

FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM BOUNDARY ADJUSTMENT
Sweetwater Vistas PDS2015-SPA-15-002
July 7, 2017

I. Introduction

The project as currently planned would include the development of a new master planned community consisting of 218 multi-family residential units and approximately 27.9 acres of biological open space. Under the previously approved Specific Plan, most of the site would have been disturbed leaving only a small area in open space. The residential development to occur on the 43.4-acre parcel west of Jamacha Boulevard would be divided into three planning areas (Lots 1, 2, and 3). The 8.6-acre parcel east of Jamacha Boulevard, herein referred to as the “eastern parcel” and “mitigation parcel,” would be placed in biological open space. The project is anticipated to require a General Plan Amendment, Specific Plan Amendment, Rezone, MSCP Boundary Line Adjustment, Tentative Map, and Major Use Permit. The General Plan Amendment would update the Spring Valley Community Plan map and text. The proposed amendment would change the land use designation from Specific Plan to Village Residential and Open Space-Conservation (OS-C) and would delete language related to the “promised resort, restaurants, and businesses” in the text of the Spring Valley Community Plan. The Specific Plan Amendment would update The Pointe San Diego Specific Plan to delete language related to the resort.

The property that encompasses the approximately 51.9-acre project site is generally located north of Sweetwater Reservoir, south and west of State Route 94, and east of State Route 125 in the unincorporated community of Spring Valley in San Diego County, California (Figure 1). Specifically, the site is located southwest and southeast of the intersection of Jamacha Boulevard and Sweetwater Springs Boulevard (Figure 2). It is located within the San Diego land grant in unsectioned lands, of the U.S. Geological Survey (USGS) 7.5-minute Jamul Mountains quadrangle map (Figure 3).

The project site is located on unincorporated lands within the South County and Metro-Lakeside-Jamul segments of the County’s Multiple Species Conservation Program (MSCP) Subarea Plan (Figure 4). The site is part of a previously-approved Specific Plan known as The Pointe. The two types of designations found in the South County segment of the site are “Take Authorized” and “Preserved Lands”, while the Metro-Lakeside-Jamul portion includes both “Pre-Approved Mitigation Area” (PAMA) and non-PAMA land. The project would include two modifications to the MSCP: a Boundary Line Adjustment to transfer the Metro-Lakeside-Jamul portion of the site into the South County Segment, and a Hardline Adjustment (Minor Amendment) to adjust the boundaries of the designations pursuant to the “like or equivalent exchange” guidelines for Preserve Boundary Adjustments within the MSCP Subregional Plan (August 1998). (Figure 5)

The Pointe San Diego Final EIR, certified on August 1, 1990, identified significant and unmitigable impacts to several subject areas including biology. Biological resources were evaluated and reported by PSBS, WESTEC, and Michael Brandman Associates, Inc. (MBA) in multiple surveys conducted between 1978 and 1988. The Pointe project, which covered a larger area than the current Sweetwater Vistas project, was approved with mitigation included for all significant impacts and a Statement of Overriding Considerations was provided by the

Board of Supervisors. The approved Pointe San Diego project included a much more aggressive development footprint than the current proposed project. The project would have impacted almost the entire project site, including all of Hansen's Creek and Little Hansen's Creek. Only a small area of open space was to be retained in the northwest corner of the site.

The updated Biological Technical Report (BTR) for this project, dated April 6, 2017, explains that the project was redesigned to change the use from resort to residential, while maintaining and exceeding the MSCP Preserve's biological functions and values and maintaining or improving upon the original MSCP impact footprint. The preserve design was enhanced while achieving 27.9 acres of biological open space to be designated Hardline Preserve, compared to the current MSCP designation of 5.1 acres of Hardline Preserve. The proposed Boundary Amendment would convert Take Authorized areas of the South County Segment to Preserve and would also preserve land in the Metro-Lakeside-Jamul Segment, resulting in a net gain of approximately 22.9 acres of habitat within the Preserve.

The findings contained within this document are based on County records, staff field site visits and the BTR prepared by Karl Osmundson of HELIX Environmental Planning Inc., dated April 2017. 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 applicant also analyzed a Project Alternative that would reduce Lot 2 on the north side. Although the alternative would slightly improve habitat connectivity and slightly reduce habitat impacts and Hardline Take, there are no significant impacts of the proposed project that would be reduced to less than significant by the alternative. After reviewing the project documents, visiting the site, and discussing the project in multiple meetings, the Wildlife Agencies provided their support of the proposed project on November 30, 2016. The proposed project was selected over the project alternative because it provides additional coastal sage scrub restoration and land being placed into conservation and management; it substantially improves upon the historic approved development footprint on the project site for The Pointe San Diego; and the open space primarily is expected to function for local movement by the coastal California gnatcatcher. Therefore, the alternative is no longer under consideration.

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

II. Section 5.4.2 of the MSCP Subregional Plan - Subarea Plan Amendments and Preserve Boundary Adjustment Process

Amendments to subarea plans may occur according to the amendment process specified in subarea plans and/or their implementing agreements. Amendments to subarea plans will be included in annual reports to the wildlife agencies and in MSCP status reports, prepared every 3 years.

Adjustments to Boundaries of the Subarea Plan Preserve – “Like or Equivalent” Exchange Concept

Adjustments to the MSCP boundaries and/or approved Subarea Plan Preserve Boundaries may be desirable under some circumstances. For example:

- **New biological information is obtained through site-specific studies;**
- **Unforeseen engineering design opportunities or constraints may be identified during the siting or design of projects that require modification of the Preserve Boundary; and/or**
- **A landowner may request that a portion or all of his property be included within the Preserve Boundary.**

The existing MSCP designations for the site were generally based on the approved Pointe project, and covered almost the entire 51.9-acre project site, leaving only a small 5.1-acre preserve on the west side. Based on the new project description of residential rather than resort use, there are unforeseen design opportunities to greatly expand the Preserve boundary across the site; however, this improved design does require redesignating 2.1 acres of preserve to Take Authorized. New biological information obtained through the site-specific BTR (April 6, 2017) shows that the southern end of the preserve area, where take is proposed, supports comparatively lower quality habitat based on the history of disturbance and prevalence of non-native species, while the areas proposed for addition to the preserve support both a higher quality and greater quantity of coastal sage scrub and other habitats. This new biological information, combined with unforeseen design opportunities, makes the proposed adjustment desirable.

Adjustments to the MSCP and/or Preserve Boundaries can be made without the need to amend the MSCP Plan or subarea plan if the adjustment will result in the same or higher biological value of the Preserve. The determination of biological value of the proposed change is made by the local jurisdiction and must have the concurrence of the wildlife agencies. No amendment of the subarea plan is needed for an approved equivalent exchange.

Tables 1 and 2 provide a quantitative summary of the proposed changes to the Preserve.

Table 1. Like or Equivalent Quantitative Analysis for Habitats

	Existing Habitat (both segments)	Existing Hardline	Removed from Preserve (Hardline Take)	Added to Preserve (Hardline Give)	Net Change
Tier I					
Arundo-dominated Riparian (65100)	0.49	0	--	0.49	0.49
Cismontane Alkali Marsh (52300)	1.17	0	--	1.17	1.17
Disturbed Wetland (11200)	0.02	0	--	0.02	0.02**
Freshwater Marsh (52400)	0.02	0	--	0.02	0.02
Mule Fat Scrub (63310)	0.33	0	--	0.33	0.33
Non-native Riparian (65000)	0.32	0	--	0.31	0.31**
Southern Willow Scrub (63320)	3.76	0	--	3.75	3.75
Tamarisk Scrub (63810) ²	0.41	0.02	--	0.21	0.21**
Tier II					
Diegan coastal sage scrub (32500)	25.5	2.5	0.2	9.7	9.5
Diegan coastal sage scrub - disturbed (32500)	2.1	1.8	1.5	0.2	-1.3
Tier III					
Non-native grassland (42200)	3.6	0	--	2.7	2.7**
Tier IV					
Disturbed Habitat (11300)	9.1	0.1	0.1	3.7	3.6**
Eucalyptus Woodland (79100)	0.7	0	--	0.6	0.6**
Non-native Vegetation (11000)	3	0.2	--	1.8	1.8**
N/A					
Urban/Developed (12000)	1.3	0.4	0.3		-0.3
TOTAL	51.9	5.0	2.1	25.1	22.9

¹ Upland communities/habitat types are rounded to the nearest 0.1 acre, while wetland communities are rounded to the nearest 0.01; totals do not reflect rounding.

² Tamarisk scrub at this location is within an upland landscape position and not associated with a streambed, riparian habitat, or wetlands.

* This stand of southern willow scrub supports wetland conditions and provides superior functions and values compared to the disturbed wetland proposed for Hardline Take.

** Area is identified as candidate for potential restoration to demonstrate equivalent or superior preservation.

Table 2. Like or Equivalent Analysis for Species

Sensitive Species	Status	Occurs in Preserve?	Added to the Preserve	Removed from the Preserve	Net Change in Preserve
California gnatcatcher	Listed	Yes	Yes	Yes	Better
Least Bell's vireo	Listed	No	Yes	No	Better
Cooper's hawk	Group 1	Foraging	Yes	Yes	Better
Yellow warbler	Group 1	No	Yes	No	Better
Turkey vulture	Group 1	Foraging	Yes	Yes	Better
Northern harrier	Group 1	Foraging	Yes	Yes	Better
Red-shouldered hawk	Group 1	Foraging	Yes	Yes	Better
Monarch butterfly	Group 2	Possible	Yes	Yes	Better
Southwestern spiny rush	List D	Yes	2 locations	1 location	Better
Graceful tarplant	List D	No	No	No	Same
Munz's sage	List B	Yes	No	No	Same
San Diego County sunflower	List D	Yes	Yes	No	Better
San Diego marsh-elder	List B	No	Yes	No	Better
Ashy spike-moss	List D	Yes	No	No	Same

III. Like or Equivalent Exchange Analysis

The comparison of biological value will be based on the following biological factors:

1. Effects on significantly and sufficiently conserved habitats (i.e., the exchange maintains or improves the conservation, configuration, or status of significantly or sufficiently conserved habitats, as defined in Section 4.2.4);

Coastal sage scrub (CSS), disturbed wetland, freshwater marsh, riparian scrub are all sufficiently or significantly conserved habitats according to Section 4.2.4. The proposed adjustment improves the conservation and configuration of these habitats. The original Preserve as established under the previous approvals was 5.1 acres on this site. The proposed adjustment would convert 2.1 acres to Take Authorized, but add 25.1 acres, resulting in an effective gain of approximately 22.9 acres of habitat within the Preserved Lands. There would be a net loss of 1.3 acres of disturbed CSS, but a net gain of 9.5 acres of intact CSS (8.2 net gain for combined CSS). Every other sensitive habitat type would have net gains: 0.49 acre of arundo-dominated riparian, 1.17 acres of cismontane alkali marsh, 0.02 acre of disturbed wetland, 0.02 acre of freshwater marsh, 0.33 acre of mule fat scrub, 0.31 acre of non-native riparian, 3.75 acres of southern willow scrub, 0.21 acre of tamarisk scrub, and 2.7 acres of non-native grassland. Furthermore, the proposed project would accomplish the following:

- Better preserve design by targeting higher-quality and occupied habitat
- Preserve to be managed with RMP
- Preserve to be protected by open space fencing and signage
- Provides a wildlife corridor through the site
- More consolidated project footprint
- Restoration of 3.7 acres of Tier IV habitat to additional CSS (net preservation gain of 8.2 plus restoration of 3.7 means net gain of 11.0 acres).
- Enhancement of 0.4 acre of disturbed CSS adjacent to the expected gnatcatcher movement route

2. Effects to covered species (i.e., the exchange maintains or increases the conservation of covered species);

As shown in Table 2 above, the boundary adjustment would increase preservation of habitat for California gnatcatcher, least Bell's vireo, Cooper's hawk, yellow warbler, turkey vulture, northern harrier, red-shouldered hawk, and monarch butterfly. California gnatcatcher in particular would benefit from the boundary adjustment by adding 9.7 acres of intact coastal sage scrub to the preserve (and 0.2 of disturbed CSS) and restoring and enhancing another 4.1 acres, while taking only 0.2 acre of intact CSS (and 1.5 of disturbed CSS). The project would provide an open space corridor through the site, facilitating east-west movement that is not provided by the current Preserve footprint. The high quality CSS that supports a breeding gnatcatcher pair in the northwestern portion of the site would be retained and slightly expanded to the north, while the proposed road and homes on Lot 1 would be located at a lower elevation to provide separation between development and open space.

The adjustment would increase preservation of known locations of southwestern spiny rush, San Diego County sunflower, and San Diego marsh-elder. Conservation of graceful tarplant, Munz's sage, and ashy spike-moss would be maintained and would not be affected by the adjustment.

3. Effects on habitat linkages and function of preserve areas (i.e., the exchange maintains or improves a habitat linkage or wildlife corridor);

The proposed adjustment will improve the function of the preserve through this area by improving habitat connectivity across the site, thereby improving wildlife movement, interbreeding and dispersal between Dictionary Hill and the Sweetwater River. The adjustment would also improve access from the current preserve area to the water sources in Hansen's Creek and Little Hansen's Creek. The existing preserve area is located on the far western side of the project site, with no connection to the east side of the site. Under current designations there is a gap of about 970 feet between the edge of the preserve on the western parcel and the edge of PAMA designation on the eastern parcel. Measuring from edge of preserve to the edge of preserve to the east, the gap is over 1400 feet.

The proposed project would create a continuous open space connection all the way across the site, interrupted only by two roadways: existing Jamacha Boulevard and proposed Avenida Bosque. The Design Criteria for Linkages and Corridors (Attachment H) specify, "If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet." Although the distance between structures of Lots 1 and 2 would be only 250 feet at their closest point, this is not a continuous corridor width but only a pinch point, with the linkage widening immediately on either side. The portion of the linkage that's less than 400 feet between structures is only about 200 feet long, well below the 500 foot length guideline in the design criteria. The proposed open space widens to over 1,250 feet at Jamacha Boulevard. See sections 1.4.12, 2.4, and 6.2 of the BTR for further discussion of wildlife movement, corridors and habitat connectivity. The proposed open space corridor of up to 1,250 feet in width would maintain the function of the existing constrained wildlife linkage, and represents a dramatic improvement over the existing discontinuous Preserve designation.

4. Effects on preserve configuration and management (i.e., the exchange results in similar or improved management efficiency and/or protection for biological resources);

The overall preserve configuration proposed with this boundary adjustment is biologically superior to the current design. The area to be removed from Hardline Preserve was disturbed by previous grading such that it supports a significant proportion of non-native species and would require significant effort to restore its habitat value. The areas to be added include more intact coastal sage scrub that would require less intervention by a habitat manager. The proposed Preserve is larger, and thus includes more edge than the existing preserve; however, the increased size of the preserve significantly increases its protection of biological resources. The applicant will be responsible for management and monitoring of the site to protect its biological value in perpetuity by preparing a Resource Management Plan, establishing a funding mechanism, and engaging a Habitat Manager.

5. Effects on ecotones or other conditions affecting species diversity (i.e., the exchange maintains topographic and structural diversity and habitat interfaces of the preserve);

The exchange will improve topographic diversity by adding areas of natural slope extending from the current preserve area down to the two creek bottoms, with the slopes on either side, while the area to be removed was previously graded to a flat pad and graded slope. The areas to be added likewise include not only the scrub habitat currently included in the preserve, but grassland and riparian habitats too. This promotes species diversity, since the areas to be added support additional species such as least Bell's vireo and yellow warbler that are not found in the current preserve area.

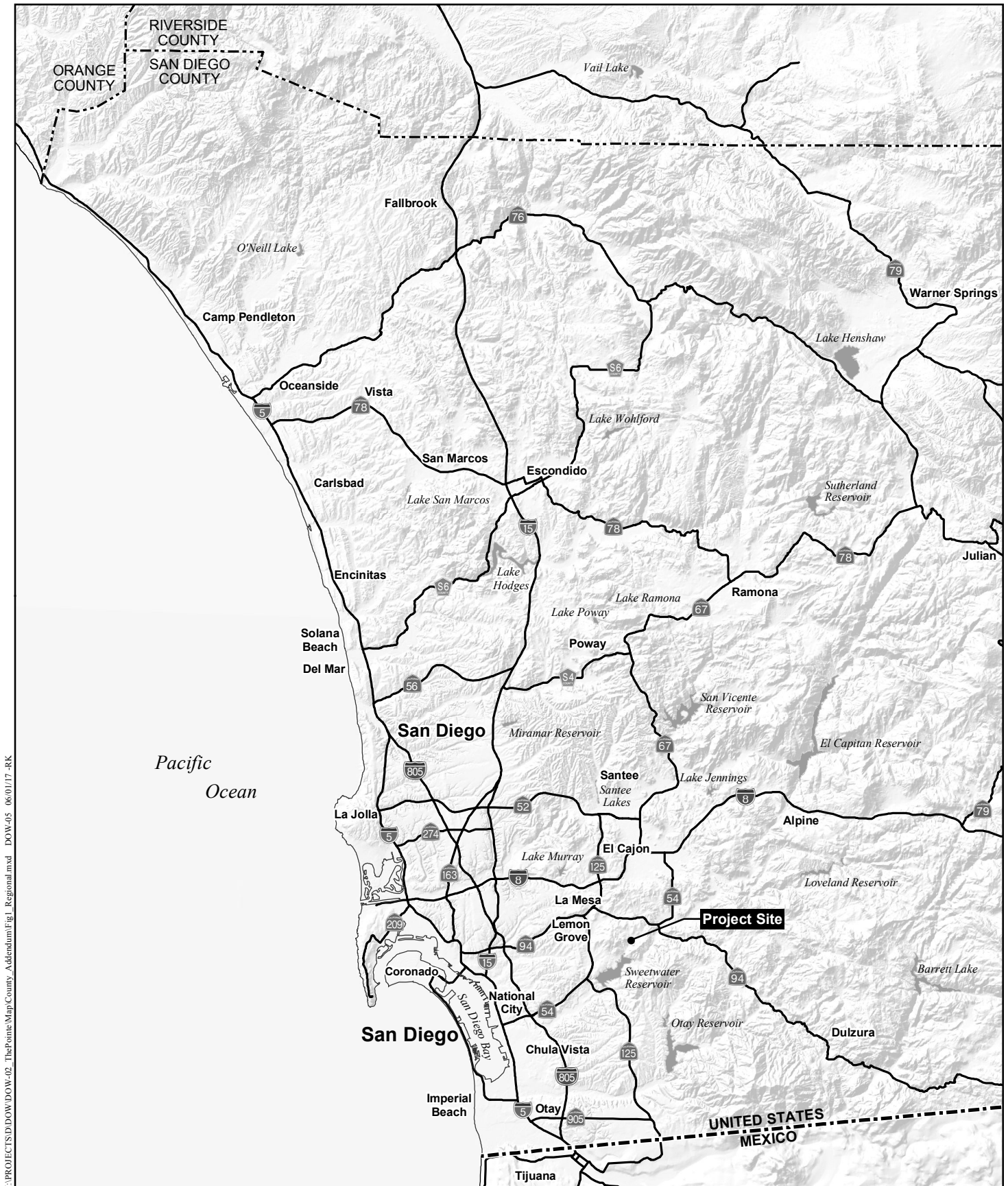
6. Effects to species of concern not on the covered species list (i.e., the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either federal or state Endangered Species Acts).

The project site supports several species that are not on the covered species list: yellow warbler, turkey vulture, red-shouldered hawk, monarch butterfly, southwestern spiny rush, graceful tarplant, Munz's sage, San Diego County sunflower, San Diego marsh-elder, and ashy spike-moss. As discussed above, the exchange would increase preservation of habitat for yellow warbler, turkey vulture, red-shouldered hawk, and monarch butterfly, as well as known locations of southwestern spiny rush, San Diego County sunflower, and San Diego marsh-elder. Conservation of graceful tarplant, Munz's sage, and ashy spike-moss would be maintained and would not be affected by the adjustment. Therefore, there would be no new adverse impacts to uncovered species and no potential conflicts with federal or state species regulations.

IV. Conclusion

Based on the above findings, the project is consistent with the MSCP Subregional and Subarea Plans; and the proposed boundary adjustment will have an overall net benefit to the MSCP Preserve System.

Planning and Development Services
July 7, 2017



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Regional Location Map

SWEETWATER VISTAS

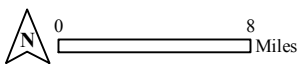


Figure 1

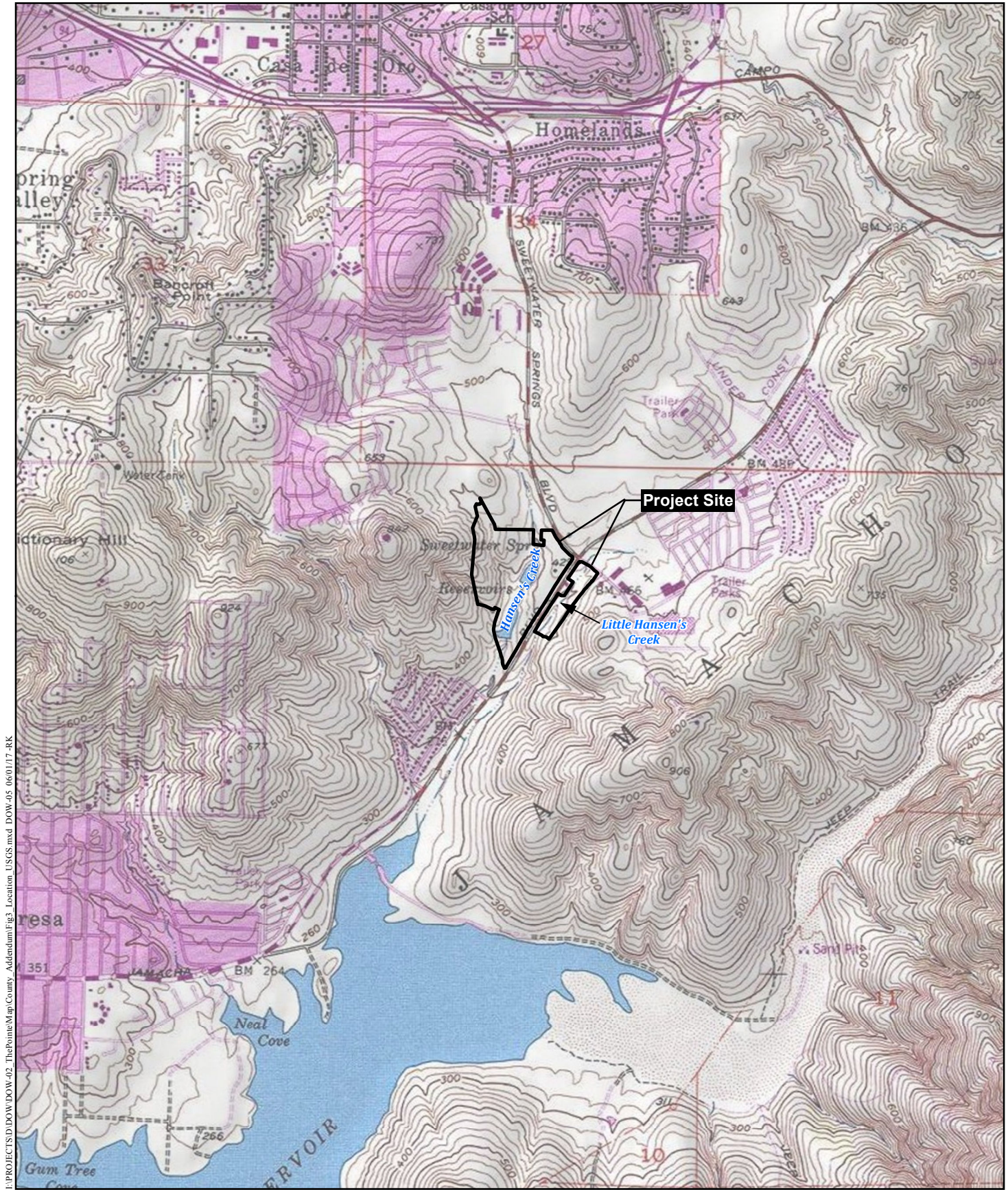


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Project Vicinity Map (Aerial Photograph)

SWEETWATER VISTAS

Figure 2

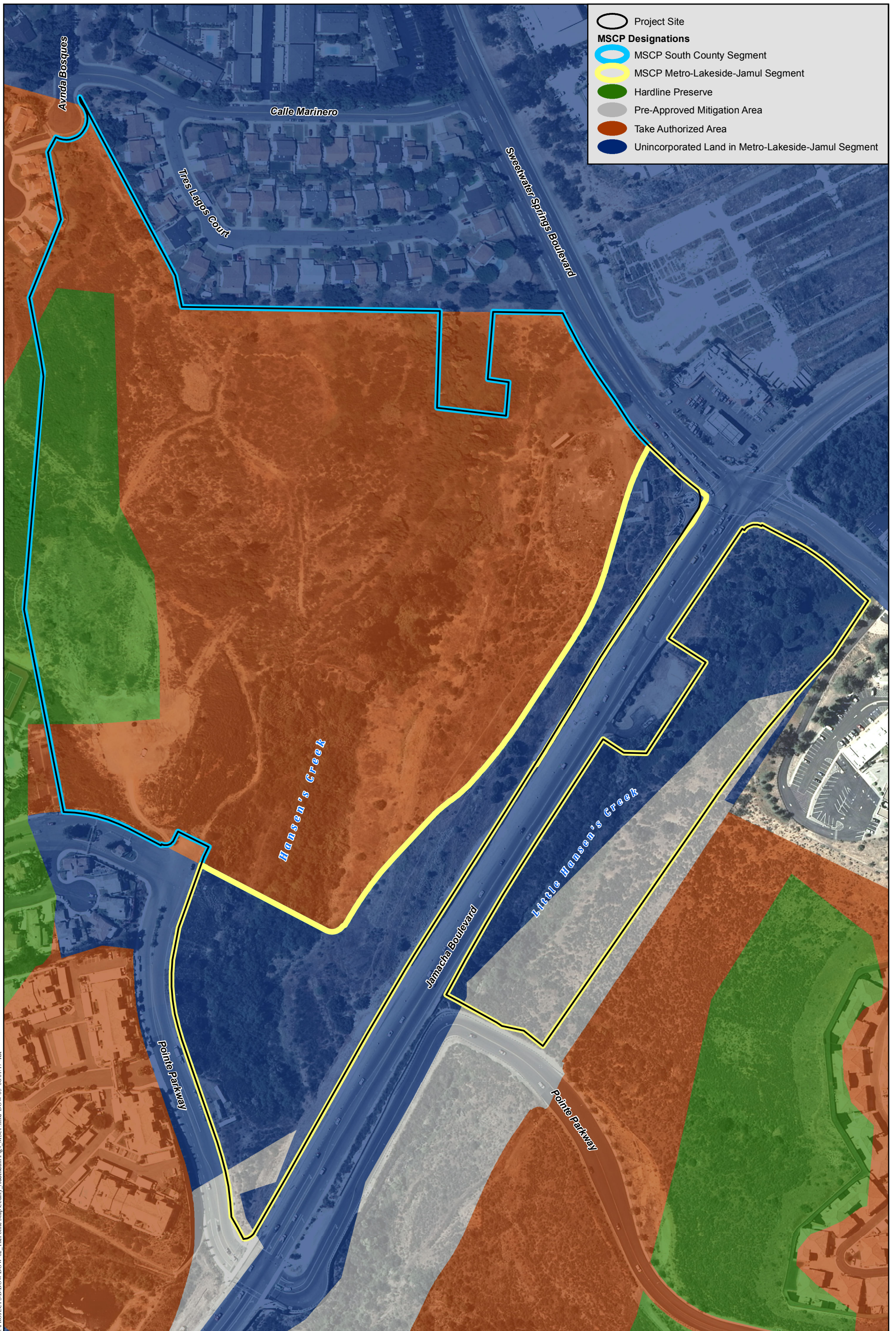


Project Vicinity Map (USGS Topography)

SWEETWATER VISTAS

Figure 3

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MSCP Designations

SWEETWATER VISTAS

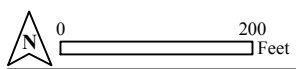
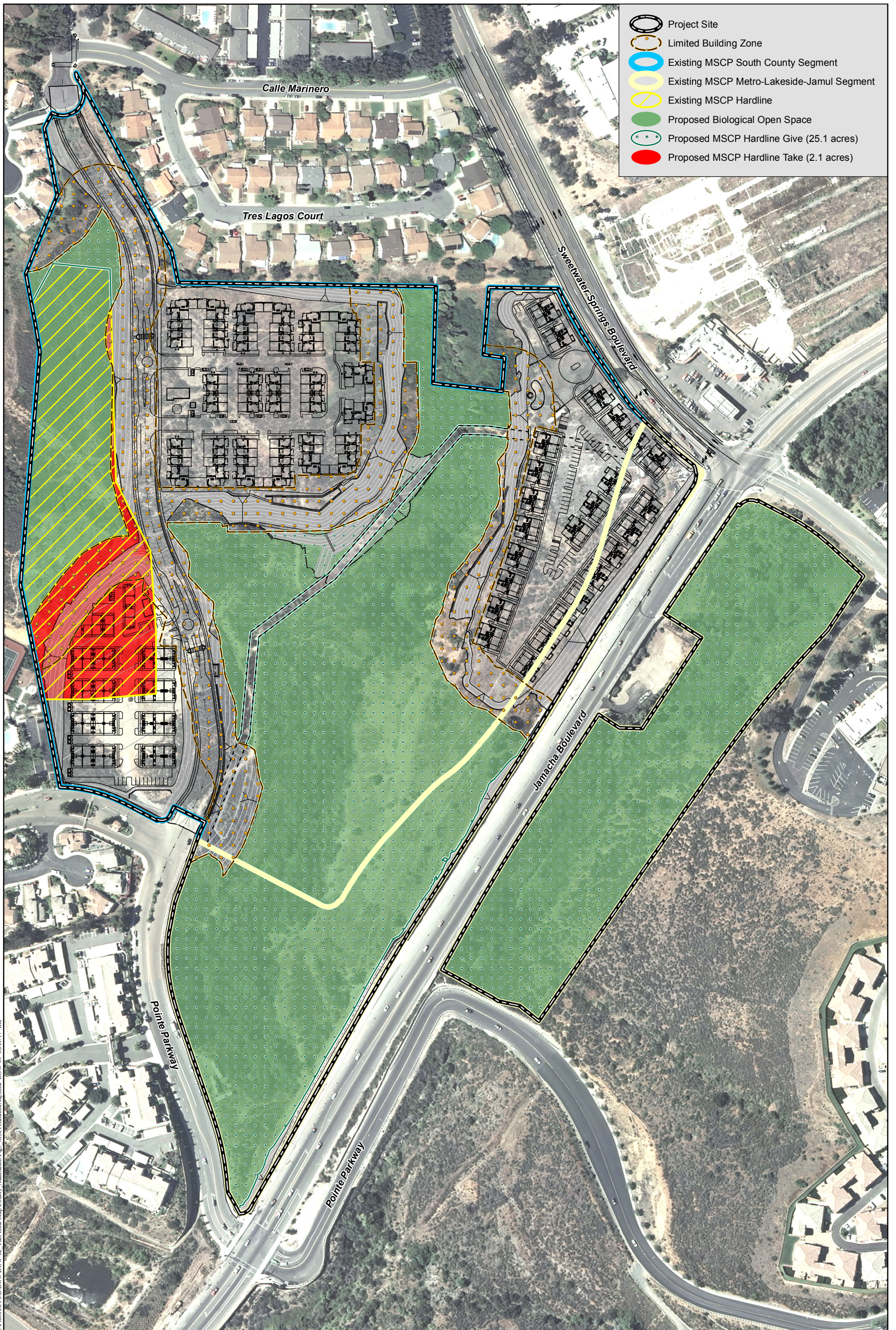










Figure 4



-  Project Site
-  Limited Building Zone
-  Existing MSCP South County Segment
-  Existing MSCP Metro-Lakeside-Jamul Segment
-  Existing MSCP Hardline
-  Proposed Biological Open Space
-  Proposed MSCP Hardline Give (25.1 acres)
-  Proposed MSCP Hardline Take (2.1 acres)

MSCP Hardline Adjustment

SWEETWATER VISTAS

Figure 5

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