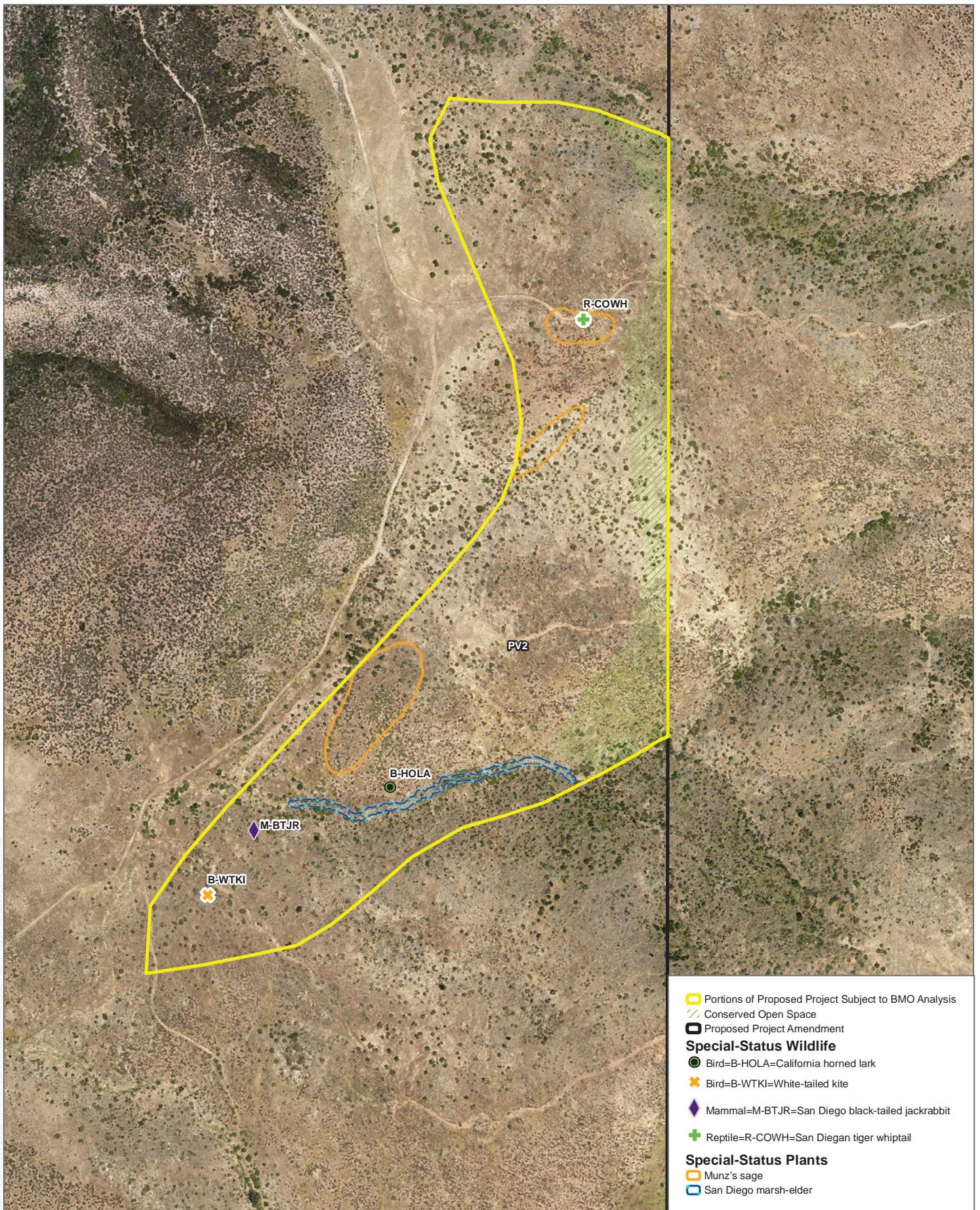


FIGURE 7

Biological Resource Core Areas

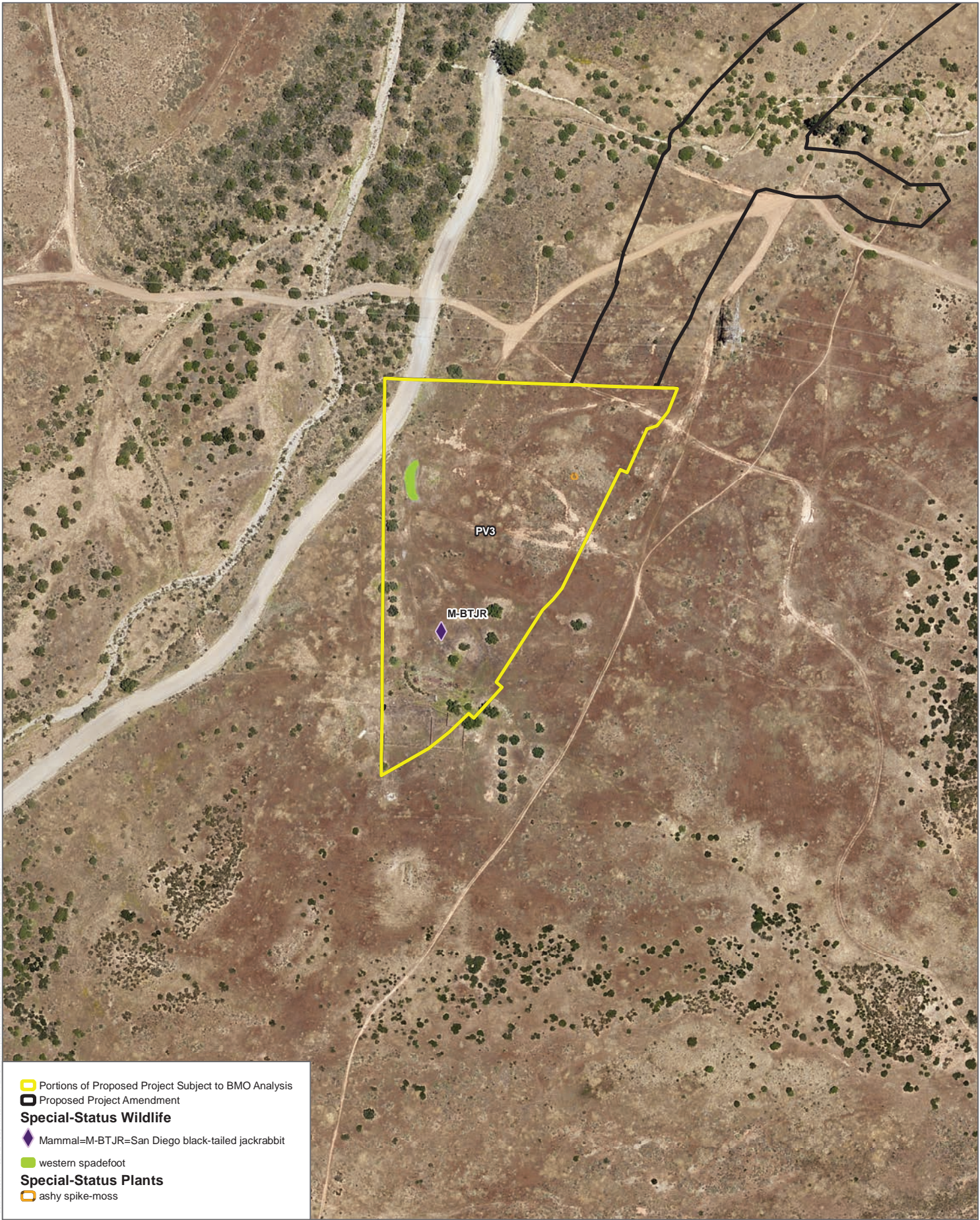
Otay Ranch Village 14 and Planning Areas 16/19 Proposed Project Amendment - BMO Analysis

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SOURCE: SANGIS 2017; Hunsaker 2019

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SOURCE: SANGIS 2017; Hunsaker 2019

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Orange-Throated Whiptail: Orange-throated whiptail (*Aspidoscelis hyperythra*) was not observed within PV2 or PV3; however, there is high potential for this species to occur. A total of 43.5 acres of modeled habitat for orange-throated whiptail would be impacted by development in PV2 and PV3, and 6.2 acres of modeled habitat would be preserved as Conserved Open Space. The conservation goals within the MSCP Plan outline preservation of known locations and potential habitat. Because PV2 or PV3 do not encroach into the 11,375-acre hardline Otay Ranch RMP Preserve (which is a component of the MSCP Preserve), and the Proposed Project Amendment would meet its conveyance requirements, development within these two areas would not impede the conservation goals for this species as outlined in Table 3-5 of the MSCP Plan (MSCP 1998).

Blainville's Horned Lizard: Blainville's horned lizard (*Phrynosoma blainvillii*) has a high potential to occur in PV2 or PV3. A total of 44.3 acres of modeled habitat for Blainville's horned lizard would be impacted by development in PV2 or PV3, and 6.2 acres of modeled habitat would be preserved as Conserved Open Space. The conservation goals within the MSCP Plan outline preservation of known locations and potential habitat. Because PV2 and PV3 do not encroach into the 11,375-acre hardline Otay Ranch RMP Preserve (which is a component of the MSCP Preserve), and the Proposed Project Amendment would meet its conveyance requirements, development within these two areas would not impede the conservation goals for this species, as outlined in Table 3-5 of the MSCP Plan (MSCP 1998).

Cooper's Hawk: A Cooper's hawk (*Accipiter cooperii*) was observed flying overhead during biological surveys in 2014, but since much of the Proposed Project Amendment area is likely used by this species, the observations were not mapped. This species has a high potential to forage within PV2 and PV3; however, these areas do not contain suitable nesting habitat. A total of 42.8 acres of modeled habitat for Copper's hawk would be impacted by development in PV2 and PV3, and 6.2 acres of modeled habitat would be preserved as Conserved Open Space. The conservation goals within the MSCP Plan outline preservation of known locations and potential habitat (both foraging and nesting). Because PV2 and PV3 do not encroach into the 11,375-acre hardline Otay Ranch RMP Preserve (which is a component of the MSCP Preserve), and the Proposed Project Amendment would meet its conveyance requirements, development within these two areas would not impede the conservation goals for this species, as outlined in Table 3-5 of the MSCP Plan (MSCP 1998).

Southern California Rufous-Crowned Sparrow: Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*) was not observed in PV2 or PV3. Based on observations in coastal sage scrub habitat elsewhere in the Proposed Project Amendment area, there is a high potential for this species to occur in these parcels. A total of 42.8 acres of modeled habitat for this species would be impacted by development in PV2 and PV3. A total of 6.2 acres of modeled habitat would be preserved as Conserved Open Space. The conservation goals within the MSCP Plan outline preservation of known locations and potential habitat. Because PV2 and PV3 do not encroach into the 11,375-acre hardline Otay Ranch RMP Preserve (which is a component of the MSCP Preserve), and the Proposed Project Amendment would meet its conveyance requirements, development within these two areas would not impede the conservation goals for this species, as outlined in Table 3-5 of the MSCP Plan (MSCP 1998).

Golden Eagle: Golden eagle (*Aquila chrysaetos*) was not observed within PV2 or PV3. There is a high potential for this species to forage in these parcels. A total of 42.8 acres of modeled foraging habitat for this species would be impacted by development in PV2 and PV3. A total of 6.2 acres of modeled habitat would be preserved as Conserved Open Space within PV2.

Table 3-5 of the MSCP Plan (MSCP 1998) and the County's Section 10 permit require that approved development avoid lethal take of any golden eagle and avoid human disturbance of any active golden eagle nest. In addition, approved development projects must maintain a 4,000-foot disturbance avoidance buffer around any active golden eagle nest within Preserve lands. PV2 and PV3 are not within 4,000 feet of an active golden eagle nest. Since the Proposed Project Amendment area, which includes PV2 and a portion of PV3, remains within the designated Otay Ranch RMP Preserve and Development Footprint, development of these areas would not result in loss of golden eagle foraging habitat beyond that described in Table 3-5 of the MSCP Plan (MSCP 1998). A full analysis regarding golden eagle habitat is provided in Appendix C of the Biological Resources Technical Report prepared for the Approved Project (Harvey 2017). Importantly, several of the Take Authorized Areas (identified for future development in the MSCP Plan and MSCP County Subarea Plan) located within the MSCP County Subarea Plan area have been converted entirely to MSCP Preserve. These areas include Hidden Valley Estates, Las Montanas, Otay Ranch Village 15, and Daley Ranch, and each include suitable golden eagle foraging habitat that was expected to be developed but would now be preserved.

Development of PV2 and PV3 would not have a significant impact on golden eagle because such development would (1) not cause lethal take of the species, (2) not disturb any active golden eagle nest, and (3) not place human activity within 4,000 feet of any active golden eagle nest located inside the MSCP Preserve. In addition, as discussed previously, the Proposed Project Amendment area, which includes PV2 and PV3, would be consistent with the MSCP Plan's assumptions regarding preservation of golden eagle foraging habitat (total preservation of 53% for the MSCP Plan and 54% for the MSCP County Subarea Plan).

Burrowing Owl: In 2014, a habitat assessment and focused surveys for burrowing owl (*Athene cunicularia*) were conducted within the Proposed Project Amendment area as required in Table 3-5 of the MSCP Plan. During these surveys, no burrowing owl or sign were observed in PV2 or PV3. In 2015, burrowing owl sign consisting of white wash, feathers, and pellets were observed at one location in the central portion of the Proposed Project Amendment area (outside of PV2 and PV3) during rare plant surveys. Development of PV2 and PV3 would not result in impacts to mapped burrowing owl habitat. The conservation goals within the MSCP Plan outline preservation of known locations and preservation of both known and potential habitat. Because PV2 and PV3 do not encroach into the 11,375-acre hardline Otay Ranch RMP Preserve (which is a component of the MSCP Preserve), because the Proposed Project Amendment would meet its conveyance requirements, and because there are no known locations of burrowing owl within the PV2 or PV3, development of these two areas would not impede the conservation goals for this species, as outlined in Table 3-5 of the MSCP Plan (MSCP 1998).

Coastal California Gnatcatcher: Within PV2, 37.2 acres of modeled habitat for this species would be impacted by development, and 6.2 acres of modeled habitat would be preserved as Conserved Open Space. Within PV3, 4.8 acres of suitable habitat for coastal California gnatcatcher would be impacted. Conservation provided through implementation and conformance with the Otay Ranch RMP and BMO habitat mitigation requirement would provide mitigation for direct impacts to covered sensitive species, including coastal California gnatcatcher, to reduce impacts to less than significant.

The conservation goals within the MSCP County Subarea Plan outline preservation of both known and potential habitat, as well as core areas where the species occurs and known locations. As a condition of coverage, Table 3-5 of the MSCP Plan states, "No cleaning [sic] of occupied habitat within the cities' MHPAs [Multiple Habitat Planning Areas] and within the County's Biological Resource Core Areas may occur between March 1 and August 15" (County of San Diego 1997). The Proposed Project Amendment includes

mitigation measures that would reduce impacts to any special-status bird species occurring within the Development Footprint. Those measures include biological monitoring to prevent disturbance outside of the limits of grading, temporary construction fencing, and noise-reduction measures during the nesting season. Specific to coastal California gnatcatcher, no clearing, grading, or grubbing activities may occur within habitat identified by a qualified biologist as being occupied by coastal California gnatcatcher during the nesting season for the species (February 15 through August 15 annually). If construction occurs during the nesting season, a nesting survey for coastal California gnatcatcher must be conducted prior to the onset of construction. Construction may occur if active breeding territories can be avoided, and construction activities can be managed to limit noise levels in occupied habitat within 500 feet of the Proposed Project Amendment area, or if noise attenuation measures, such as temporary sound walls, would be implemented to reduce noise levels to below 60 A-weighted decibels (dBA) equivalent sound level (L_{eq}) or below existing ambient noise levels (whichever is greater).

Development of PV2 and PV3 would not impede the conservation goals for coastal California gnatcatcher as outlined in Table 3-5 of the MSCP Plan (MSCP 1998) for the following reasons: (1) PV2 and PV3 do not encroach into the 11,375-acre hardline Otay Ranch RMP Preserve (which is a component of the MSCP Preserve), (2) the Proposed Project Amendment would meet its conveyance and BMO mitigation requirements, (3) suitable habitat would be preserved within Conserved Open Space, and (4) mitigation measures that would reduce impacts to any special-status bird species occurring within the Development Footprint have been incorporated.

Western Bluebird: Western bluebird (*Sialia mexicana*) was not observed within PV2 or PV3 during surveys conducted within the Proposed Project Amendment area. There is a high potential for this species to occur in these parcels. A total of 44.3 acres of modeled habitat for this species would be impacted by development in PV2 and PV3, and 6.2 acres of modeled habitat would be preserved as Conserved Open Space. The conservation goals within the MSCP Plan outline preservation of potential habitat. Because PV2 and PV3 do not encroach into the 11,375-acre hardline Otay Ranch RMP Preserve (which is a component of the MSCP Preserve), and the Proposed Project Amendment would meet its conveyance requirements, development of these two areas would not impede the conservation goals for this species as outlined in Table 3-5 of the MSCP Plan (MSCP 1998).

Mule Deer: Mule deer (*Odocoileus hemionus*) was not observed within PV2 or PV3 during surveys conducted within the Proposed Project Amendment area. There is a high potential for this species to occur in these areas. A total of 44.4 acres of modeled habitat for this species would be impacted by development in PV2 and PV3, and 6.2 acres of modeled habitat would be preserved as Conserved Open Space. The conservation goals within the MSCP Plan outline preservation of BRCAs and associated linkages. PV2 and PV3 are located within the Jamul Mountains BRCA (also identified as BRCA 6 in the MSCP Plan), which is included in the conservation goals. Because PV2 and PV3 do not encroach into the 11,375-acre hardline Otay Ranch RMP Preserve (which is a component of the MSCP Preserve), and the Proposed Project Amendment would meet its conveyance requirements, development of these two areas would not impede the conservation goals for this species as outlined in Table 3-5 of the MSCP Plan. In addition, the Proposed Project Amendment would include three wildlife crossings outside the boundaries of PV2 and PV3, which would help ensure that this species can continue to move throughout the BRCAs as associated linkages.

Cougar: Cougar (*Puma concolor*) sign was not observed within PV2 or PV3 during surveys conducted within the Proposed Project Amendment area. There is a high potential for this species to occur in these areas. A total of 44.3 acres of modeled habitat for this species would be impacted by development in PV2 and PV3,

and 6.2 acres of modeled habitat would be preserved as Conserved Open Space. Similar to mule deer, the conservation goals within the MSCP Plan outline preservation of BRCAs and associated linkages, and BRCAs 6 and 7 are included in the goals for this species. Because PV2 and PV3 do not encroach into the 11,375-acre hardline Otay Ranch RMP Preserve (which is a component of the MSCP Preserve), and the Proposed Project Amendment would meet its conveyance requirements, development within these two areas would not impede the conservation goals for this species as outlined in Table 3-5 of the MSCP Plan (MSCP 1998). In addition, the Proposed Project Amendment would include three wildlife crossings outside the boundaries of PV2 and PV3, which would help to ensure that this species can continue to move throughout the BRCAs as associated linkages.

American Badger: American badger (*Taxidea taxus*) was not mapped specifically within PV2 or PV3. There is a high potential for this species to occur. A total of 44.3 acres of modeled habitat for this species would be impacted by development in PV2 and PV3, and 6.2 acres of modeled habitat would be preserved as Conserved Open Space. The conservation goals within the MSCP Plan outline preservation of potential habitat. Because PV2 and PV3 do not encroach into the 11,375-acre hardline Otay Ranch RMP Preserve (which is a component of the MSCP Preserve), and the Proposed Project Amendment would meet its conveyance requirements, development of these two areas would not impede the conservation goals for this species as outlined in Table 3-5 of the MSCP Plan (MSCP 1998).

Discussion of Covered Wildlife Species in the Context of the Otay Ranch RMP: The Otay Ranch RMP outlines objectives and policies for the preservation of sensitive wildlife species within Otay Ranch (Policies 2.5, 2.8, and 2.11) (City of Chula Vista and County of San Diego 2015b). As stated in Section 3.3.3.7 of the MSCP County Subarea Plan, “all conditions and exceptions listed in the Otay Ranch approval documents, including the Resource Management Plan (Volume I) are hereby incorporated by reference, with respect to easement requirements, revegetation requirements, allowed facilities within the Preserve area, etc.” (County of San Diego 1997). Because the MSCP County Subarea Plan and Implementing Agreement incorporate the Otay Ranch RMP into the MSCP Preserve, any Otay Ranch project that participates in, and is consistent with, the MSCP Plan is deemed to have mitigated its California Environmental Quality Act impacts on any affected Covered Species.

Preservation goals for select sensitive wildlife species are identified and outlined within these policies, which apply Ranch-wide (City of Chula Vista and County of San Diego 1996). The Otay Ranch RMP requires preservation of a minimum of 52% of Otay Ranch populations of coastal California gnatcatcher; preservation of a minimum of 75% of Otay Ranch populations of wildlife species recognized as Category 2 candidate species by USFWS (see Table 5 of the Otay Ranch RMP; City of Chula Vista and County of San Diego 1993b); and preservation of raptor nesting, roosting, and foraging habitat. Since the Otay Ranch RMP is a component of the MSCP County Subarea Plan, these Ranch-wide goals are incorporated into the MSCP County Subarea Plan. As stated in Section 3.3.3.7 of the MSCP County Subarea Plan, “All conditions and exceptions listed in the Otay Ranch approval documents, including the Resource Management Plan (Volume I) are hereby incorporated by reference, with respect to easement requirements, revegetation requirements, allowed facilities within the Preserve area, etc.” (County of San Diego 1997).

The percentage of populations retained within the Otay Ranch RMP Preserve, as shown in Table 5 of the Otay Ranch RMP, includes the population estimates at the time of Otay Ranch RMP approval. Because the Proposed Project Amendment, which includes PV2 and PV3, conforms to the original Otay Ranch GDP/SRP boundary, any populations recorded within the portions of the Otay Ranch RMP Preserve within the Proposed Project Amendment area would contribute to attainment of the Ranch-wide Otay Ranch RMP

conservation goals. Pursuant to the Otay Ranch RMP, the Proposed Project Amendment, which includes PV2 and PV3, is not required to meet the Ranch-wide standard. Rather, the Otay Ranch RMP Preserve Conveyance Obligation satisfies the conservation goals. In the context of the Otay Ranch RMP Preserve conveyance, which is part of the MSCP Preserve, the Proposed Project Amendment's habitat contribution with respect to individual species' habitat is described below.

Orange-Throated Whiptail: The Proposed Project Amendment would convey 382.8 acres of on-site suitable habitat for orange-throated whiptail to the Otay Ranch RMP Preserve, with an additional 187.2 acres designated as Conserved Open Space or preserved under the R14 Conservation Easement. There is 6.2 acres of suitable habitat within Conserved Open Space in PV2.

Blainville's Horned Lizard: The Proposed Project Amendment would convey 415.1 acres of on-site suitable habitat for Blainville's horned lizard to the Otay Ranch RMP Preserve with an additional 215.6 acres designated as Conserved Open Space or preserved under the R14 Conservation Easement. There is 6.2 acres of suitable habitat within Conserved Open Space in PV2.

Cooper's Hawk: The Proposed Project Amendment would convey 418.0 acres of on-site foraging habitat and 3.4 acres of suitable nesting habitat for Cooper's hawk. An additional 211.4 acres of suitable foraging habitat is designated as Conserved Open Space or preserved under the R14 Conservation Easement. There is 6.2 acres of suitable habitat within Conserved Open Space in PV2.

Southern California Rufous-Crowned Sparrow: The Proposed Project Amendment would convey 407.1 acres of on-site suitable habitat for Southern California rufous-crowned sparrow to the Otay Ranch RMP Preserve, with an additional 211.1 acres designated as Conserved Open Space or preserved under the R14 Conservation Easement. There is 6.2 acres of suitable habitat within Conserved Open Space in PV2.

Golden Eagle: The Proposed Project Amendment would convey 407.1 acres of on-site foraging habitat for golden eagle to the Otay Ranch RMP Preserve, with an additional 211.1 acres designated as Conserved Open Space or not impacted by the Proposed Project Amendment. There is 6.2 acres of suitable habitat within Conserved Open Space in PV2.

Burrowing Owl: The Proposed Project Amendment would convey 29.6 acres of on-site suitable habitat for burrowing owl to the Otay Ranch RMP Preserve. There is no burrowing owl habitat within PV2 or PV3.

Coastal California Gnatcatcher: The Proposed Project Amendment would provide for the preservation of habitat surrounding three pairs of coastal California gnatcatcher. Specifically, within the Proposed Project Amendment boundaries, approximately 375.5 acres of coastal sage scrub would be conveyed to the Otay Ranch RMP Preserve, with an additional 182.7 acres designated as Conserved Open Space or preserved under the R14 Conservation Easement. There is 6.2 acres of coastal sage scrub specifically located in PV2 Conserved Open Space that could be conveyed to the Otay Ranch RMP Preserve in the future. Much of the coastal sage scrub that would be conveyed to the Otay Ranch RMP Preserve is found in large patches within Village 14 and has been designated as very high habitat value.

Western Bluebird: The Proposed Project Amendment would convey 302.8 acres of on-site suitable habitat for western bluebird to the Otay Ranch RMP Preserve, with an additional 206.7 acres designated as Conserved Open Space or preserved under the R14 Conservation Easement. There is 6.2 acres of suitable habitat within Conserved Open Space in PV2.

Mule Deer: The Proposed Project Amendment would convey 422.3 acres of on-site suitable habitat for mule deer to the Otay Ranch RMP Preserve, with an additional 215.9 acres designated as Conserved Open Space

or preserved under the R14 Conservation Easement. There is 6.2 acres of suitable habitat within Conserved Open Space in PV2.

Cougar: The Proposed Project Amendment would convey 415.1 acres of on-site suitable habitat for cougar to the Otay Ranch RMP Preserve, with an additional 215.6 acres designated as Conserved Open Space or preserved under the R14 Conservation Easement. There is 6.2 acres of suitable habitat within Conserved Open Space in PV2.

American Badger: The Proposed Project Amendment would convey 355.6 acres of on-site suitable habitat for American badger to the Otay Ranch RMP Preserve, with an additional 215.6 acres designated as Conserved Open Space or preserved under the R14 Conservation Easement. There is 6.2 acres of suitable habitat within Conserved Open Space in PV2.

Because PV2 and PV3 do not contain areas of designated Otay Ranch RMP Preserve, the conservation of Covered Species and their habitat would be satisfied by conveyance of habitat to the Otay Ranch RMP Preserve pursuant to the Otay Ranch RMP Preserve Conveyance Obligation.

Findings

Covered Wildlife: PV2 contains habitat that could support 11 covered wildlife species (Table 3), including golden eagle and coastal California gnatcatcher. Development of PV2 and PV3 would result in impacts to suitable habitat for all 11 Covered Species.

PV2 and PV3 are governed by the conservation goals of the Otay Ranch RMP, which is incorporated into the MSCP Plan. Mitigation of impacts would be achieved through (1) conveyance to the Otay Ranch RMP Preserve as required by the Otay Ranch RMP Preserve Conveyance Obligation, (2) additional habitat-based mitigation required under this BMO Findings, and (3) additional MSCP and Otay Ranch RMP measures applied to coastal California gnatcatcher. Compliance with the Otay Ranch RMP Preserve Conveyance Obligation, coupled with additional mitigation for golden eagle and coastal California gnatcatcher, would meet the conservation goals for Covered Species and habitats outlined in Table 3-5 of the MSCP Plan and conservation goals in the Otay Ranch RMP. Thus, the proposed development of PV2 and PV3 would be consistent with this criterion.

2.2.5.2 Design Criteria for Linkages and Corridors (Attachment H)

Criterion 5 requires that PV2 and PV3 comply with the applicable MSCP design criteria outlined in Attachment H (Design Criteria for Linkages and Corridors) of the BMO. Attachment H outlines 11 design criteria developed to protect the biological values of linkages and corridors within the MSCP Plan boundaries. The BMO defines “linkage” as “an area of land which supports or contributes to the long-term movement of wildlife and genetic material,” whereas a “corridor” is defined as “a specific route that is used for movement and migration of species. A corridor may be different from a ‘Linkage’ because it represents a smaller or narrower avenue for movement” (County of San Diego 2010, p. 14). The Otay Ranch RMP Preserve within the Proposed Project Amendment area contains large blocks of habitat that support surrounding linkages as identified in the Final MSCP Plan (Figure 2-2, MSCP 1998). There are no MSCP-identified linkages within the Proposed Project Amendment area, which includes PV2

and PV3. The following provides the criteria described in Attachment H, and analyzes whether PV2 and PV3 conform to those criteria.

1. ***Habitat linkages as defined by the Biological Mitigation Ordinance, rather than just corridors, will be maintained.***

Discussion: The linkages identified in the MSCP Plan are based on the Wildlife Corridors Studies Report (Ogden 1992). Although the wildlife corridor study identified a BRCA overlapping the Proposed Project Amendment area, there are no identified linkages within or surrounding the Proposed Project Amendment area, and specifically PV2 and PV3. The Proposed Project Amendment area, which includes PV2 and PV3, is currently undeveloped, with the exception of the existing Proctor Valley Road. Wildlife can move freely throughout the Proposed Project Amendment area and surrounding undeveloped landscape. The Wildlife Corridors Studies Report identified specific local and regional corridors used by wildlife in the region (Ogden 1992). Although wildlife may move throughout PV2 and PV3, these two parcels are not considered habitat linkages. Additionally, the MSCP Plan provides designated BRCA and linkages, which are appropriate for this analysis, in Figure 2-2 (MSCP 1998).

The designated Otay Ranch RMP Preserve areas adjacent to and surrounding PV2 and PV3 provide for wildlife corridors and movement to those linkages but are not identified linkages in the MSCP Plan. Because PV2 and PV3 would be consistent with the originally designated Otay Ranch GDP/SRP and Otay Ranch RMP Preserve boundaries, development of these areas is not expected to impede wildlife movement along identified habitat linkages.

Findings: As shown in Figure 7, PV2 and PV3 do not contribute directly to the defined linkages as identified in the MSCP Plan. Thus, the proposed development on these two areas would not impede existing linkages or otherwise compromise their functionality. The proposed development of PV2 and PV3 would be consistent with this criterion.

2. ***Existing movement corridors within linkages will be identified and maintained.***

Discussion Specific to PV2 and PV3: As previously discussed, the MSCP Plan does not identify linkages within the Proposed Project Amendment area, which includes PV2 and PV3. This discussion focuses on the movement corridors identified within the Proposed Project Amendment area. The Wildlife Corridors Studies Report (Ogden 1992) identifies several local and regional wildlife corridors in the Proposed Project Amendment area. Figure 9, Wildlife Corridor and Habitat Linkages, shows the locations of these corridors in conjunction with land ownership. Although landscapes in San Diego County have changed significantly over the last two decades, the corridors identified in this study are still viable and currently exist between large areas of open lands. As shown on Figure 9, these corridors are given identifications and are primarily located within public lands that provide undeveloped areas connected to each other that support wildlife movement across the landscape, including movement between various reservoirs, creeks, and upland habitats. None of the corridors identified in the Wildlife Corridors Studies Report occur within PV2; therefore, development of these areas would not impact previously identified wildlife movement corridors.

Specifically, the regional corridor identified as regional corridor (R1) is located within the Otay Ranch RMP Preserve north of PV3. In accordance with the Otay Ranch GDP/SRP, R1 was designed to facilitate movement to the adjacent BRCA, with a required minimum width of 1,300 feet at the northwestern end to 2,200 feet at the southeastern end (City of Chula Vista and County of San Diego 2015a). As shown on Figure 9, development of PV2 would not impede use of this corridor, and removal of the majority of

development from PV3 would ensure that a large expanse of open space is provided to support wildlife movement in R1. Development of PV2 and a very small portion of PV3 would respect and maintain the corridor requirements of the original approvals, and would protect the topographic and vegetative cover for the corridors. Development surrounding R1 has been sited so that the entire canyon from rim-to-rim is protected from development. When the delineation of rim-to-rim topography is not obvious, there would be approximately 800 feet of width extending up each side of the ravine away from the center of the corridor, creating a 1,600-foot-wide corridor (Ogden 1992). Development north of the corridor would be located at an elevation approximately 30 feet above the corridor and would not encroach into the corridor. Under the Proposed Project Amendment, development south of the corridor would be avoided. A wildlife crossing would be provided to funnel wildlife under Proctor Valley Road.

Discussion in the Context of the Otay Ranch RMP and Otay Ranch GDP/SRP: Additionally, as described in the Otay Ranch RMP (City of Chula Vista and County of San Diego 2015b), the original Otay Ranch GDP/SRP revised the Proctor Valley Development Footprint to resolve general Preserve design and wildlife habitat connectivity issues. After analyzing more than seven different land plan alternatives for the Proctor Valley Parcel, revisions to the original Otay Ranch New Town Plan application were made to identify and maintain wildlife movement within linkages, as follows:

Significant areas of development were eliminated from the proposed development in central Proctor Valley on both the northern and southern boundaries of the regional wildlife corridor.

The proposed conference center in the middle of the Proctor Valley Parcel was eliminated to avoid any encroachment into the wildlife corridor.

Development in the inverted L was eliminated from the ravine and moved onto the ridgetop so that animals could access the ravine, which leads them northwest over the saddle and into the Sweetwater Reservoir.³

The proposed housing along the ridgetop above the lake at the southern entrance to Proctor Valley and the southernmost portions of the proposed development bubble in central Proctor Valley were eliminated to reduce impacts to coastal sage scrub and the local wildlife corridor from Jamul Mountains to Proctor Valley.

These revisions were incorporated into the Otay Ranch GDP/SRP, and the Proctor Valley R1 was designed to become an extensive linkage with a required minimum width of 1,300 feet at the northwestern end to 2,200 feet at the southeastern end. As shown on Figure 9, the design of the Development Footprint for PV2 and PV3 would be consistent with these requirements.

Findings: Existing movement corridors within linkages as identified in the Otay Ranch GDP/SRP technical documents would be defined, established, and maintained, and not impacted by the development of PV2 and PV3. Specifically, the Proposed Project Amendment as a whole would help ensure that the corridors identified in the Wildlife Corridors Studies Report are maintained by conveying habitat surrounding and including the identified corridors. Because PV2 and PV3 would be consistent with the originally designated Otay Ranch GDP/SRP and Otay Ranch RMP Preserve boundaries, the functions and values of the movement areas identified in the Wildlife Corridors Studies Report (Ogden 1992), and the BRCAs identified in the MSCP Plan, movement corridors would be maintained. Thus, the proposed development of PV2 and PV3 would be consistent with this criterion.

3 The inverted L is not a part of this analysis and has been subsequently acquired for Preserve.

3. ***Corridors with good vegetative and/or topographic cover will be protected.***

Discussion: As discussed in detail under the previous criterion, development of the Proposed Project Amendment would be consistent with the originally designated Otay Ranch GDP/SRP and Otay Ranch Preserve boundaries, and would maintain and protect the originally designated regional corridor (R1), including the good vegetative (coastal sage scrub) and topographic cover (R1 corridor is located in a valley) for this corridor.

For the Proposed Project Amendment, the on-site conveyed Preserve lands would support the linkages and corridors as described in Section 2.2.5.2, Design Criteria for Linkages and Corridors. A total of 651.4 acres of land within the Proposed Project Amendment area would be conveyed to the Otay Ranch RMP Preserve (435.2 acres), preserved as Conserved Open Space (24.5 acres), or conserved with a Conservation Easement (191.5 acres). Of this 651.4 acres, 638.9 acres is native habitat. Approximately 12.1 acres of the 638.9 acres of native habitat would be used for roads and associated infrastructure, which would leave 626.8 acres of coastal sage scrub, chaparral, and riparian vegetative cover within the Otay Ranch RMP Preserve lands.

Findings: PV2 and PV3 do not function as or include wildlife corridors. However, one corridor (R1) is located south of PV2. Because the Development Footprint of PV2 and PV3 would be consistent with the designated Otay Ranch GDP/SRP and Otay Ranch RMP Preserve boundaries, the functionality of the R1 corridor located within the Otay Ranch RMP Preserve would be maintained; therefore, the good vegetative (i.e., coastal sage scrub) and/or topographic cover of the corridors would be protected. Thus, the proposed development of PV2 and PV3 would be consistent with this criterion.

4. ***Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.***

Discussion: The focal species chosen for the Wildlife Corridors Studies Report (Ogden 1992) include larger mammals such as mule deer, cougar, and bobcat (*Lynx rufus*), and the following two bird species: coastal California gnatcatcher and coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*). These five species were chosen as the focal species for the Wildlife Corridor Studies Report because they “naturally occur in low densities and that are unwilling or unable to cross large areas of developed or otherwise unfavorable habitat” (Ogden 1992). The corridor recommendations provided in the Wildlife Corridors Studies Report were based on the ability of the corridor to accommodate travel for these species. As previously stated, although there are no MSCP-defined linkages within the Proposed Project Amendment area (consisting of PV2 and PV3), there is one regional corridor as defined in the Wildlife Corridors Studies Report (R1). This regional corridor is the basis for evaluating PV2 and PV3 in conjunction with this criterion.

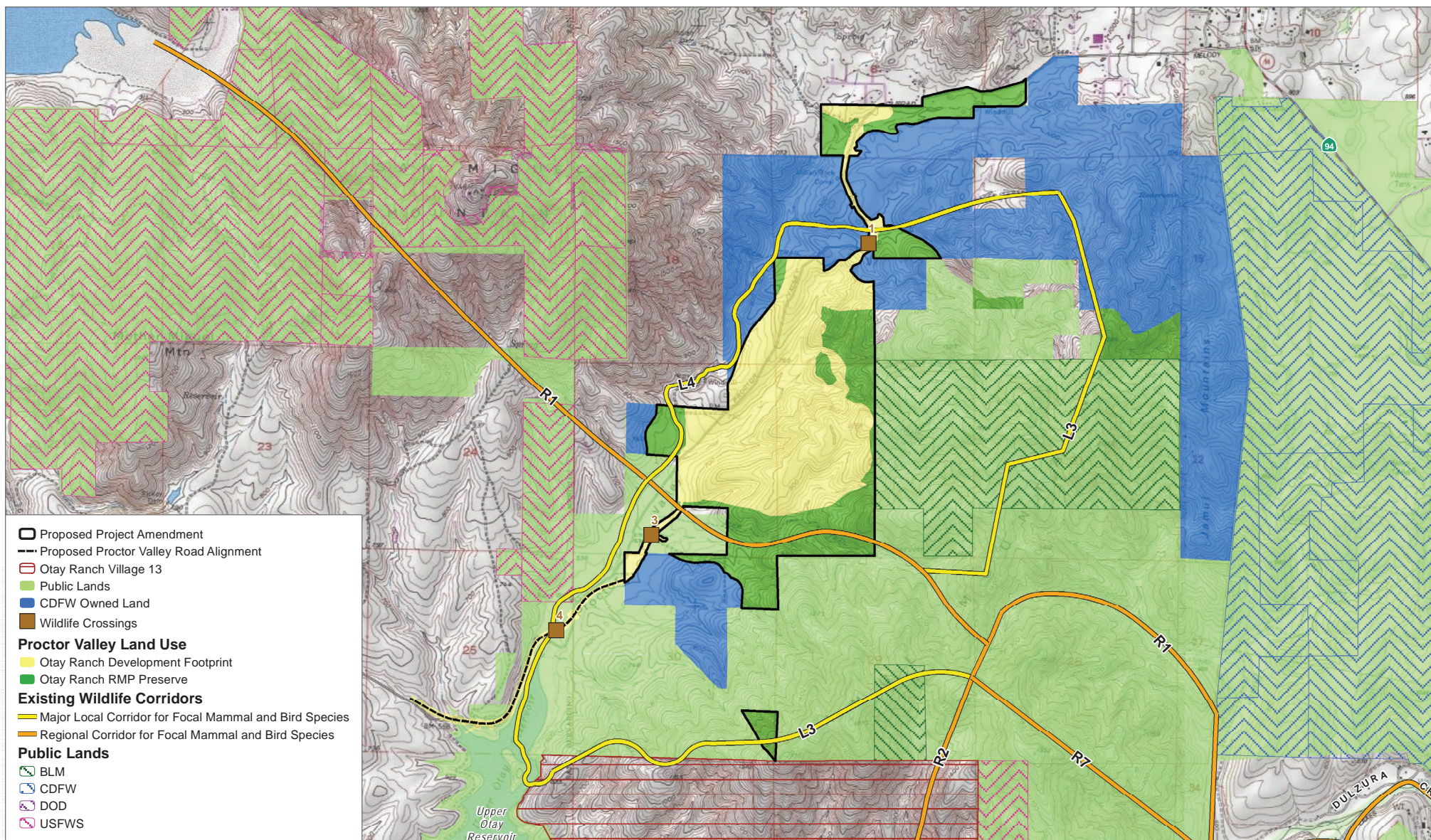
Even after development, the Proposed Project Amendment would accommodate travel for a wide range of wildlife species through R1. The Development Footprint would adhere to the required widths to protect that corridor; development would be located at an elevation above the corridor and pulled back from the edge of the ridgetop; a minimum of a 100-foot buffer between development and Preserve would be provided for in the Development Footprint; and a wildlife crossing would be provided under Proctor Valley Road. In addition, the Proposed Project Amendment’s design, including the design for development in PV2 and PV3, would be consistent with the Otay Ranch GDP/SRP and Otay Ranch RMP Preserve, which was based on the Wildlife Corridors Studies Report and designed specifically to preserve regional linkages.

Findings: PV2 and PV3 are not considered regional linkages or located adjacent to regional linkages as identified in the MSCP Plan. PV2 and PV3, as designed, would be consistent with the Otay Ranch GDP/SRP and Otay Ranch RMP Preserve. In addition, the Proposed Project Amendment’s design would include the

recommendations for corridors described in the Wildlife Corridors Studies Report (Ogden 1992). Therefore, development of PV2 and PV3 would be consistent with this criterion.

The Proposed Project Amendment does not contemplate development on the majority of PV3. In addition, as shown on Figure 9, adjacent to PV2, the Proposed Project Amendment area would provide an open corridor width well beyond what was originally designated for corridor R1 in the Otay Ranch GDP/SRP and Otay Ranch RMP.

Findings: Development of PV2 and PV3 would maintain the linkage width as specified in the Wildlife Corridors Studies Report (Ogden 1992). The corridor study recommends R1 maintain a width of 1,300 to 2,200 feet through Proctor Valley. The widths of the corridors were based on providing cover and passage for five species (three large mammals and two bird species). For the five focal wildlife species to use the regional and local corridors identified for Proctor Valley, the Proposed Project Amendment would avoid development on the majority of PV3, and thus would provide an expansive corridor beyond what was anticipated by the Otay Ranch GDP/SRP and Otay Ranch RMP. Development of PV2 would therefore be consistent with this criterion.



SOURCE: USGS 7.5-minute Topographic Map; Hunsaker 2019; SANGIS 2003; OGDEN 1992

DUDEK 0 1,150 2,300 Feet

FIGURE 9

Wildlife Corridor and Habitat Linkages

Olay Ranch Village 14 and Planning Areas 16/19 Proposed Project Amendment - BMO Analysis

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5. *If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide corridors are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.*

Discussion: See Criteria 2 and 5 in this section, which provide detailed information regarding the widths of wildlife corridor R1, which is adjacent to PV2 and PV3. As stated in the Wildlife Corridors Studies Report (Ogden 1992), the overall length of R1 is more than 6 miles long, with a varying width of 1,100 to 2,200 feet, depending on topography. Within the confines of the Proposed Project Amendment area, R1 is approximately 3,800 feet long. As previously discussed, the Development Footprint for the Proposed Project Amendment, which includes PV2 and a small portion of PV3, was designed based on the recommendations provided in the Wildlife Corridors Studies Report. The designated Development Footprint surrounding R1 provides a corridor greater than 1,000 feet to facilitate movement for large mammals and birds, and also reaches rim-to-rim along the drainage.

Findings: Existing movement corridors within linkages were identified in the Otay Ranch GDP/SRP technical documents and would be defined, established, and maintained, and not impacted by development of PV2 and a small portion of PV3. Specifically, the Proposed Project Amendment as a whole would help ensure that the corridors identified in the Wildlife Corridors Studies Report are maintained by conveying habitat surrounding and including the identified corridors. Because PV2 and PV3 would be consistent with the originally designated Otay Ranch GDP/SRP and Otay Ranch RMP Preserve boundaries, the functions and values of the movement areas identified in the Wildlife Corridors Studies Report (Ogden 1992), and the BRCAs identified in the MSCP Plan, movement corridors would be maintained at the recommend length and width. Thus, the proposed development of PV2 and PV3 would be consistent with this criterion.

6. *Visual continuity (i.e., long lines-of-sight) will be provided within movement corridors. This makes it more likely that the animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.*

Findings: As stated in Section 2.2.2 regarding Criteria 2, designated development within PV2 and PV3 was sited to maintain the corridor widths recommended within the Wildlife Corridors Studies Report (Ogden 1992). Development would be set back from the rim of the R1 corridor, and a 100-foot Preserve edge buffer is included as a part of the Proposed Project Amendment to provide screening of development from wildlife moving within the R1 corridor. No development would be placed within the corridors.

Discussion: Development of PV2 and PV3 would not impede the recommendations provided in the Wildlife Corridors Studies Report and the requirements outlined in the Otay Ranch RMP. Therefore, development of PV2 and PV3 would be in conformance with this criterion.

7. *Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.*

Discussion: The corridor within the vicinity of PV2 and PV3 (R1) has already been identified by the Otay Ranch GDP/SRP and the Otay Ranch RMP. As discussed throughout this section, the Otay Ranch GDP/SRP and the Otay Ranch RMP adapted the corridor locations and recommendations provided in the Wildlife Corridors Studies Report. Corridor selection is not required or allowed as a part of the Proposed Project Amendment. The discussion provided in support of this criterion is based on the measures identified for

the Proposed Project Amendment (PV2 and a portion of PV3), which reduce the levels of human disturbance on those identified corridors.

A Preserve Edge Plan has been developed to identify allowable uses for areas adjacent to the Otay Ranch RMP Preserve within the Preserve edge (RH Consulting Group et al. 2019). The Preserve edge is a 100-foot-wide strip of land within the designated development that is adjacent to the Otay Ranch RMP Preserve. The Preserve edge assumes that areas of Conserved Open Space are still within designated development. In accordance with Policy 7.2 of the Otay Ranch RMP, a Preserve Edge Plan is required to be developed for all specific plans that contain areas adjacent to the Preserve (City of Chula Vista and County of San Diego 2015b). The Preserve Edge Plan summarizes and evaluates the policies contained within the Otay Ranch GDP/SRP, Otay Ranch RMP, MSCP County Subarea Plan, and City of San Diego MSCP Cornerstone Lands as they relate to those areas within the Preserve edge. Lighting requirements include shielded lighting designs that avoid spillover light in the Otay Ranch RMP Preserve. Lighting plans and a photometric analysis would be prepared in conjunction with improvement plans for development areas adjacent to the Preserve to illustrate the location of proposed lighting standards and type of shielding measures. Lighting plans and accompanying photometric analyses must also be prepared in conjunction with street and other improvements proposed within the Otay Ranch RMP Preserve to demonstrate that light spillage into the Preserve would be avoided to the greatest extent possible.

Increased human activity in PV2 and PV3 (specifically Proctor Valley Road) is expected to result in long-term noise effects in the area. Noise is expected to be greatest during daylight hours and, therefore, would be more of a disturbance to those species that are active during the daytime. Nocturnal wildlife are not expected to be significantly impacted while foraging or moving in open space areas. Noise pollution is not anticipated to decrease breeding of any special-status species. Development-related noise, such as traffic, operation of landscape maintenance equipment and tools (e.g., mowers, blowers, trimmers, wood chippers), recreation at parks, and loud music from vehicles and residences, can have an effect on wildlife. The Preserve Edge Plan provides for a 100-buffer between the Otay Ranch RMP Preserve and development (RH Consulting Group et al. 2019). The Preserve edge would act as a buffer for noise generated from development. In addition, when single-family homes are located adjacent to the Otay Ranch RMP Preserve, 6-foot-high solid walls would provide additional noise attenuation. Uses in or adjacent to the Otay Ranch RMP Preserve that would have noise impacts that are not reduced by the Preserve edge would be designed to minimize potential noise impacts to surrounding wildlife species by constructing berms or walls adjacent to commercial areas and any other uses, such as community parks, that may introduce noises that could impact or interfere with wildlife use of the Otay Ranch RMP Preserve.

Findings: PV2 and PV3 are located in proximity to an identified corridor and may have an indirect impact on wildlife movement within those corridors. The Preserve Edge Plan provides specific requirements necessary to reduce human disturbances such as noise and lighting (e.g., lighting standards, type of bulb, wattage, and shielding restrictions into the Preserve). Additional measures within the Preserve Edge Plan include park setbacks, limitations on uses, no structures, walls along the perimeter of homes located adjacent to the Preserve, and berms or walls constructed adjacent to commercial areas and/or parks (RH Consulting Group et al. 2019). With these measures, the Proposed Project Amendment would reduce human disturbances on corridor R1. Development within PV2 and PV3 would be in conformance with this criterion.

8. *Barriers, such as roads, will be minimized. Roads that cross corridors should have 10-foot-high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.*

Discussion: PV2 and PV3 do not cross any wildlife corridors. As discussed throughout this section, PV3 is located adjacent to the R1 wildlife corridors, and the Proposed Project Amendment would avoid development within the majority of PV3, and therefore would expand upon the required width to facilitate wildlife movement within this corridor. Therefore, the development within PV2 and PV3 would not create barriers to wildlife corridors. Three wildlife crossings would be provided under Proctor Valley Road to allow for wildlife movement through natural topography in conformance with the Otay Ranch GDP/SRP and Otay Ranch RMP requirements (Figure 9), and would be designed to comply with all necessary length-to-width ratios and fencing requirements. The wildlife crossings would be designed in conformance with accepted standards and are discussed in detail within the Biological Resources Technical Report for the Approved Project (Dudek 2018).

Findings: The Development Footprint of PV2 and PV3 would not include any wildlife corridors and, thus, would not involve construction of barriers within corridors or linkages. Development would not occur within the majority of PV3, and three wildlife crossings would be provided along Proctor Valley Road. These three Proctor Valley Road crossings are not located within PV2 or PV3. Since PV2 and PV3 would not create barriers to wildlife movement within R1, development of PV2 and PV3 would be in conformance with this criterion.

9. *Where possible at wildlife crossings, road bridges for the vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition and vegetated with native vegetation if possible; a line-of-sight to the other end will be provided; and, if necessary, low-level illumination will be installed in the tunnel.*

As stated in Item 8, above, wildlife crossings are not required within PV2 and PV3; therefore, this criterion does not apply.

10. *If continuous corridors do not exist, archipelago (or steppingstone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is under 1–2 miles.*

Discussion: A continuous corridor (R1) is located outside of PV2 and PV3. As discussed in detail in this section, the Proposed Project Amendment would maintain the width for this corridor as recommended in the Wildlife Corridors Studies Report (Ogden 1992), and provides measures to reduce human disturbances on the corridor, required wildlife crossings, and a 100-foot buffer between the corridor and habitable structures. Since continuous corridors exist within the Proposed Project Amendment area but outside of PV2 and PV3, archipelago (or steppingstone) corridors are not required.

Findings: Continuous corridors exist adjacent to the Proposed Project Amendment area, which includes PV2 and PV3; therefore, archipelago (or steppingstone) corridors are not required.

2.3 Section 86.506 – Habitat-Based Mitigation

Section 86.506 of the BMO outlines the process for determining mitigation requirements for sensitive habitats (County of San Diego 2010). To determine the mitigation requirements for the impacts to habitat from the development of PV2 and PV3, it first must be determined whether the impact site and the proposed mitigation site qualify as BRCAs.

Section 86.506 outlines the requirements for determining whether land qualifies as a BRCA. The impact site is a BRCA if it meets one or more of the following criteria (County of San Diego 2010):

- a. The land is shown as pre-approved mitigation area on the wildlife agencies' the pre-approved mitigation map (Attachment F of the BMO).
- b. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species, which determination is based on a biological analysis approved by the Director, and is adjacent or contiguous to preserved habitat that is within the pre-approved mitigation area on the wildlife agencies pre-approved mitigation map (as shown on Attachment F of the BMO).
- c. The land is part of a regional linkage/corridor.
- d. The land is shown on the Habitat Evaluation Map (Attachment J of the BMO) as very high or high and links significant blocks of habitat.
- e. The land consists of or is within a block of habitat greater than 500 acres in an area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.
- f. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from geological formations known to support sensitive species.

In addition to the previously mentioned criteria, the MSCP Plan (MSCP 1998) identifies 16 BRCAs and associated habitat linkages within the MSCP study area. Figure 2-2, Generalized Core and Biological Resources Area and Linkages, in the MSCP Plan depicts PV2 and PV3 entirely within the Jamul Mountains BRCA (Figure 7).

PV2 and PV3 would be considered part of the larger BRCAs because they meet the following requirements: the parcels are shown on the pre-approved mitigation map, each parcel contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent to preserved habitat, portions of the parcels are very high or high quality habitat, and each parcel is within a block of habitat greater than 500 acres.

Impacts from development of PV2 and PV3 would be mitigated within the Otay Ranch RMP Preserve and be in an area designated as a BRCA. If mitigation is not located within a BRCA, then the mitigation ratios would be revised, and additional mitigation would be required. Impacts and mitigation requirements are outlined in Table 4. Tiers are based on the List of San Diego County Vegetation Communities and Tier Levels within the MSCP County Subarea Plan (County of San Diego 1997, Table 4-7) and Attachment J of the BMO (County of San Diego 2010). Mitigation ratios are based on the mitigation ratios in the MSCP County Subarea Plan (Table 4-8) and Attachment K of the BMO. The Development Footprint acreages in PV2 and PV3 represented in Table 4 do not include 6.2 acres of Conserved Open Space. Although this 6.2-acre area is currently designated as development, this area has been identified as potential mitigation for Proposed Project Amendment impacts and would not be impacted by development of PV2.

**Table 4. Mitigation Requirements for Impacts to
 Tier II and III Habitats Based on MSCP County Subarea Plan Tier Requirements**

Habitat Types/Vegetation Communities	Code*	PV2 and PV3 Development Footprint (acres)	Mitigation Site – BRCA		Mitigation Site – Not BRCA	
			Mitigation Ratio	Required Mitigation (acres)	Mitigation Ratio	Required Mitigation (acres)
Tier II						
Diegan coastal sage scrub	32500	37.2	1.5:1	55.8	2:1	74.4
Diegan coastal sage scrub (disturbed)	32500	4.8	1.5:1	7.2	2:1	9.6
Subtotal of Tier II Habitats		42.0	—	63.0	—	84.0
Tier III						
Non-native grassland	42200	0.8	1:1	0.8	1.5:1	1.2
Subtotal of Tier III Habitats		0.8	—	0.8	—	1.2
Totals (acres)		42.8	63.8		85.2	

MSCP = Multiple Species Conservation Program; BRCA = Biological Resource Core Area.

* Oberbauer et al. 2008.

Mitigation for Otay Ranch impacts, including impacts to PV2 and PV3, must conform to the provisions of the Otay Ranch RMP, including the requirement that the applicant convey to the Otay Ranch RMP Preserve 1.188 acres of land for every 1 acre slated for development (Otay Ranch RMP Preserve Conveyance Obligation). This Otay Ranch RMP mitigation requirement, including its 1.188 land conveyance ratio, is referenced in Section 10.5.A.2 of the County of San Diego MSCP Subarea Plan Implementing Agreement where the County's required mitigation for the MSCP County Subarea Plan includes the contribution of the 11,375-acre Otay Ranch RMP Preserve (USFWS et al. 1998).

The Otay Ranch RMP excludes areas that include common uses, such as schools, parks, and arterial roadways, from the required mitigation/conveyance. Within PV2, 3.6 acres of common uses is associated with the on-site water tank and access road. Common uses within PV3 include Proctor Valley Road within the Development Footprint (3.0 acres). Thus, PV2 and PV3, which would impact 50.7 acres, would be required to convey 52.4 acres of Otay Ranch RMP Preserve lands (50.7 acres minus 6.6 acres of common uses (44.1 acres) \times 1.188 = 52.4 acres). Because the BMO mitigation requirements are more stringent for certain types of habitat, the BMO requires an additional 11.4 acres of mitigation beyond the 52.4 acres required by the Otay Ranch RMP Preserve Conveyance Obligation, for a total of 63.8 acres. The mitigation provided for impacts to PV2 and PV3 would be like-kind or up-tiered habitat.

2.4 Section 86.507 – Species-Based Mitigation

Section 86.507 of the BMO specifies the process for determining mitigation requirements for sensitive plant and wildlife populations.

2.4.1 Sensitive Plant Populations

1. **Critical Populations of Sensitive Plant Species.** During project design, first priority shall be given to avoidance of impacts populations of sensitive plant species listed on the Critical Populations of Sensitive Plant Species Within the MSCP subarea (Attachment C of Document No. 0769999 on file with the Clerk of the Board). Where complete avoidance is infeasible, County staff will work with the project proponent to design the project to minimize impacts to the Critical Population to the maximum extent practicable.

Discussion: Development of PV2 and PV3 would not result in impacts to any of the plant species listed in Attachment C, Critical Populations of Sensitive Plant Species within the MSCP Subarea, of the BMO. Therefore, this criterion is not applicable.

Findings: Since development of PV2 and PV3 would not result in impacts to any of the plant species listed in Attachment C of the BMO, this criterion is not applicable.

2. **Avoidance of Sensitive Plants.** Impacts to Narrow Endemic Plant Species Within the MSCP Subarea (Attachment E of Document No. 0769999 on file with the Clerk of the Board), or Sensitive Plant Species, as defined, that meet the criteria in Group A or B shall be avoided to the maximum extent practicable. Where complete avoidance is infeasible, encroachment may be authorized depending on the sensitivity of the individual species and the size of the population except that encroachment shall not exceed 20% of the population on-site. Where impacts are allowed, in-kind preservation shall be required at a 1:1 to 3:1 ratio depending on the sensitivity of the species and population size, as determined in a biological analysis approved by the Director.

Discussion: Development of PV2 and PV3 would result in impacts to County Group B species (Table 5).

Table 5. Impacts and Required Mitigation for Sensitive Plant Populations within PV2 and PV3

Species	Regulatory Status: Federal/State/County/CRPR	PV2 and PV3 Total Impacts ^a	Mitigation Ratio	Required Mitigation	On-Site Preservation ^b	Remaining Mitigation Required
County Group B						
San Diego marsh-elder (<i>Iva hayesiana</i>)	None/None/Not Covered/2B.2	2,000	1:1	2,000	1,772	228
Munz's sage (<i>Salvia munzii</i>)	None/None/Not Covered/2B.2	372	1:1	372	5,139	N/A
County Group D						
Ashy spike-moss (<i>Selaginella cinerascens</i>)	None/None/Not Covered/4.1	<0.01 acres	N/A		2.9 acres	N/A

CRPR = California Rare Plant Rank; County = County of San Diego; N/A = not applicable.

^a Numbers are individuals unless otherwise noted.

^b On-site preservation includes populations within the on-site Otay Ranch RMP Conserved Open Space and R-14 in Planning Area 16.

Status Legend

County

Covered = Covered Species in the MSCP Plan

CRPR

2B: Plants rare, threatened, or endangered in California but more common elsewhere

4: Plants of limited distribution – a watch list

Threat Ranks

0.1: Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat)

0.2: Moderately threatened in California (20%–80% of occurrences threatened/moderate degree and immediacy of threat)

Mitigation for San Diego marsh-elder would include preservation of off-site populations of the species, incorporation of this species within a conceptual upland and wetlands restoration plan, restoration of disturbed areas within the Otay Ranch RMP Preserve, or incorporation into a conceptual wetlands mitigation plan. Mitigation for Munz's sage would be provided through the preservation of locations within the Otay Ranch RMP Preserve (Table 5).

Findings: Mitigation for San Diego marsh-elder and Munz's sage would be provided at a 1:1 ratio. The Otay Ranch RMP Preserve, which is a component of the MSCP Preserve, associated with the Proposed Project Amendment, contains the required mitigation for Munz's sage.

3. ***Mitigation for Sensitive Plant Species in Groups C and D. Sensitive Plant Species, as defined, in Groups C and D shall be protected by using the design requirements and habitat-based mitigation requirements set forth in Section 86.505 and Section 86.506. Notwithstanding the foregoing, when said design requirements and habitat-based mitigation would have the effect of substantially reducing the viability of the affected population or the species, mitigation shall be in-kind, and the mitigation required will be set at a ratio based on the sensitivity of the species and population size, as determined in a biological analysis approved by the Director.***

Discussion: Development within PV3 would result in impacts to one County Group D species: ashy spike-moss (*Selaginella cinerascens*) (Table 5). Mitigation would be provided through use of and adherence to the design requirements and habitat-based mitigation requirements set forth in Sections 86.505 and 86.506 of the BMO. The Group D species observed within PV3 is a California Rare Plant Rank 4.1 species and is known to occur in numerous surrounding areas. Direct impacts to this species are not expected to impact its local, long-term survival. Suitable habitat for this species is present within areas that would be conveyed to the Otay Ranch RMP Preserve; therefore, species-specific and ratio-based mitigation are not required. As shown in Table 5, the areas of preservation within the Proposed Project Amendment area (including Otay Ranch RMP Preserve, Planning Area 16, and areas of Conserved Open Space) would provide preservation of known populations of ashy spike-moss.

Findings: Although development within PV3 would result in impacts to a County Group D species, this species is known to occur in numerous surrounding areas, and no impacts to its local, long-term survival are expected. Mitigation would be provided through preservation of suitable habitat for this species within the Otay Ranch RMP Preserve, which is a component of the MSCP Preserve; therefore, this criterion is met.

2.4.2 Sensitive Animal Populations

1. **Rare, Narrow, Endemic Animal Species.** Impacts to Rare, Narrow Endemic Animal Species Within the MSCP subarea (Attachment D of Document No. 0769999 on file with the Clerk of the Board) shall be avoided to the maximum extent practicable. Avoidance requirements shall meet any species specific requirements set forth in Table 3-5 of the MSCP [County Subarea] Plan including any applicable limitations on clearing of occupied habitat. Where complete avoidance is infeasible, projects shall be designed to avoid any significant reduction in species viability.

Discussion: The following species listed in Attachment D of the BMO do not have a potential to occur within the Proposed Project Amendment area: Pacific pocket mouse (*Perognathus longimembris pacificus*), American peregrine falcon (*Falco peregrinus anatum*), California least tern (*Sternula antillarum browni*), Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), Ridgway's rail (*Rallus obsoletus levipes*), California black rail (*Laterallus jamaicensis coturniculus*), yellow-billed cuckoo (*Coccyzus americanus*), southwestern willow flycatcher (*Empidonax traillii extimus*), coastal cactus wren, least Bell's vireo (*Vireo bellii pusillus*), northwestern pond turtle (*Actinemys marmorata*), arroyo toad (*Anaxyrus californicus*), California red-legged frog (*Rana draytonii*), tidewater goby (*Eucyclogobius newberryi*), and Riverside fairy shrimp (*Streptocephalus woottoni*).

Two wildlife species listed in Attachment D of the BMO, golden eagle and San Diego fairy shrimp (*Branchinecta sandiegonensis*), are known to occur within the overall Proposed Project Amendment area. One species, burrowing owl, has a potential to occur but has not been directly observed. Based on surveys conducted between 2014 and 2016, no occurrences of San Diego fairy shrimp were detected within PV2 or PV3, and no observations of burrowing owl occurred. Surveys for San Diego fairy shrimp were conducted in road ruts within PV3. There are no vernal pools located within PV2 or PV3. Although the MSCP Plan identifies San Diego fairy shrimp as a Covered Species, the County has taken the position that, based on a 2006 federal court decision, the MSCP Plan's protections for this species are inadequate for purposes of providing take coverage under the federal Endangered Species Act. Therefore, impacts to San Diego fairy shrimp or its habitat must be assessed and mitigated on a project-specific basis. The Proposed Project Amendment would avoid all vernal pools and features that are known to be occupied by San Diego fairy shrimp. Consequently, no significant impacts to San Diego fairy shrimp are expected. Nevertheless, the County is requiring a preventive mitigation measures for this species that, if a take permit is required, includes compliance with any permit conditions required by USFWS for take of San Diego fairy shrimp. Focused surveys conducted within the Proposed Project Amendment area delineated suitable habitat for burrowing owl, but no suitable habitat occurs within PV2 or PV3. Preconstruction surveys for burrowing owl would be conducted within the Development Footprint to ensure that these species have not migrated onto PV2 or PV3. Discussion of golden eagle is provided in Section 2.2.5.1, Preserve Design Criteria (Attachment G), under Item 8.

Findings: Three species listed in Attachment D of the BMO are known to occur or have the potential to occur within the Proposed Project Amendment area: San Diego fairy shrimp, burrowing owl, and golden eagle. San Diego fairy shrimp and burrowing owl have not been observed within PV2 or PV3; consequently, no significant impacts to these species are expected. Nevertheless, the County is requiring the following preventive mitigation measures for these species: if a take permit is required for San Diego fairy shrimp, the Proposed Project Amendment must comply with any permit conditions required by USFWS, and preconstruction surveys must occur for burrowing owl within the Development Footprint to ensure that the

species has not migrated into areas proposed for grading or other disturbance. Discussion of golden eagle is provided in Section 2.2.5.1 under Item 8. Section 2.2.5.1 provides an analysis of impacts to suitable foraging habitat and preservation of such habitat, along with a discussion on how development of PV2 and PV3 would not interfere with the conservation goals for golden eagle as outlined in Table 3-5 of the MSCP Plan. Therefore, this criterion is met.

2. **Impacts to Burrowing Owl Habitat. Impacts to Burrowing Owl Habitat shall be avoided to the maximum extent practicable. Where impacts are unavoidable, the following mitigation measures shall be required: (1) any impacted individuals must be relocated out of the impact area using passive or active methodologies approved by the Wildlife Agencies; (2) mitigation for impacts to occupied habitat, must be through the conservation of occupied burrowing owl habitat or lands appropriate for restoration, management and enhancement of burrowing owl nesting and foraging requirements at a ratio of no less than 1:1 for the territory of the burrowing owl.**

Discussion: Burrowing owls were not observed within PV2 or PV3 during surveys conducted 2014 through 2016. Therefore, PV2 and PV3 are not currently considered occupied by this species. In addition, these parcels do not contain suitable habitat, as identified in the 2014 habitat assessment, for burrowing owl (Dudek 2018).

To ensure that burrowing owl is not impacted by the Proposed Project Amendment, the applicant would implement the following mitigation measure from the Final EIR (County of San Diego 2019):

Burrowing Owl Preconstruction Survey. Prior to issuance of any land development permits, including clearing, grubbing, and grading permits, the Proposed Project applicant or its designee shall retain a County of San Diego (County)-approved biologist to conduct focused preconstruction surveys for burrowing owl. The surveys shall be performed no earlier than 30 days prior to the commencement of any clearing, grubbing, or grading activities. If occupied burrows are detected, the County-approved biologist shall prepare a passive relocation mitigation plan subject to review and approval by the Wildlife Agencies (i.e., California Department of Fish and Wildlife and U.S. Fish and Wildlife Service) and the County, including any subsequent burrowing owl relocation plans to avoid impacts from construction-related activities.

Findings: Burrowing owls were not observed within PV2 or PV3; therefore, these areas are not currently considered occupied by this species. Further, these parcels do not contain suitable habitat for burrowing owl. A preconstruction survey would be conducted to ensure that the Development Footprint does not contain any occupied burrows. With this mitigation measure, the criterion is met.

3. **Impacts to Arroyo Toad Habitat. Impacts to upland habitats within 1 km of riparian habitat which supports or is likely to support arroyo toad shall be minimized to the maximum extent practicable.**

Discussion: PV2 and PV3 do not contain suitable habitat for arroyo toad. A habitat assessment was completed within the Proposed Project Amendment area, which includes PV2 and PV3. It was determined that this species has a low to no potential to occur within the Proposed Project Amendment area. The details of this habitat assessment are provided in the Biological Resources Technical Report for the Approved Project (Dudek 2018).

Findings: PV2 and PV3 do not contain suitable habitat for arroyo toad; therefore, this species is not expected to occur. This criterion is not applicable to the development of PV2 or PV3 because there is no suitable habitat for arroyo toad within these areas.

4. **Management Conditions for *Vireo belli pusillus*, Least Bell's Vireo.** Conditions shall be developed for projects located adjacent to least Bell's vireo habitat to monitor and control the population of brown-headed cowbirds.

Discussion: PV2 and PV3 neither contain suitable riparian habitat for least Bell's vireo nor are located adjacent to suitable riparian habitat.

Findings: PV2 and PV3 neither contain suitable habitat for least Bell's vireo nor are located adjacent to suitable habitat. This criterion is not applicable to the development of PV2 or PV3 because there is no suitable riparian habitat within these areas.

5. **Other Sensitive Animal Species.** *For other Sensitive animal species as defined in Section 86.508, impacts will be mitigated through habitat based mitigation requirements as set forth in Section 86.506. In any case in which mitigation would have the effect of substantially reducing the viability of the affected population or the species, mitigation shall be in kind and the mitigation required will be set at a ratio based on the sensitivity of the species and the population size, as determined in a biological analysis approved by the Director.*

Discussion: The BMO requires that impacts to other sensitive species, as defined in Section 86.508, be mitigated through habitat mitigation requirements as set forth in Section 86.506 (County of San Diego 2010). Other sensitive species not listed in Attachment D of the BMO from development of PV2 or PV3 would include the following species with known observations in these areas: western spadefoot (*Spea hammondi*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), California horned lark (*Eremophila alpestris actia*), white-tailed kite (*Elanus leucurus*), and San Diegan tiger whiptail (*Aspidoscelis tigris stejnegeri*). Other sensitive species with a potential to occur in these areas include orange-throated whiptail, San Diego banded gecko (*Coleonyx variegatus abbotti*), red diamond rattlesnake (*Crotalus ruber*), rosy boa (*Lichanura trivirgata*), Blainville's horned lizard, Coronado skink (*Plestiodon skiltonianus interparietalis*), Cooper's hawk (foraging habitat only), Southern California rufous-crowned sparrow, grasshopper sparrow (*Ammodramus savannarum* [nesting]), Bell's sage sparrow (*Artemisiospiza belli belli*), long-eared owl (*Asio otus*), red-shouldered hawk (*Buteo lineatus* [foraging habitat only]), turkey vulture (*Cathartes aura* [foraging habitat only]), northern harrier (*Circus cyaneus* [foraging only]), loggerhead shrike (*Lanius ludovicianus* [nesting and foraging habitat]), western bluebird, common barn-owl (*Tyto alba*), pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumops perotis californicus*), Yuma myotis (*Myotis yumanensis*), San Diego desert woodrat (*Neotoma lepida intermedia*), big free-tailed bat (*Nyctinomops macrotis*), mule deer, cougar, American badger, Hermes copper butterfly, and Quino checkerspot butterfly. Impacts to suitable habitat for these species would be mitigated through preservation of habitat, as described in Section 2.3, Section 86.506 – Habitat-Based Mitigation, and Section 2.2.5.1, Item 2, of this BMO Findings Report.

The following additional mitigation measures, as described further in the Otay Ranch Village 14 and Planning Areas 16/19 EIR and summarized here, would be implemented to reduce impacts to these species (County of San Diego 2019):

1. Biological monitoring shall be required to prevent disturbance to areas outside the limits of grading. Prominently colored temporary fencing and signage shall be installed prior to construction wherever the limits of grading are adjacent to Otay Ranch RMP Preserve, Conserved Open Space, and other sensitive biological resources.
2. To protect the Otay Ranch RMP Preserve from unauthorized entry or disturbance, permanent signage and fencing shall be placed, as needed, around the perimeter of the Otay Ranch RMP Preserve and Conserved Open Space.

3. To avoid any direct impacts to raptors and/or any migratory birds protected under the Migratory Bird Treaty Act, removal of habitat that supports active nests on the proposed area of disturbance shall occur outside of the nesting season for these species (January 15 through August 15, annually). If removal of habitat on the proposed area of disturbance must occur during the nesting season, the applicant shall retain a County-approved biologist to conduct a preconstruction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. If nests are present, then an appropriate buffer surrounding the nest shall be established until nesting is complete.
4. If take authorization is required for impacts to Quino checkerspot butterfly, the applicant shall comply with any and all conditions, including preconstruction surveys, that USFWS may require for take of Quino checkerspot butterfly pursuant to the federal Endangered Species Act. Preconstruction survey shall be conducted in accordance with USFWS protocols unless USFWS authorizes a deviation from those protocols. Take may also be obtained through the County of San Diego Multiple Species Conservation Program Subarea Plan Quino Checkerspot Butterfly Addition, if/when approved. If the Quino checkerspot butterfly is included as an addition to the South County MSCP, and the applicant seeks take under the Quino Addition, the applicant shall comply with any and all conditions for Quino checkerspot butterfly.
5. If take authorization is required for impacts to San Diego fairy shrimp, the applicant shall comply with any and all conditions, including preconstruction surveys, that USFWS may require for take pursuant to the federal Endangered Species Act.
6. To ensure that no burrowing owls have migrated into the Development Footprint, a preconstruction burrowing owl survey shall be conducted.
7. No clearing, grading, or grubbing activities may occur within habitat identified by a qualified biologist as being occupied by coastal California gnatcatcher during the nesting season for the species (February 15 through August 15, annually). If construction must occur during the nesting season, a nesting survey for coastal California gnatcatcher shall be conducted prior to the onset of construction. Construction-related noise levels in coastal California gnatcatcher-occupied habitat within 500 feet of construction activity shall not exceed 60 dBA L_{eq} or preconstruction ambient noise levels, whichever is greater. Construction within 500 feet of occupied habitat shall occur outside of the breeding season, if possible. If necessary, construction activities during the breeding season shall be managed to limit noise levels in occupied habitat within 500 feet of the Proposed Project Amendment, or noise attenuation measures, such as temporary sound walls, shall be implemented to reduce noise levels to below 60 dBA L_{eq} or below existing ambient noise levels, whichever is greater.
8. Lighting of all developed areas adjacent to the Preserve shall be directed away from the Preserve, wherever feasible and consistent with public safety. Where necessary, development shall provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the Preserve and sensitive species from night lighting.
9. Specific to Quino checkerspot butterfly, prior to the issuance of the first grading permit that impacts habitat identified as suitable for Quino checkerspot butterfly, the Proposed Project Amendment shall demonstrate to the satisfaction of the Director of Planning and Development Services (or his/her designee) that it has secured from USFWS any necessary take authorization for Quino checkerspot butterfly through (1) the Section 7 Consultation, (2) Section 10 incidental take permit

requirements, or (3) the County Subarea Plan Quino Checkerspot Butterfly Addition, if/when approved. In addition, prior to the issuance of the first grading permit that impacts habitat identified as suitable for Quino checkerspot butterfly, the Proposed Project Amendment shall prepare a long-term Quino Checkerspot Butterfly Management/Enhancement Plan.

Findings: PV2 and PV3 would result in impacts to habitat for other sensitive animal species defined in Section 86.508 of the BMO. Impacts to suitable habitat for these species would be mitigated through preservation of habitat, as described in Section 2.2.5.1, Item 2, and Section 2.3 of this BMO Findings Report. Additional measures, as outlined previously, would be provided to reduce impacts to sensitive animal species. Therefore, this criterion is met.

2.4.3 Vernal Pools

Impacts to vernal pools and their watersheds in naturally occurring complexes and wetlands shall be avoided to the maximum extent practicable.

Discussion: Based on surveys conducted between 2014 and 2016, PV2 and PV3 do not contain vernal pools (Dudek 2018).

Findings: This criterion is not applicable to development of PV2 or PV3 because these areas do not contain vernal pools.

2.4.4 Grading Limitations for Specific Species

The following limitations shall apply to grading activities in areas where the identified species occur:

- a. Coastal cactus wren – No clearing of occupied habitat shall occur February 15 through August 15.
- b. Coastal California gnatcatcher – No clearing of occupied habitat shall occur March 1 through August 15.
- c. Least Bell's vireo – No clearing of occupied habitat shall occur March 15 through September 15.
- d. Southwestern willow flycatcher – No clearing of occupied habitat shall occur May 1 through September 2.

Discussion: Only one species, coastal California gnatcatcher, listed within this criterion has a potential to nest within PV2 and PV3. As stated in Section 2.4.2, Sensitive Animal Populations, no clearing, grading, or grubbing activities may occur within habitat identified by a qualified biologist as being occupied by coastal California gnatcatcher during the nesting season for the species (February 15 through August 15, annually). Specific to coastal California gnatcatcher and nesting raptors, construction-related noise levels in coastal California gnatcatcher-occupied habitat within 500 feet of any construction activity would not exceed 60 dBA L_{eq} or preconstruction ambient noise levels, whichever is greater. Proposed Project Amendment construction within 500 feet of occupied habitat would occur outside of the breeding season, if possible. If necessary, construction activities during the breeding season would be managed to limit noise levels in occupied habitat within 500 feet of the Proposed Project Amendment area, or noise attenuation measures, such as temporary sound walls, would be implemented to reduce noise levels to below 60 dBA L_{eq} or below existing ambient noise levels, whichever is greater.

Finding: As discussed previously, the Proposed Project Amendment would adhere to the mitigation measure that reduces impacts to nesting coastal California gnatcatchers. No other species listed in this criterion has a potential to occur within PV2 or PV3. Therefore, this criterion is met.

2.4.5 Other Species-Specific Condition Requirements

As set forth in the terms of the MSCP [County Subarea] Plan and/or Subarea Plan, project applicants shall be required to comply with other applicable species specific conditions set forth in Table 3-5 of the MSCP [County Subarea] Plan as a condition of project approval.

Discussion Specific to PV2 and PV3: The Proposed Project Amendment, which includes PV2 and PV3, would comply with other applicable species-specific conditions set forth in Table 3-5 of the MSCP Plan as a condition of Proposed Project Amendment approval, as discussed in Section 2.2.5.1 (Item 8).

Discussion in the Context of the RMP Preserve: The proposed development on PV2 (44.6 acres) and PV3 (6.1 acres) would be consistent with the Otay Ranch RMP Preserve footprint established by the Otay Ranch GDP/SRP and Otay Ranch RMP. Accordingly, the proposed development on PV2 and PV3 would implement the Preserve footprint anticipated by the 11,375-acre Otay Ranch RMP Preserve as depicted in the Otay Ranch RMP. This Preserve footprint, in turn, would be consistent with the hardline Preserve referenced in the MSCP County Subarea Plan Implementing Agreement, which required the County to contribute the 11,375-acre Otay Ranch RMP Preserve as mitigation (USFWS et al. 1998, pp. 29–30). The proposed development on PV2 and PV3 would be consistent with the Implementing Agreement; therefore, the proposed development on PV2 and PV3 would not jeopardize the continued survival of the 85 Covered Species within the dedicated Otay Ranch RMP Preserve. Because the boundaries and total acreage of the MSCP Preserve approved by the Implementing Agreement and the MSCP County Subarea Plan (County of San Diego 1997) would not change with the proposed development on PV2 and PV3, the functionality of the existing MSCP Preserve design would be maintained. The Biological Resources Technical Report for the Approved Project provides additional detail on how the Proposed Project Amendment would comply with any applicable species-specific conditions set forth in Table 3-5 of the MSCP Plan. Examples include not placing development within 4,000 feet of an occupied golden eagle nest, protecting against edge effects, minimizing impacts to sensitive birds during the nesting season, and maintaining wildlife corridors.

Findings: The Proposed Project Amendment, which consists of PV2 and PV3, would comply with other applicable species-specific conditions set forth in Table 3-5 of the MSCP Plan as a condition of approval, as discussed in Section 2.2.5.1 (Item 8) and summarized above. Therefore, this criterion is met.

2.5 Conclusion

As stated above, the County Board, when it approved the Approved Project on June 26, 2019, also adopted findings demonstrating that the Approved Project's contemplated development on PV1, PV2, and PV3 could be accomplished in a manner consistent with the BMO. This BMO Findings Report draws the same conclusion with respect to the Proposed Project Amendment and the development it contemplates (and avoids) on these same parcels.

This BMO Findings Report focuses specifically on the Proposed Project Amendment's impacts within PV2 and PV3, as the Proposed Project Amendment does not contemplate any development in PV1. The BMO analysis and findings outline how development proposed for PV2 and PV3 would conform to the criteria and objectives of the BMO. Although development of these parcels would result in some loss of habitat for sensitive wildlife species and populations of sensitive plant species, development of PV2 and PV3 would satisfy the criteria set forth in the BMO.

The Otay Ranch RMP Preserve boundaries would not be changed by development of PV2 and PV3, and the functionality of the Otay Ranch RMP Preserve and the existing habitat linkages and corridors would remain intact. The Otay Ranch RMP Preserve is a component of the MSCP Preserve. Mitigation for development impacts to PV2 and PV3, as calculated by the BMO requirements, would result in the conveyance of 63.8 acres of in-kind habitat to the Otay Ranch RMP Preserve. The 63.8 acres of BMO-calculated mitigation for PV2 and PV3 exceeds the Otay Ranch RMP Preserve Conveyance Obligation by approximately 11.4 acres (50.7 acres of impacts mitigated, minus 6.6 acres of common uses, at the 1.188 ratio totals 52.4 acres ($44.1 \times 1.188 = 52.4$). The 63.8 acres of required mitigation would be met through the Proposed Project Amendment's overall conveyance of 435.2 acres of habitat to the Otay Ranch RMP Preserve, and preservation of 24.5 acres of additional habitat designated as Conserved Open Space, and by granting a Conservation Easement over 191.5 acres, for a total of 651.2 acres.

Conveyance and preservation of 651.2 acres of land would offset the loss of habitat for sensitive wildlife species and populations of sensitive plant species. Additional mitigation required for impacts to sensitive plants would be provided through on-site preservation or restoration/translocation. The loss of 0.05 acres of unvegetated stream channels would be mitigated at a minimum of 1:1 replacement-to-impact ratio, and the Proposed Project Amendment would be required to obtain ACOE, RWQCB, and CDFW permits. Therefore, with implementation of the previously mentioned mitigation, the proposed development within PV2 and PV3 would be in compliance with the measures set forth in the BMO.

The Development Footprint of PV2 and PV3 would be consistent with the Otay Ranch RMP Preserve footprint established by the Otay Ranch GDP/SRP and Otay Ranch RMP. In addition, the Proposed Project Amendment would reduce development within PV3 by 96% compared to what was anticipated by the Otay Ranch GDP/SRP. Accordingly, PV2 and PV3 would implement the Preserve footprint anticipated by the 11,375-acre Otay Ranch RMP Preserve as depicted in the Otay Ranch RMP. This Preserve footprint, in turn, would be consistent with the hardline Preserve referenced in the County of San Diego MSCP Subarea Plan Implementing Agreement, which required the County to contribute the 11,375-acre Otay Ranch Preserve as mitigation (USFWS et al. 1998, pp. 29–30). Thus, PV2 and PV3 and their proposed Preserve footprint would be consistent with the Implementing Agreement, and the PV2 and PV3 Development Footprint would not jeopardize the continued survival of the 85 Covered Species within the dedicated Otay Ranch RMP Preserve. Because the boundaries and total acreage of the MSCP Preserve designated by the Implementing Agreement and the MSCP County Subarea Plan (County of San Diego 1997) would not change with development of PV2 and PV3, the functionality of the existing MSCP Preserve design would be maintained.

3 Glossary

Approved Project. The project described in Otay Ranch Village 14 and Planning Areas 16/19 Tentative Map 5616, Specific Plan 16-002, and the certified Final EIR, which the County of San Diego (County) approved on June 26, 2019. The Approved Project permits 1,119 residential units within a Project Area of approximately 1,369 acres. The Development Footprint of the Approved Project is 809 acres.

Biological Study Area. The Biological Study Area combines the extent of the “Project Area” defined for the Approved Project and the “Project Area” for the EIR Land Exchange Alternative. Therefore, the Biological Study Area is larger than the Proposed Project Amendment Project Area. The total Biological Study Area, approximately 2,900 acres, covers the entire Proposed Project Amendment Project Area. The Biological Study Area includes land owned by the Project owner/applicant as well as land owned by CDFW. The Biological Study Area also includes a 100-foot buffer from the Proposed Project Amendment Project Area as required by the County. The full extent of biological resources mapped during the evaluation of the Approved Project and the EIR Land Exchange Alternative can be found within the technical reports prepared for the Approved Project and the alternative.

Conserved Open Space. Conserved Open Space refers to 24.5 acres of land within the Proposed Project Amendment Project Area, which, while designated in the Otay Ranch City of Chula Vista General Development Plan/County of San Diego Otay Subregional Plan Volume II (Otay Ranch GDP/SRP) for residential uses within Village 14 and Planning Areas 16/19, would not be developed as part of the Proposed Project Amendment. Instead, the Conserved Open Space would be preserved on site and (1) added to the Otay Ranch Resource Management Plan (RMP) Preserve (through a future RMP Amendment), (2) managed under a separate Resource Management Plan, or (3) used to mitigate impacts to the City of San Diego MSCP Cornerstone Lands. The Conserved Open Space areas are located adjacent to Otay Ranch RMP Preserve and would be conserved by recording a biological open space easement over the land. There is 6.2 acres of Conserved Open Space in PV2.

Development Footprint. The “Development Footprint” includes areas where there would be either permanent or temporary ground disturbance. In addition, areas of open space, which would be managed by a homeowner’s association (private homeowner’s association open space), are included in the Development Footprint. The Development Footprint includes all on-site development, off-site improvements, and impacts resulting from infrastructure and other allowable uses within the Otay Ranch RMP and MSCP Preserve according to Section 1.9.3 of the MSCP County Subarea Plan (County of San Diego 1997). The Development Footprint also includes areas of fuel modification.

Otay Ranch RMP Preserve. The Otay Ranch RMP Preserve includes areas defined as Preserve in the MSCP County of San Diego Subarea Plan Implementing Agreement (USFWS et al. 1998), which defines the County’s required contribution to the MSCP Preserve. The Otay Ranch RMP provides for the conservation and management of the entire 11,375-acre Otay Ranch RMP Preserve. The Implementing Agreement states that the required mitigation for Otay Ranch includes “protection of the areas identified as preserved in the boundaries of the Otay Ranch project including approximately 11,375 acres” of the Otay Ranch RMP Preserve (USFWS et al. 1998). Therefore, the Otay Ranch RMP Preserve is a subset of the MSCP Preserve. The portion of the Proposed Project Amendment’s land use designated as Otay Ranch RMP Preserve is, therefore, referred to as the Otay Ranch RMP Preserve, which includes 278.6 acres in Village 14 and 156.6 acres in Planning Areas 16/19, for a total of 435.2 acres.

Project Area. The total land area for the Proposed Project Amendment as contemplated in the proposed land exchange between the applicant and CDFW.⁴ The Project Area consists of approximately 1,283.6 acres currently owned by GDCI Proctor Valley L.P., the owner/applicant; 219.4 acres currently owned by CDFW; and approximately 40.1 acres of off-site improvements, for a total of 1,543 acres.

Proposed Project Amendment. The Proposed Project Amendment reflects proposed changes to the Approved Project that would add 147 units for a total of 1,266 residential units and would reduce the Development Footprint by approximately 230 acres, to a total of 579 acres, within a Project Area of 1,543 acres. The Proposed Project Amendment includes a Revised Tentative Map and Specific Plan Amendment. As contemplated in the Dispute Resolution Agreement, the Proposed Project Amendment assumes and will require a County-initiated amendment to the MSCP County Subarea Plan. Because the amendment to the MSCP County Subarea Plan will be initiated by the County, it is not part of the Proposed Project Amendment.

Revised Tentative Map. The Revised Tentative Map reflects revisions to the June 26, 2019, Approved Tentative Map No. 5616 that are necessary to process and implement the land exchange with CDFW and the Proposed Project Amendment in the County.

Specific Plan Amendment. The Specific Plan Amendment reflects revisions to the June 26, 2019, Approved Specific Plan No. 16-002 that are necessary to process and implement the land exchange with CDFW and the Proposed Project Amendment in the County.

⁴ As indicated previously, the land exchange necessary to implement the Proposed Project Amendment must be approved by the Wildlife Conservation Board.

4 References Cited

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