

MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For Sweetwater Place
PDS2014-GPA-14-003, PDS2014-REZ-14-003, PDS2014-TM-5588,
PDS2014-STP-14-015, PDS2014-ER-14-19-005
APN 505-231-36

June 26, 2015

I. Introduction

The proposed project is 126-unit residential condominium development on a 20-acre parcel. The project site is located at the north and east of the intersection of Jamacha Boulevard and Sweetwater Springs Boulevard in the Spring Valley Community Plan area (APN 505-231-36), within unincorporated San Diego County. This area is within the Metro-Lakeside-Jamul segment of the County's Multiple Species Conservation Program (MSCP). The site is currently vacant and mobilehome residential and commercial uses surround the site.

Biological resources on site were evaluated in a Biological Resources Letter Report (RBF Consulting/ Michael Baker International; April 2015). The project site contains four habitat types: 19.69 acres of disturbed lands, 0.24 acre of Non-native Riparian *Ricinus communis*, 0.38 acre of Non-native Riparian *Washingtonia robusta* and 0.02 acre of Emergent Wetlands. No sensitive plant or wildlife species were observed on the project site. The project will impact the entire project site. The impact site does not qualify as Biological Resource Core Area (BRCA) and is not located in proximity to any Pre-Approved Mitigation Areas or undeveloped land.

Impacts to Non-native Riparian *Ricinus communis*, Non-native Riparian *Washingtonia robusta* and Emergent Wetlands will require mitigation in accordance with the Biological Mitigation Ordinance (BMO), as listed in the Mitigated Negative Declaration. The purchase of habitat credits within a County-approved mitigation bank in the MSCP will be required prior to the approval of grading permits or improvement plans, and prior to approval of a Final Map.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Disturbed Habitat (11000)	IV	19.69	19.69	N/A	0.00
Non-native Riparian <i>Ricinus communis</i> (65000)	I	0.24	0.24	1:1	0.24
Non-native Riparian <i>Washingtonia robusta</i> (65000)	I	0.38	0.38	1:1	0.38
Emergent Wetlands (52440)	I	0.02	0.02	3:1	0.06
Total:	--	20.33	20.33	--	0.68

The findings contained within this document are based on County records, staff field site visits and the Biological Resources Letter Report (RBF Consulting/ Michael Baker International; April 2015). The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

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

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The project site is not shown as being a Pre-Approved Mitigation Area (PAMA) on the MSCP County Subarea Plan maps. The nearest PAMA area is located approximately 0.14 mile south of the project site.

ii. 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 and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The project site is surrounded by existing mobilehome residential and commercial development. A small drainage containing Non-native Riparian *Ricinus communis*, Non-native Riparian *Washingtonia robusta* and Emergent

Wetlands crosses the site but is not contiguous with any areas of biological open space nor any areas of PAMA or MSCP preserve lands and does not contribute to the overall function of any surrounding wetlands.

iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:

- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
- b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal. Surrounding properties are developed with mobilehome residential and commercial uses.

iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.

The MSCP Habitat Evaluation Map identifies the site as agriculture and developed. The habitat within the onsite drainage is isolated and located within a developed area. The site does not function as a connection between large areas of undisturbed habitat.

v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

The site is 20 acres and is surrounded by existing mobilehome residential and commercial development. It is not contiguous to any large blocks of habitat.

vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:

- a. Gabbroic rock;**
- b. Metavolcanic rock;**
- c. Clay;**
- d. Coastal sandstone**

The site is not contiguous with undisturbed habitats. No sensitive plant or wildlife species were observed on the project site. The property has been mapped as Diablo clay (15 to 30 percent slopes) and Huerhuero loam (9-15 percent slopes). While the site contains clay soils, due to the continuous past disturbance of the site, sensitive plant species are not expected onsite.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

The mitigation shall occur off-site either in an approved mitigation bank or another site qualifying as a BRCA.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

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

The project does not propose impacts to Critical Populations of Sensitive Plant Species, Significant Populations of Narrow Endemic Animal Species, Narrow Endemic Plant Species, Sensitive Plants, or a Biological Resource Core Area. Therefore, the Project Design Criteria Findings do not apply.

B. Preserve Design Criteria (Attachment G)

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

The project is not located within PAMA or Preserve land. Therefore, the Preserve Design Criteria do not apply.

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

The site is not located within a regional linkage or corridor.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

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

The project will result in the loss of 0.24 acre of Non-native Riparian *Ricinus communis*, 0.38 acre of Non-native Riparian *Washingtonia robusta* and 0.02 acre of Emergent Wetlands which occur in a small channel bisecting the site. These impacts will be mitigated by the preservation of 0.68 acre of wetland mitigation within a County-approved mitigation bank and therefore, the project will not conflict with the no-net-loss-of-wetlands standard.

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

The site does not support unique habitats or habitat features. The loss of 0.24 acre of Non-native Riparian *Ricinus communis*, 0.38 acre of Non-native Riparian *Washingtonia robusta* and 0.02 acre of Emergent Wetlands will be mitigated by the preservation of 0.68 acre of wetland mitigation within a County-approved mitigation bank.

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

The project does not propose to impact or conserve areas of high value habitat. The proposed project will result in the loss of 0.24 acre of Non-native Riparian *Ricinus communis*, 0.38 acre of Non-native Riparian *Washingtonia robusta* and 0.02 acre of Emergent Wetlands, which were mapped as agriculture and developed by the habitat evaluation model. The purchase of habitat credits within a County-approved mitigation bank will contribute to the conservation of higher value habitats within the MSCP area.

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

The disturbed wetlands onsite will continue to be heavily impacted by edge effects from surrounding development. On-site conservation of habitat as part of the proposed project would only create a smaller block of habitat lacking connectivity to other blocks of habitat and is not required in accordance with the Resource Protection Ordinance (RPO). Off-site mitigation as proposed by the project will

facilitate preservation of large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

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

With the exception of a small area of disturbed wetlands, the project site is comprised of disturbed habitat. Non-native Riparian *Ricinus communis*, Non-native Riparian *Washingtonia robusta* and Emergent Wetlands are considered sensitive within the MSCP. The disturbed wetland has minimal value for long-term conservation of sensitive plants or wildlife and is not required to be preserved in accordance with the RPO. Therefore, the development of this site is not considered an impact to sensitive habitat.

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

No threatened, endangered, narrow endemic species were detected on the project site. Developing the site will not eliminate highly sensitive habitat or impact key populations of covered species.

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

The disturbed wetlands on the project site are isolated from any other habitat. The surrounding mobilehome residential and commercial development has eliminated connection to larger, undisturbed areas and therefore, onsite preservation is not necessary to conserve large blocks of interconnecting habitat.

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

No critical or narrow endemic species were detected on the site. Most sensitive species have a low potential to be present due to the disturbed nature of the site and existence of surrounding development.

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

The project site is not within an area of regional significance with regard to conservation of sensitive species and habitats. The surrounding mobilehome

residential and commercial setting does not aid in conservation or wildlife dispersal. Developing the site will not hinder possible preserve systems.

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

The site does not propose onsite preservation of habitat. Proposed off-site mitigation will facilitate preservation of large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

The project site is not within a Biological Resource Core Area. The site supports 19.69 acres of disturbed lands, 0.24 acre of Non-native Riparian *Ricinus communis*, 0.38 acre of Non-native Riparian *Washingtonia robusta* and 0.02 acre of Emergent Wetlands. The riparian and wetland habitats are considered sensitive within the MSCP. However, developing the entire site is not considered a significant impact to sensitive habitat because the small amount of habitat on site is surrounded by mobilehome residential and commercial development in all directions. There were no threatened, endangered or narrow endemic species detected on-site. No significant populations of sensitive species are expected to reside on the property due to its disturbed condition and the surrounding land uses. The project site as a whole is not considered sensitive, nor are there any particularly sensitive resources present. Avoidance is therefore not necessary and project-related impacts are not considered significant once mitigation pursuant to BMO requirements is incorporated.

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