
CHAPTER TWO: OPEN SPACE

GOAL:

Contribute to a multi-purpose open space system that promotes regional resource protection and provides a critical connection to adjacent community open space.

2.1 IMPLEMENTING PRINCIPLES

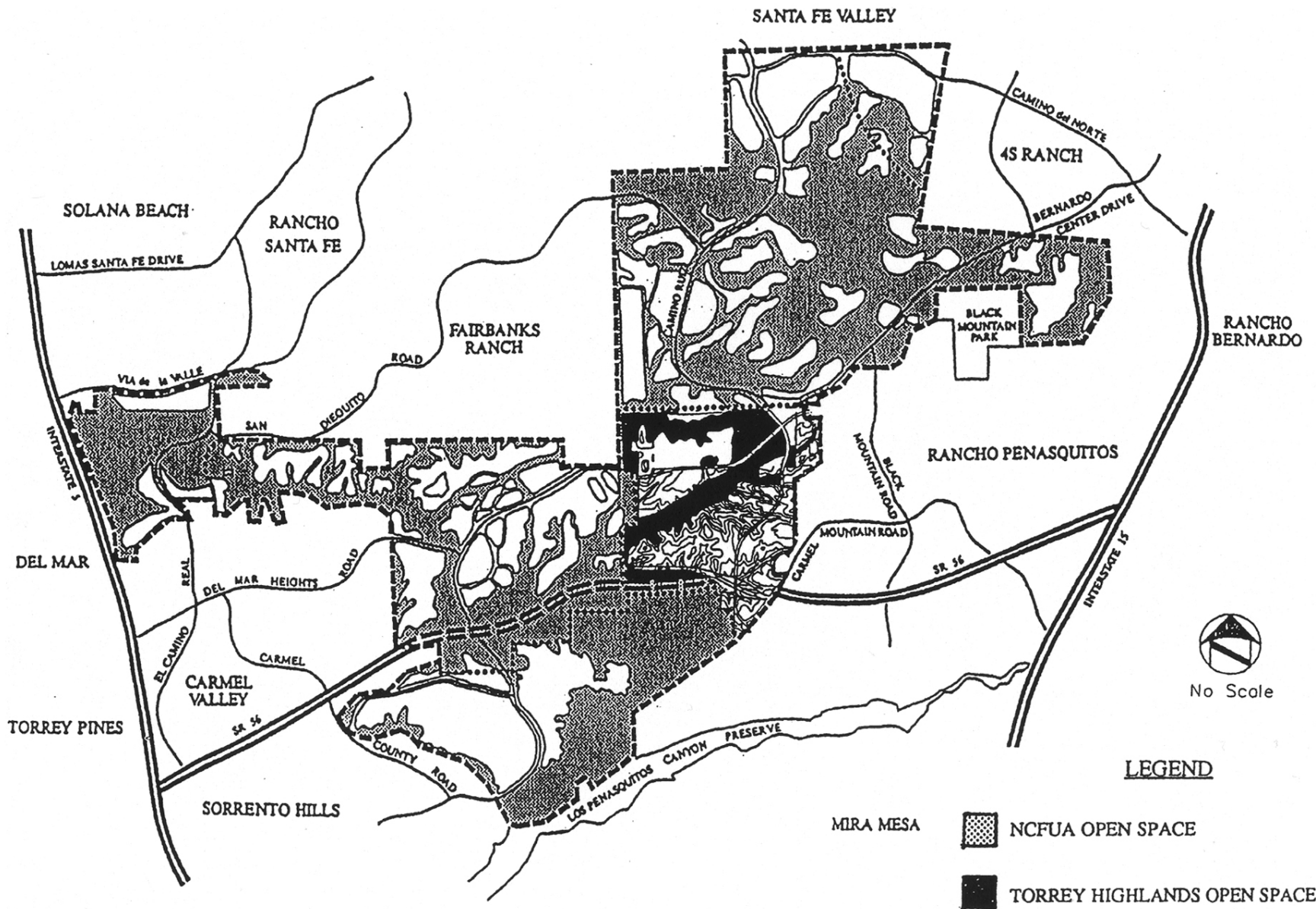
- Comply with RPO (or successor regulations), as well as the adopted MSCP and implementing ordinances, policies, regulations or alternative compliance provisions within development areas to maintain natural resources such as mature stands of native trees, seasonal stream courses, wetlands and significant landforms.
- Conserve biological resources consistent with the Multiple Species Conservation Program (MSCP) Preserve through the development of interconnected and viable habitat reserves, habitat restoration and enhancement.
- Define boundaries for the Torrey Highlands Preserve Segment which are consistent with the MSCP Preserve boundaries.
- Define and preserve an interconnected open space system within Torrey Highlands that links the larger regional open space systems including McGonigle Canyon, La Zanja Canyon, Deer Canyon, the San Dieguito River Valley Park, Black Mountain Regional Park, and Peñasquitos Canyon Reserve consistent with the MSCP.
- Integrate, where appropriate, passive recreation uses within the MSCP Preserve.
- Utilize mitigation concepts consistent with State of California guidelines to help ensure the conservation and enhancement of resource lands.

2.2 RESOURCE PROTECTION ORDINANCE

The City Resource Protection Ordinance (RPO), adopted in February 1989, is designed to protect sensitive natural resources. The Ordinance identifies sensitive lands such as hillsides, biologically sensitive areas, prehistoric and historic sites, wetland and wetland buffers, and floodplains and floodways.

All development within the City of San Diego must be reviewed to determine if a RPO Permit is needed. The intent of the ordinance is to limit development encroachment into designated sensitive areas and to establish the means by which encroachment is mitigated.

In January 1990, the City Council approved City Council Policy 600-40, directing how RPO analysis relates to the preparation and implementation of long-range plans such as Torrey Highlands. The Policy was created to:



NCFUA Open Space **2-1**
Torrey Highlands Subarea Plan **FIGURE**



- Ensure thorough analysis of site constraints and opportunities in the planning process.
- Aid in the review of subsequent permits and maps within the planning area.
- Ensure protection of environmental resources by preserving contiguous open space systems and providing mechanisms to acquire or protect those resources.
- Ensure that adopted land use policies and objectives are considered in the context of the suitability of the plan area for development.

The Plan was developed using the site constraints and opportunities for the project area. Development areas are designated based on suitability and open space areas (habitat linkages have been designated to ensure contiguous open space systems in the region). The Plan incorporates RPO planning guidelines in Appendix D of the Biological Resources Report: Restoration and Enhancement Plan (**Appendix C** of the Torrey Highlands Subarea Plan) which consolidates all on-site habitat restoration/mitigation projects into the MSCP Preserve. Because the MSCP Preserve area within Torrey Highlands consists mostly of disturbed habitats, the consolidation of potential mitigation areas within the MSCP Preserve provides a benefit to sensitive resource protection that would not occur if the plan area was developed on a parcel-by-parcel basis with individual RPO permits.

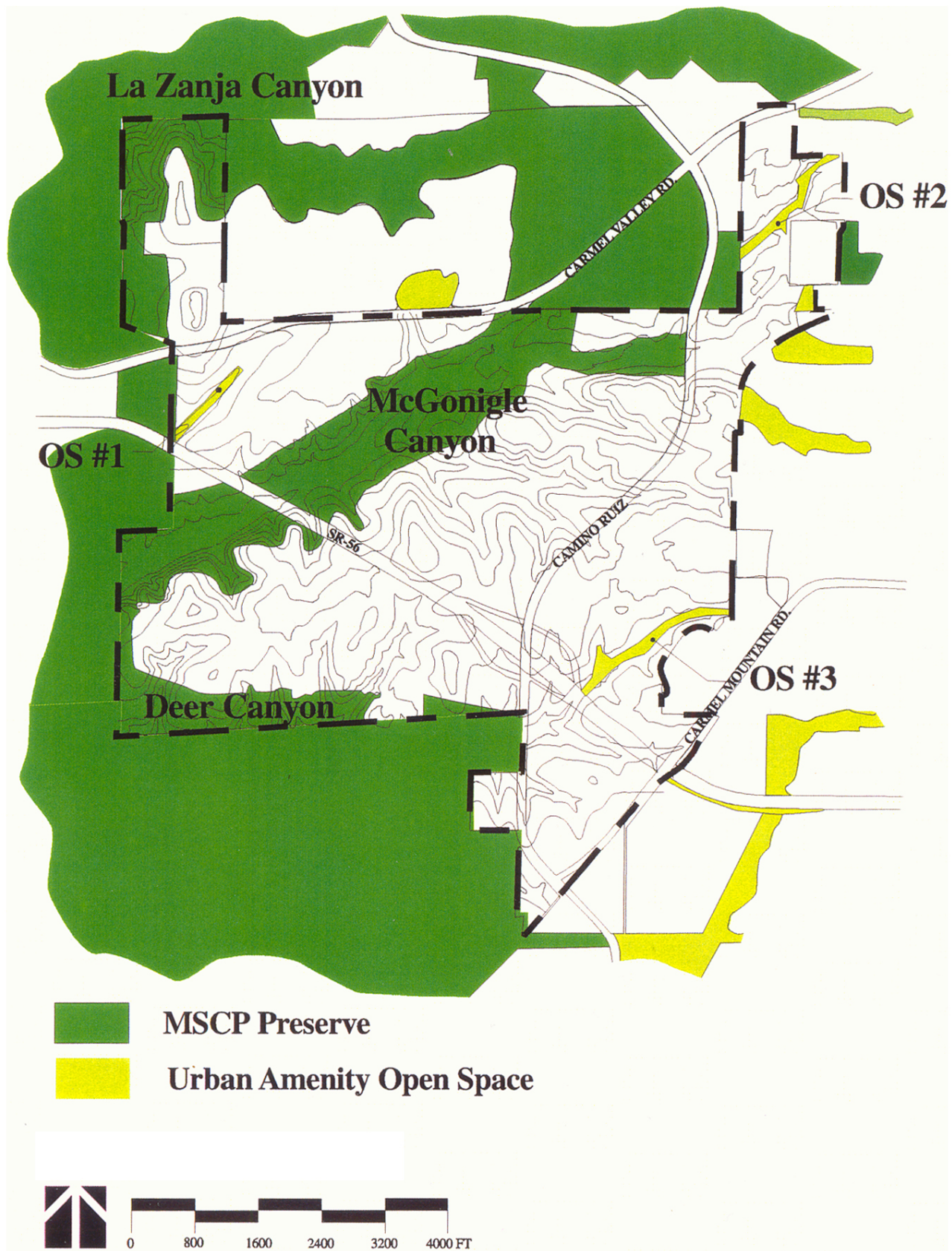
If future project or permit applications within Torrey Highlands are found to be consistent with this Plan, then future RPO permits may be approved using the substantial conformance determination referenced in the alternative compliance subsection of the RPO. Additionally, encroachment analysis for project or permit applications is unnecessary, so long as a substantial conformity determination is made by the decision-makers that the projects are consistent with the Torrey Highlands Subarea Plan.

2.3 ENVIRONMENTAL TIER

The Environmental Tier mapping project was conducted for the entire NCFUA as part of the Framework Plan planning process. The in-depth study was conducted and completed largely in conformity with the site suitability analysis criteria contained in City Council Policy 600-40. Additional criteria included wildlife corridor and habitat protection principles. The information was utilized as the basis for planning and locating an Environmental Tier.

When the City Council adopted the Framework Plan for the NCFUA, it concurrently adopted the Environmental Tier and approved the Framework Plan as the mechanism by which the RPO would be implemented and enforced within the NCFUA. The Framework Plan discussion of RPO concludes that:

- The Environmental Tier, if fully implemented, protects environmental resources and preserves a contiguous and interconnected open space system. The Environmental Tier and open space implementation policies provide objective criteria against which to review projects.



Open Space Map 2-2
Torrey Highlands Subarea Plan **FIGURE**

This Subarea Plan further refines the studies conducted for the Environmental Tier areas mapped in the NCFUA using the principles, policies and proposed regulations developed in planning for the MSCP Preserve (**Section 2.4.1**). The MSCP Preserve within Torrey Highlands reflects the previously delineated Environmental Tier. The Environmental Tier for Torrey Highlands is therefore equivalent to the MSCP area in Torrey Highlands and shall be hereafter referred to as the Torrey Highlands Preserve Segment or the Preserve. Torrey Highlands provides approximately 250-270 acres of the MSCP Preserve. Detailed biological information and a parcel-by-parcel evaluation of resource impacts are contained in the RPO analysis for Torrey Highlands as part of the Environmental Impact Report.

2.4 TORREY HIGHLANDS OPEN SPACE CONCEPT

As illustrated in **Figure 2-1**, the open space within Torrey Highlands is an integral part of the NCFUA open space network. The NCFUA open space for Subarea IV has been included as part of the Torrey Highlands Preserve Segment.

2.4.1 MSCP Preserve

The Multiple Species Conservation Program (MSCP) is a habitat conservation plan developed in accordance with Section 10(a) of the Federal Endangered Species Act and the state Natural Community Conservation Planning Act. With approval of the MSCP by federal and state authorities in March 1997, the City was granted an incidental take permit which allows landowners within the City to disturb the habitat of certain endangered, threatened and sensitive species in exchange for making long-term commitments to conserve habitat in an area known as the MSCP Preserve (also called the Multiple Habitat Planning Area [MHPA]).

2.4.2 Torrey Highlands Preserve Segment

The Torrey Highlands Subarea Plan Preserve incorporates MSCP lands which provide a large contiguous area of natural open space to support native plants and animals, as well as provide linkages between large areas of off-site natural open space areas.

The Torrey Highlands Preserve Segment, as illustrated in **Figure 2-2**, is generally defined by McGonigle Canyon in the central area, the upper reaches of La Zanja Canyon in the northwest area and Deer Canyon in the south area. The majority of the land within the Torrey Highlands Preserve Segment has been disturbed by past agricultural practices but also includes steep slopes, 100-year floodplains, view corridors, native vegetation, and non-native grassland. The Torrey Highlands Preserve Segment encompasses approximately 270 acres in Torrey Highlands.

Given the varied topography of Torrey Highlands, it is possible to describe the Torrey Highlands Preserve Segment in terms of unique topographic characteristics associated with the southern, central and northwestern regions of Torrey Highlands.

The key feature of the central region is McGonigle Canyon, which diagonally bisects the entire subarea from the southwest to the northeast and functions as a major wildlife corridor. In general, it is characterized by steep slopes and finger canyons along the south, with less steep slopes along the north. The spine of this portion of the Torrey Highlands Preserve Segment is defined by the 100-year floodplain. This area is designated as a regional wildlife corridor by the MSCP and is required to be no less than 1,000-feet in width, except for areas governed by special circumstances as referenced below.

The key features of the northwestern region are the upper reaches of La Zanja Canyon and a segment of the SDG&E easement. This portion of the Preserve Segment is dominated by steep slopes and is variable in width, with the exception of the southern leg of the region containing the SDG&E easement.

The southern region comprises the south-facing slopes and finger canyons within the northern limits of Deer Canyon that are dominated by chaparral and sage scrub and would connect with the major component of the MSCP Preserve within Del Mar Mesa.

The goal of the MSCP for the entire city is to have wildlife corridors of 1,000 feet or more. Exceptions may be accommodated where narrow widths are compensated nearby with required width and resource agencies concur. The Torrey Highlands Preserve Segment generally varies in width from 1,000 feet to 1,400 feet, with approximately 87 percent exceeding 1,000 feet in width.

2.4.3 Preserve Segment Requirements

In general, the Torrey Highlands Preserve Segment would consist of native vegetation with limited passive recreation activities such as trails allowed along the boundaries of the Preserve, and in limited areas within the Preserve to allow crossing between residential communities. The trails will generally follow the contours on the inside edge of the north side of the Preserve to avoid unnecessary grading. A trail will also follow the sewer trunk easement road located within the Preserve and a trail connection will be provided within the SDG&E easement near the southwest edge of Torrey Highlands.

As stated above, the goal for corridor width within the MSCP Preserve is 1,000 feet. The width is defined as the distance between the land use development areas (including Brush Management Zone 1) as shown on the land use plan. The Torrey Highlands Preserve Segment width will be wider in some areas and may be reduced to no less than 950 feet* in other areas if approved by the reviewing agencies and if offsetting mitigation is provided which increases preserve widths in offsetting locations or which otherwise promote the function of the MSCP Preserve.

* The only exception to the 950-foot width is on Parcel #306-011-07 which will have a minimum width of 900 feet. This is due to the “reasonable use” impacts which result from the proposed MSCP as it affects this parcel. This width has been accepted by the resource agencies (USFWS, CDFG) and will ensure that the subject property retains development potential.

Grading will be allowed in the limited areas shown on the Concept Grading Plan, **Figure 5-1**, within the perimeter areas of the Torrey Highlands Preserve Segment, provided the average slope ratio is no greater than 3:1 and the graded area is revegetated with native plant material consistent with the plant communities within the Preserve.

Brush Management adjacent to the Preserve shall be consistent with the following guidelines:

- Fuel management areas exist between all structures and the native vegetation of canyons and hillsides and are intended to preserve, protect and safeguard human lives and property and the natural habitat. Brush management shall comply with the City's Landscape Technical Manual and adopted MSCP Plan and implementing agreements.
- Zone 1 shall be 40 feet (30 feet if fire resistant architectural features are incorporated into the design of the structure). This zone shall consist of plant species adjacent to structures and be located entirely within the development areas as identified in the land use plans.
- Zone 2 and Zone 3 consist of selective thinning and pruning of native plant materials to reduce the fuel load. Any revegetation within these zones shall be achieved by using drought tolerant, fire retardant, low-growing plant materials that are visually and biologically compatible with the native vegetation. Where brush management is required adjacent to the Torrey Highlands Preserve Segment, alternative compliance should be used to minimize impacts that Zones 2 and 3 may cause within the Preserve. Examples of alternative compliance include: walls, increased development setbacks and fire resistant architectural features.

Specific guidelines for trails, edge treatments, erosion control and landscaping within the Preserve are discussed in **Chapter 5, Community Design Guidelines** and are also included in the City of San Diego MSCP Subarea Plan.

2.5 SUBAREA IV RESTORATION AND ENHANCEMENT PLAN

The Subarea Plan is intended to promote the restoration of native vegetation in the Torrey Highlands Preserve Segment to permit it to function as a wildlife corridor and to provide a mitigation program to accomplish this objective.

The biological impacts of the Torrey Highlands development plan would be mitigated on two levels. Initially, the Plan will refine and set aside the Environmental Tier as called for in the NCFUA Framework Plan and the MSCP Subarea Plan, as the Torrey Highlands Preserve Segment. Ultimately, actual losses of sensitive biological resources associated with future development projects within Torrey Highlands will be mitigated through a program consistent with the RPO (or successor regulations) and the adopted MSCP and implementing agreements, with priority for mitigation given to on-site

(Torrey Highlands) preservation and on-site (Torrey Highlands) restoration. Where on-site (Torrey Highlands) mitigation is not feasible, options for habitat acquisition funding and off-site (outside the Torrey Highlands Preserve Segment) will be provided.

2.5.1 Establishment of the Torrey Highlands Preserve Segment

The Torrey Highlands Open Space Plan (**Figure 2-2**) identifies the boundaries of the MSCP Preserve within Torrey Highlands. The acquisition of MSCP lands will be coordinated through various wildlife agencies and will be determined during the MSCP Planning process.

The California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS) have published specific mitigation banking guidelines. Upon MSCP or successor legislation, owners who place an easement over their lands may use this same land to mitigate for sensitive habitat on the remainder of their land and sell the balance for restoration and enhancement as described below.

2.5.2 Project-Level Mitigation

Project-level mitigation will be necessary to compensate for habitat losses which would result from development within Torrey Highlands. There will be a need for some property owners to realize value for land which cannot be developed within the Preserve and for others to acquire mitigation land as an offset for resource land which must be disturbed outside the Preserve.

Property owners within the Torrey Highlands Preserve Segment would be able to retain the ability to use their property for subsequent project-level mitigation outside the Preserve Segment as follows:

Existing habitats within the Torrey Highlands Preserve Segment will be available for sale as mitigation to compensate for disturbance to sensitive land within Torrey Highlands which fall outside of the Preserve Segment. Lands which have been designated for preservation within the Preserve Segment, but which do not currently support existing native habitat, could be restored and enhanced passively by the property owner over time. Once the land reaches the required percentage of native habitat restoration criteria, as described in Appendix D of the Biological Resources Report: Restoration and Enhancement Plan (**Appendix C** of this Plan), the area will be considered acceptable for use as mitigation land and included within the mitigation bank. This would provide property owners who have poor quality habitat within the Preserve Segment the incentive to maximize the habitat value of their site.

Alternatively, land which has been designated for preservation, but which does not currently support existing native habitat, could be used as mitigation provided that an active restoration program is pursued. The active program as outlined in

Appendix D of the Biological Resources Report: Restoration and Enhancement Plan (**Appendix C** of this Plan) would require more intensive efforts and greater bonding commitment in case of failure.

Mitigation credit will be provided for native habitat that is of equal quality or value to habitats that are being developed. Bonding will be provided to ensure that management measures, necessary to sustain the habitat value, are maintained.

The Torrey Highlands Subarea Plan is intended to actively promote the restoration of native vegetation in the Torrey Highlands Preserve Segment by providing incentives for on-site (Torrey Highlands) mitigation that offer the opportunity for private owners within the Preserve Segment to realize value for their property that has been designated as open space. The value realized would be directly related to the property owners' efforts to restore the habitat quality of their land so that its resource value qualifies as mitigation quality.

2.5.3 Mitigation and Restoration Coordination in Torrey Highlands

Restoration of the Torrey Highlands Preserve Segment is anticipated to occur naturally and be augmented or enhanced through implementation of revegetation efforts implemented either by the owners of Preserve lands or by project applicants needing to revegetate areas for mitigation. Restoration projects that occur within the Preserve would need to be linked, coordinated and compatible with other restoration efforts, as well as the adjacent natural areas. Site-specific restoration plans will follow the policy directions outlined in Appendix D Biological Resources Report; Restoration and Enhancement Plan (**Appendix C** of this Plan). All mitigation/restoration plans would be evaluated by the City and relevant resource agencies as part of the environmental review process for tentative maps. Each restoration plan will be required to demonstrate how it fits into the overall program for restoration of the Torrey Highlands Preserve Segment.

2.5.4 Mitigation Ratio Guidelines

The objective behind the MSCP Preserve is that the quality of the biological resources within this Preserve will exceed the collective value of the scattered and noncontiguous biological resources within the NCFUA area, even though in a few instances (such as some raptor species) reduction in habitat value may occur. Currently, as discussed earlier, the biological resources in the NCFUA and Torrey Highlands, in particular, are degraded and fragmented. Once fully restored, the overall biological resource value of Torrey Highlands Preserve, especially for scrub dependent species, is expected to exceed the value of the resources which now exist.

Due to low habitat value on-site, impacts to Diegan coastal sage scrub and scrub oak chaparral are anticipated to be mitigated at a 1:1 ratio. Mitigation for impacts

to southern willow scrub and mulefat scrub are anticipated to be mitigated at a 3:1 ratio. In addition, a 50-foot wide naturally vegetated biological setback and 50-foot transitional buffer should be provided from the edge of the southern willow scrub vegetation within the open space areas.

Thirteen vernal pools were observed within the project site and all will be impacted by the project as it is currently proposed; most of the impacts are due to roads planned by the City of San Diego. The replacement ratios for the vernal pools and associated watersheds harboring federal and/or state listed endangered species are anticipated to be 3:1 and must include pools with the impacted endangered species. The replacement ratios for the vernal pools that do not have any sensitive species associated with them are anticipated to be 1:1.

Impacts to the 25 acres of chamise and southern mixed chaparral that are considered significant because they occur in large blocks of contiguous habitat can be mitigated through preservation of any native habitat.

Impacts to wetlands are typically mitigated only by habitat creation, enhancement or restoration. For impacts to wetlands occurring outside of the MSCP Preserve, however, a combination of habitat restoration and habitat preservation will be permitted in Torrey Highlands. At a minimum, at least one acre of wetland habitat would need to be created for each acre impacted. Remaining mitigation requirements would, however, be allowed to be mitigated through wetland habitat acquisition to achieve the anticipated overall 3:1 mitigation requirement.

2.5.5 Mitigation Program and Options

At the project level, property owners impacting habitat in Torrey Highlands may provide mitigation from the following options, with the priority for on-site (within the Torrey Highlands Preserve Segment) mitigation:

- Acquisition and preservation of existing native habitat in the Torrey Highlands Preserve Segment.
- Restoration within the Torrey Highlands Preserve Segment.
- Acquisition and restoration within the MSCP Preserve but outside of Torrey Highlands at two times the mitigation ratio provided under **2.5.4 Mitigation Ratio Guidelines**.
- Payment of fees into a habitat acquisition fund if mitigation requirements are less than ten acres.

The requirement for two times the prescribed mitigation ratios for off-site (outside the Torrey Highlands Preserve Segment) will be waived upon finding that on-site (within the Torrey Highlands Preserve Segment) is infeasible.

Torrey Highlands Acquisition and Preservation

A number of areas within the Torrey Highlands Preserve Segment currently support functional sage scrub, chaparral, native grasslands and wetland habitats. Other areas within the Preserve Segment are not yet good quality habitat but may naturally succeed to functional habitats by the time that mitigation lands are sought. Mitigation credits for these areas could be sold by the land owners to those seeking credits for comparable quality vegetation.

Torrey Highlands Restoration

A significant portion of the Torrey Highlands Preserve Segment supports nonnative grassland and ruderal vegetation. These areas historically supported native habitats, and are well suited as potential restoration sites for sage scrub, chaparral, native grasslands and wetland habitats. Mitigation credits within the Preserve Segment may be created through two primary methods: enhanced natural recovery or active restoration.

If sufficient credits have not become established through natural recovery to offset the impacts associated with a specific development proposal, non-native areas within the Preserve Segment could be revegetated by hydroseeding, use of the duff reapplication method, or other appropriate methods intended to result in a more rapid establishment of the desired native vegetation. Appendix D of the Biological Resources Report: Restoration and Enhancement Plan (**Appendix C** of this Plan) contains a discussion of the key components of future revegetation plans including site selection and preparation, plant species, installation and follow-up monitoring and maintenance requirements.

Acquisition and Restoration Within Proposed MSCP Preserve, Outside of Torrey Highlands

Should on-site compensation be infeasible, mitigation could be accomplished off-site (outside of Subarea but within the MSCP Preserve) by preserving an appropriate amount of comparable quality vegetation in an appropriate location per MSCP/RPO guidelines. This would focus on land within the MSCP Preserve outside of Torrey Highlands. Mitigation could also be achieved by revegetating disturbed land off-site with the appropriate amount of native vegetation.

Payment of Fees into a Habitat Acquisition Fund

Property owners may contribute into an acquisition fund where mitigation requirements are less than ten acres. The fund may be established to allow the developer of an individual property with impacts to sensitive habitats to pay a fee for habitat acquisition in lieu of outright purchase of a portion of the MSCP Preserve. This would have the advantage of being able to pool financial resources from several property owners within Torrey Highlands in order to acquire larger

portions of the MSCP Preserve. The fee will be determined by the City of San Diego, and be based on the appraised value of the properties within a similar geographic area of the MSCP Preserve.

Additional Mitigation Requirements

In addition to the aforementioned mitigation requirements, other mitigation measures may be required in order to address those indirect impacts of development which have the potential to adversely affect the viability and effectiveness of the MSCP system.

Appropriate fencing or other barriers to be reviewed at the specific project level may be required to control access to the Preserve Segment from human and domestic animal intrusion but fencing will be located so as to allow for continued wildlife movement through the Torrey Highlands Preserve. Fencing, or other types of barriers constructed as backyard fencing for development areas, will normally be sufficient.

Equestrian and hiking trails will be located to minimize impacts to areas supporting sensitive biological resources.

Lighting within development projects adjacent to conserved habitat will be selectively placed, shielded, and directed away from all habitat. In addition, lighting from homes abutting conserved habitat will be screened with vegetation, and large spotlight-type lighting that may affect conserved habitat will be prohibited. These regulations will be incorporated into project CC&Rs.

Property owners who own land within the Torrey Highlands Preserve Segment shall not disturb any land within the Preserve boundary. Any planting that occurs within the Preserve must consist of plant materials that are compatible with the native plant communities within the Preserve as part of an approved revegetation/restoration plan. Long-term maintenance of the lands within the Torrey Highlands Preserve Segment shall be the responsibility of the owner(s) in fee title. An alternative method of comprehensive revegetation may be accomplished through a Landscape Maintenance District.

2.6 URBAN AMENITY OPEN SPACE

Open space amenities, as illustrated in **Figure 2-2**, are located within developed areas of the community and include active and passive open spaces that are not part of the Torrey Highlands Preserve Segment. Passive open spaces outside of the Preserve retain the character of existing resources located inside of the Preserve and/or provide connections to off-site open space areas. These open spaces shall preserve and integrate an estimated 11 to 12.5 acres of existing riparian habitat beyond those designated in the Preserve. Fifty-foot biological buffers and 50-foot planning buffers shall be established adjacent to the preserved riparian habitat to protect the wildlife value of these areas. The biological

buffer will be left in a native state, while the planning buffer may include fuel modification zones and passive recreational uses. Fencing shall be installed along the outside edge of the biological buffer near private residences or where otherwise deemed necessary and appropriate.

2.6.1 Urban Open Space Policies

- Provide safe and convenient pedestrian paths and bikeways that connect open spaces, schools, parks, commercial areas and residential areas.
- Provide open space amenities to retain the character of existing resources and to provide connections to off-site open space areas.
- Preserve riparian habitats within the open space amenities by maintaining a 50-foot biological preservation buffer and a 50-foot transitional planning buffer; only native or existing vegetation shall be allowed in the biological buffer; fuel modification and passive recreation are permitted within the planning buffer; contour grading is permitted only within the transitional planning buffer, but should be limited as much as practical.
- Avoid direct impacts to wetlands to maximum extent practicable; impacts shall be fully mitigated and limited to road crossings and other essential services (i.e. gas, water and sewer lines).

2.6.2 Urban Open Space Features

Open space amenities are intended to achieve at least one of the following purposes:

- Retain unique topographic features and mature stands of trees.
- Provide open space connections to off-site open space areas.
- Protect and preserve watercourses and wetland habitat occurring outside of the Torrey Highlands Preserve.

Three areas within Torrey Highlands have been designated as open space amenities and are identified as OS #1 through #3 in **Figure 2-2**. Guidelines for trails, edge treatments and landscaping within urban open space are discussed in **Chapter 5, Community Design Guidelines**.

Open Space Amenity #1 is located south of Carmel Valley Road, near the western boundary of Torrey Highlands. This feature contains a seasonal drainage way and wetlands vegetation which continues off-site to the west into the MSCP Preserve within the Pacific Highlands Ranch.

Open Space Amenity #2 is in the northeast section of Torrey Highlands between Camino Ruiz and the eastern boundary of Torrey Highlands. This open space

contains a seasonal drainage way and some wetland vegetation. An unpaved equestrian trail is proposed to connect with the Rancho Peñasquitos open space system and Black Mountain Regional Park.

Open Space Amenity #3 is in the southeast portion of Torrey Highlands, north of SR-56, south of Mesa Verde Middle School, and east of Camino Ruiz. This open space contains a seasonal drainage way.

All three open space amenities will be subject to City, state and federal regulations governing wetlands.