

**MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT**  
**For Woodside Avenue Sidewalk**  
**Improvement Project - #1021018**  
**November 4, 2021**

**I. Introduction**

The proposed project proposes to enhance pedestrian, motorist, and bicyclist safety by installing sidewalk, traffic signal improvements, striping modifications, Class II bike lane and buffered bike lanes along a developed roadway (Woodside Avenue between Marilla Drive and Chestnut Avenue).

Gaps in sidewalk and bike lane continuity will be addressed on both sides of Woodside Avenue by joining existing sidewalks, updating curb ramps to ADA compliance, and making modifications to traffic signals and striping.

Bicycle buffers, accessible bus stops, crosswalk improvements, ADA compliant sidewalk and pedestrian ramps will be utilized where possible to enhance pedestrian and traffic safety.

A thorough discussion of project impacts and avoidance and minimization measures can be found in the Woodside Avenue Sidewalk Improvement Project Mitigated Negative Declaration and Initial Study prepared in accordance with the California Environmental Quality Act (CEQA). Impacts associated with the proposed project that are within the Unincorporated Land in Metro-Lakeside-Jamul Segment of the County's MSCP include:

- Potential impacts to nesting and roosting success of sensitive birds.

Avoidance and minimization measures recommended to reduce impacts to a level of less than significant:

- Schedule construction efforts outside the nesting bird and raptor breeding season (January 15 to September 1); conduct nest surveys prior to construction if the breeding season cannot be avoided; and create protective buffer zones to protect sensitive species as recommended by an avian specialist.

The findings contained within this document are based on County records, staff field site visits and a biological survey for the Woodside Avenue Sidewalk Improvement Project. The information contained within these Findings are 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 area is not located within a Pre-Approved Mitigation Area.

#### **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 land is not located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area. The surrounding areas are primarily commercially developed with residential apartments and housing separating the project area from land designated as Pre-Approved Mitigation Area.

#### **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 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 project site is not part of a regional wildlife corridor. The immediate surrounding areas are primarily commercial development and residential apartments and housing separating the project area from nearby undeveloped land to the north designated as Pre-Approved Mitigation Area. The San Diego River corridor lies to the west and north approximately 2,000-feet and 3,000-feet respectively.

- iv. The land is shown on the Habitat Evaluation Map (Attachment XX) 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 project site contains land shown on the Habitat Evaluation Map identified as developed and of low habitat value.

- 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 project site does not consist of nor is it within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

- 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 land does not contain a high number of sensitive species and is not adjacent or contiguous to surrounding undisturbed habitats, nor does it contain soil derived from Gabbroic rock, Metavolcanic rock, Clay, or Coastal sandstone.

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

The project site is completely developed and contains small amounts of ornamental and disturbed non native vegetation. Mitigation for the project is not required.

**III. Biological Mitigation Ordinance Findings**

The project is exempt from the BMO (Section 86.503(a)(8)), which states:

A public facility or public project, determined to be essential by the County, including but not limited to a County Park or County recreational facility, provided that the County

decision making body considering an application for such a project makes the following findings:

- a. The facility or project is consistent with the County General Plan, the MSCP Plan and Subarea Plan, as approved by the Board of Supervisors.**

The project is consistent with the County General Plan, and the MSCP Plan and Subarea Plan.

- b. All feasible mitigation measures have been incorporated into the facility or project, and there are no feasible, less environmentally damaging locations, alignments or non-structural alternatives that would meet project objectives;**

All feasible mitigation measures have been incorporated into the project and there are no feasible, less environmentally damaging locations alignments, or non-structural alternatives that would meet project objectives.

- c. Where the facility or project encroaches into a wetland or floodplain, mitigation measures are required that result in a net gain in wetland and/or riparian habitat;**

The project does not encroach into wetlands or a floodplain.

- d. Where the facility or project encroaches into steep slopes, native vegetation will be used to revegetate and landscape cut and fill areas;**

The project will not encroach into steep slopes; the topography of the project site is relatively flat.

- e. No mature riparian woodland is destroyed or reduced in size due to otherwise allowed encroachments; and**

No mature riparian woodland would be destroyed or reduced; no riparian woodland exists within the project site.

- f. All Critical Populations of Sensitive Plant Species Within the MSCP Subarea, (Attachment C); Rare, Narrow Endemic Animal Species Within the MSCP Subarea, (Attachment D); Narrow, Endemic Plant Species Within the MSCP Subarea, (Attachment E); and San Diego County Sensitive Plant Species, as defined herein will be avoided as required by, and consistent with, the terms of the Subarea Plan.**

No critical populations of sensitive plants would be impacted.

## **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 will not impact Critical Populations of Sensitive Plant Species, Significant Populations of Narrow Endemic Animal Species, Narrow Endemic Plant Species or Sensitive Plants or proposed impacts within a Biological Resource Core Area.

Project Design Criteria, including Attachments G and H are not required.

## **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 is located within the Unincorporated Land in Metro-Lakeside-Jamul Segment of the County's MSCP and would not impact wetlands so it would not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

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

The proposed project involves the implementation of safety improvements along an existing developed roadway and will not impact any native habitat.

### **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 land in the project area is shown on the MSCP habitat evaluation model as developed and ranked as low habitat value, and the project would not impact any habitat types ranked as high or very high biological values. Therefore, although the proposed project is not required to conserve habitat, it would not interfere with the conservation of habitat types that were ranked as having high and very high biological values based on the MSCP habitat evaluation model.

### **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 proposed project involves the implementation of safety improvements to sidewalks along an existing commercially developed roadway and will not impact any native habitat.

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

The proposed project involves the implementation of sidewalk safety improvements designed along an existing commercially developed roadway. There is little habitat value in the surrounding developed area as it consists of commercial businesses and residential homes and apartment buildings, concrete-lined channels, and paved roads, and because landscape/ornamental vegetation occurs throughout the project area. The project does provide for the development of the least sensitive habitat areas.

**6. covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

The proposed project would not impact any key regional populations of covered species and representations of sensitive habitats and their geographic sub-associations in biologically functioning units as none were identified within the project impact area.

**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 proposed project involves the implementation of safety improvements to the sidewalks along an existing developed roadway. There is little habitat value in the surrounding developed area as it consists of commercial businesses, apartment buildings, residential homes, concrete-lined channels, and paved roads. Therefore, although the project is not required to conserve habitat, it would not interfere with the creation of large interlocking blocks of habitat that continue to the preservation of wide-ranging species.

**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.**

The proposed project will not adversely affect critical populations and narrow endemics as none were identified within the project impact area.

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

The proposed project involves the implementation of safety improvements to sidewalks along an existing developed roadway. The proposed project will impact areas that are part of the existing Unincorporated Land in Metro-Lakeside-Jamul Segment of the MSCP. The proposed project would not result in temporary and permanent impacts to any native habitat. There is little habitat value in the surrounding developed area as it consists of commercial businesses, apartment buildings, residential homes, and paved roads. In addition, the project will only impact

vegetation communities adjacent to the existing road. The project does not overlap with any hardline preserve areas or conflict with any provisions of the MSCP. Therefore, the project will not jeopardize the assembly of a preserve system within the Subarea Plan.

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

The proposed project consists of safety improvements along an improved roadway along Woodside Avenue. There is no on-site preservation proposed.

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

The proposed project is surrounded by commercial and rural residential development. The project impact area does not qualify as a BRCA since it is not located within a Pre-Approved Mitigation Area, the land is not part of a regional wildlife corridor and does not meet the rest of the BRCA criteria.

All feasible avoidance and minimization and mitigation measures have been incorporated into this project.

Additional avoidance and minimization measures include scheduling construction activities outside the nesting bird and raptor breeding season (January 15 to September 1) to the extent feasible and creating protective buffer zones to protect sensitive species or nests that are identified adjacent to construction.

No feasible, less environmentally damaging alternative could be employed that would allow implementation of this essential public project. Best Management Practices including installation of fiber rolls, gravel bags, spill prevention and control, concrete waste management, solid waste management, and sanitary waste management will be implemented throughout the project site during construction.

Thomas Duffy,

Department of Public Works

November 4, 2021