

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
FOR BLACK GOLD
P05-036, TPM 20794, S05-061, ER 05-14-038**

October 31, 2007

I. Introduction

The proposed project is a Major Use Permit and Tentative Parcel Map to develop and operate a car wash, office building, eating and drinking establishment, warehouse and commercial fueling center. The establishment of a car wash within the (C36) General Commercial Use Regulations is permitted upon the granting of a Major Use Permit. The remaining commercial use types are allowed within the C36 Use Regulation and were reviewed for conformance with the "B" Special Area Regulation. The site is approximately 3.91 acres and is currently vacant. The project would allow the construction and operation of the following: (1) a one story, 1,800 square-foot eating and drinking establishment with an attached drive-through. (2) A 720 square-foot car wash canopy and 1,400 square-foot car wash facility. (3) Three fueling canopies, totaling approximately 6,823 square feet. (4) A 16,800 square-foot warehouse building. (5) A 4,000 square-foot office building. (6) One 35-foot tall monument sign. (7) New parking facilities that contain 40 standard parking spaces and 4 handicapped accessible spaces. Main access to the commercial center will be via two driveways connected to Old Highway 80. One driveway will be 36 feet wide and the other will be 42 feet wide.

The project site is located at 14140 Old Highway 80, Lakeside, California; within the Lakeside Community Planning area, in the unincorporated portion of San Diego County (APN 395-250-21). The area surrounding the project site is highly developed with interstate 8 adjacent the north side and old highway 80 adjacent to southern property line. There are also commercial uses directly west of the parcel and industrial uses to the east of the parcel. The site is located within the Metro-Lakeside-Jamul segment of the County's Multiple Species Conservation Program (MSCP) and is therefore subject to the Biological Mitigation Ordinance (BMO).

Habitats on-site consist of 0.19-acre of disturbed habitat and 3.76-acre of non-native grassland. The proposed project would impact approximately 3.76-acre of sensitive non-native grassland habitat (Table 1). Off-site mitigation purchases within MSCP will be for 1.88 acres of non-native grassland. The impacts will consist of clearing, grading, construction, and associated road improvements.

There was no County-sensitive plant species or wildlife species observed on-site. The site is within the Metro-Lakeside-Jamul segment of the County Subarea Plan and is not considered a Biological Resource Core Area (BRCA).

Table 1. Impacts to Habitat and Required Mitigation

VEGETATION COMMUNITY/HABITAT	EXISTING (On- and Off- site)	IMPACTS		MITIGATION	
		On- site	Off- site	Ratio	Required
Tier III					
Non-native grassland (42200)	3.76	3.76	--	0.5:1	1.88
Tier IV					
Disturbed (11300)	0.19	0.19	--	N/A	N/A
TOTAL	3.95	3.95	--	--	1.88

The findings contained within this document are based on County records, staff site visits and the Biological Resource Map prepared by Robin Church of RC Biological Consulting; August 24, 2006. 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 require new findings 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 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 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 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 site is highly disturbed; the land is surrounded by either developed land or freeways. The project site has little to no potential to support biological resources that would contribute to the long-term survival of any sensitive species.

- ii. 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. This undeveloped parcel is isolated and surrounded by development on all sides. Old Highway 80 and interstate 8 run east to west adjacent to parcel preventing any movement north or south of the parcel. The adjacent parcels to the east and west are also developed preventing any type of movement.

- iii. 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 majority of the site is mapped as “low value” and “developed”. The land does not link small isolated patches of habitat.

- iv. 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.**

The land does not consist, nor is it within a block of undisturbed habitat greater than 500 acres. The land is surrounded on all four sides by existing development and is not within a block of habitat greater than 500 acres. The nearest large block of diverse and undisturbed habitat within the MSCP is located half mile to the southeast.

- v. **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. Soils on site consist of Escondido very fine sandy loam. Although Escondido very fine sandy loam may support sensitive species, the site is isolated, surrounded by development, and no support sensitive species were observed.

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

Project impacts will be mitigated by off-site preservation. Off-site purchases will be for 1.88 acres of non-native grassland. These purchases will be within a County-approved mitigation bank in a BRCA within the MSCP.

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 will not impact any of these types of resources. Project design criteria, including Attachments G and H of the BMO, 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.

No wetlands or wetland habitats are associated with the project site. Therefore, the project will not conflict with state and federal wetland goals or policies.

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

Only one sensitive vegetation type exists on the property: non-native grassland. Thus, the site does not support a highly diverse range of habitat types. The off-site mitigation within a BRCA for impacts to non-native grassland will be effective in maximizing diversity and preserving unique resources than trying to accommodate preservation on-site.

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.

There are no stands of Coastal Sage Scrub on the site. The MSCP habitat evaluation model ranks the site as developed and low habitat value.

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.

Due to existing development surrounding the property and small size of the property 3.9-acre, it is not possible or desirable to create a significant block of habitat on the site.

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

The project site contains one sensitive habitat type: non- native grassland. This habitat is only a Tier III type, which is not exceptionally sensitive in San Diego County. No Tier II or higher habitat types will be affected by the project. Due to existing development both on-site and adjacent on all sides, there is no portion of the site that has long-term conservation value for sensitive plants or wildlife.

Development of the project site is not considered a significant 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 sensitive plant species or animal species were observed on-site. Off-site mitigation purchases within MSCP will be for 1.88 acres of non-native grassland. The mitigation will effectively conserve this habitat. Therefore, the project will not impact key regional 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 site is not located adjacent to any known golden eagle nest sites or within known eagle foraging areas. Therefore, the project will not affect any large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule Deer, Golden Eagles and large predators.

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 narrow endemic species have been identified on the project site. Most sensitive species have a low potential to be present in the development area due to the existing disturbances and nearby freeways.

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 considered a Biological Resources Core Area for the reasons stated in section II.A. The site has low biological diversity, limiting its potential to support significant habitat blocks or populations of any species. In addition, existing development on site and adjacent to it, preclude the majority of the site from being a biologically-viable preserve. Therefore, development of the site will not hinder possible preserve systems 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 project is not proposing any on-site open space.

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 a BRCA. No significant populations of sensitive species are expected to reside on the property due to its history of disturbances and existing surrounding land uses. The project site as a whole is not considered sensitive. The areas of non-native grassland habitat will be fully mitigated off-site in a BRCA where the preservation will contribute to regional preservation of species and diverse habitats.

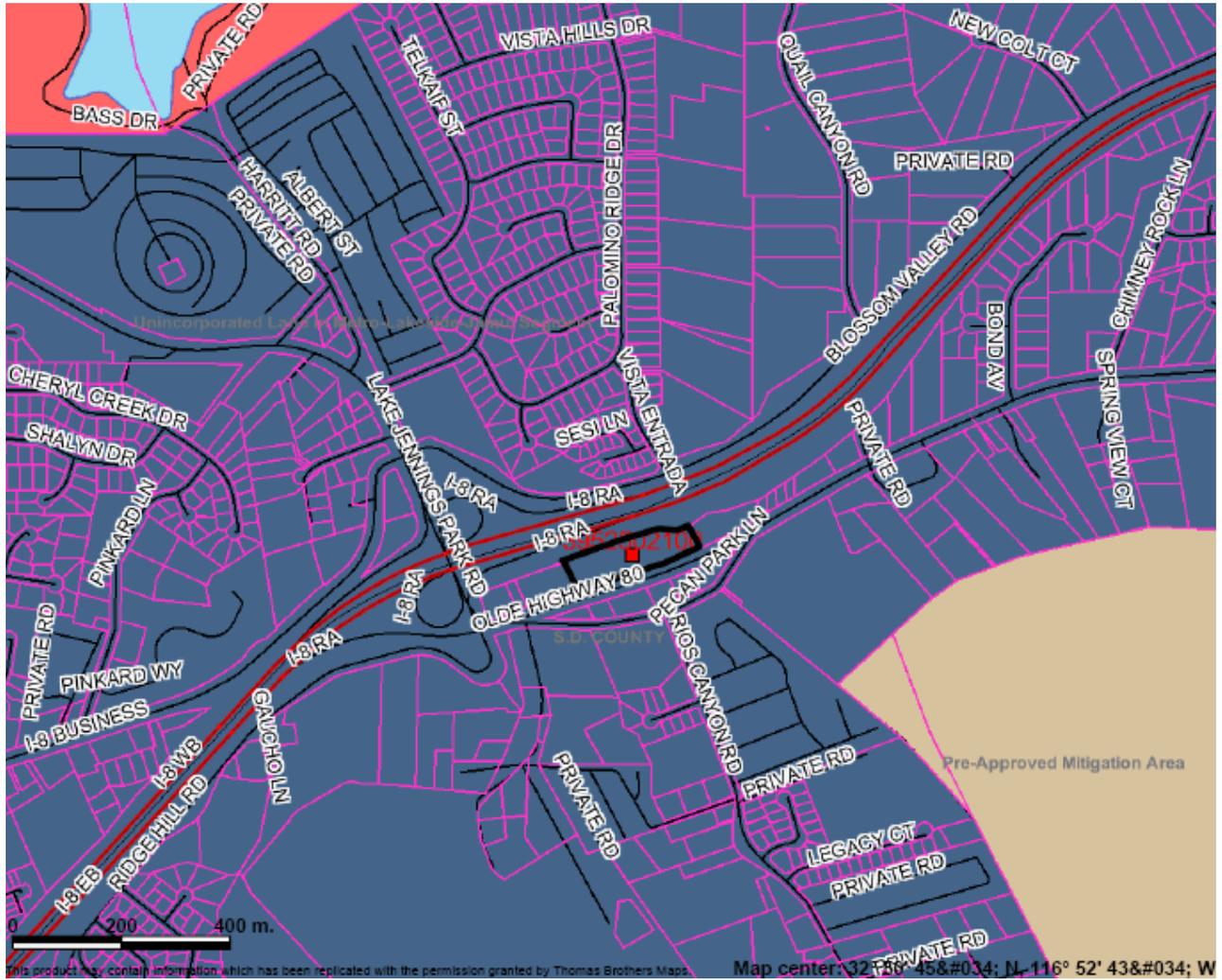
Monica Bilodeau, Department of Planning and Land Use
October 31, 2007

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MSCP Conformance Findings

MSCP Designation for

Black Gold
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<ul style="list-style-type: none"> Parcels Highways Freeways StreetsWater Bodies Water BodiesMSCP_Designations - South Hardline Preserve Pre-Approved Mitigation Area (PAMA) Major Amendment Area Minor Amendment Area Minor Amendment Area Subject to Special Considerations	<ul style="list-style-type: none"> Conserved Subject to Agreement with Wildlife Agencies Santa Fe Valley Open Space II Santa Fe Valley 'D' Designator Otay Ranch Areas Where No Take Permits will be Issued Take Authorized Area Unincorporated Land in Metro-Lakeside-Jamul Segment Other Community Planning Area
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