

**MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For Alpine Tavern Gas Station Site Plan
(PDS2018-STP-18-012, PDS2018-ER-18-14-003)**

APN (s) 403-380-42, 45, 46

March 13, 2020

I. Introduction

The approximately 2.3-acre project site is located within the unincorporated community of Alpine within the south-central portion of the County of San Diego (County), California. The site is located on unincorporated lands within the Metro-Lakeside-Jamul Segment of the County's MSCP Subarea Plan (County 1997), outside of Pre-Approved Mitigation Area (PAMA). Tavern Road Gas Station (Project) proposes the demolition of an existing convenience store and relocation of an existing storage shed, and the construction of a new convenience store (2,000 square feet), drive-thru restaurant (2,740 square feet), and two sit-down restaurants (2,400 square feet). An existing gas station and 316 square foot coffee kiosk on the Project site would remain. New paved areas would be provided to support additional parking and vehicle circulation. The project would expand the development area to the west, requiring earthwork of 22,000 cubic yards of fill, 3,000 cubic yards of cut, and 19,000 cubic yards of import with overall max cut and fill slopes of 2:1. The property is located at 1140 Tavern Road the Alpine Community Planning Area. The project site is subject to the Village General Plan Regional Category and the General Commercial Land Use Designation. Zoning for the site is C44, Freeway Commercial, and is subject to special area designator "B". The project is consistent with the requirements of the General Plan and Zoning Ordinance.

The western portion of the project site is undeveloped with an area that has been previously disturbed by grading activities. Four vegetation communities/land use types occur within the project site:

TABLE 1. EXISTING VEGETATION COMMUNITIES/LAND USES

Vegetation Community/Land Uses¹	Tier	Acre(s)²
Diegan coastal sage scrub–disturbed (32500)	II	0.4
Chamise chaparral (37200)	III	0.5
Disturbed Habitat (11300)	IV	0.5
Developed (12000)	--	0.9
TOTAL		2.3

¹Vegetation categories and numerical codes are from Holland (1986) and Oberbauer (2008).

²Upland habitats are rounded to the nearest 0.1 acre.

In the context of the County's MSCP Subarea Plan (County 1997), the project site occurs within the Lakeside-Metro-Jamul Segment, outside of the Pre-approved

Mitigation Area (PAMA). The project site does not occur within any known corridors or linkages and no lands mapped as PAMA occur within or adjacent to the site. The site is not located within or adjacent to a designated biological resource core area and does not serve as biological resource core area based on the small size of the site, low habitat value as defined in the County's Habitat Evaluation Model, low likelihood to support a high number of sensitive species or contribute to the long-term survival of sensitive species, and fragmentation relative to nearby undisturbed lands. The project site is partially developed and bounded by development or a major transportation corridor (I-8 freeway). Additionally, a perimeter fence is present in the undeveloped portion of the site. Wildlife would not be expected to select the project site as a travel route or movement path. No USFWS designated critical habitat occurs within or adjacent to the project site.

The project could impact nesting success of tree-nesting raptors on or off the project site through grading, clearing, fire fuel modification, and/or other noise generating activities such as construction. Project-related grading, clearing, construction or other activities would also temporarily or permanently remove sensitive native or naturalized habitat (as listed in Table 5 in the County Guidelines for Determining Significance [County 2010b], excluding those without a mitigation ratio).

As per the Biological Resource Letter Report completed by Helix Environmental Planning, Inc. (HELIX) dated March 1, 2019, the proposed mitigation measures are:

- BIO-1: No grading or clearing shall occur during the raptor and migratory bird breeding season (January 15–August 31). All grading permits, improvement plans, and the Site Plan shall state the same. If clearing or grading would occur during the breeding season, a pre-construction survey shall be conducted within 7 days prior to starting work to determine whether breeding birds occur within the impact area(s). If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, clearing, grubbing, and grading shall be allowed to proceed. Furthermore, if construction activities are to resume in an area where they have not occurred for a period of seven or more days during the breeding season, an updated survey for avian nesting will be conducted. If active nests or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall avoid active nests until nesting behavior has ceased, nests have failed, or young have fledged.
- BIO-2: If operation of construction dozers, excavators, rock crushers, pile drivers, or cast-in-drilled-hole equipment occurs during the breeding seasons for nesting raptors (January 15–August 31), preconstruction survey(s) shall be conducted by a qualified biologist as appropriate to determine whether these species occur within the areas potentially impacted by noise. If it is determined at the completion of pre-construction surveys that active nests belonging to these sensitive species are absent from the potential impact area, construction shall be allowed to proceed. If pre-construction surveys determine the presence of active nests belonging to these sensitive species, then operation of the following equipment shall not occur within the specified distances from an active

nest during the respective breeding seasons: general construction within 300 feet; a dozer within 400 feet; an excavator within 350 feet; rock crusher equipment within 1,350 feet; a breaker within 500 feet; a pile driver within 2,600 feet; and cast-in-drilled holes equipment within 350 feet. Construction within the specified distances shall: (1) be postponed until a qualified biologist determines the nest(s) is no longer active or until after the respective breeding season; or (2) not occur until a temporary noise barrier or berm is constructed at the edge of the development footprint and/or around the piece of equipment to ensure that noise levels are reduced to below 60 dBA or ambient. Decibel output will be confirmed by a County-approved noise specialist and intermittent monitoring by a qualified biologist to ensure that conditions have not changed will be required.

- BIO-3: Mitigation for impacts to 0.4 acre of Diegan coastal sage scrub shall occur at a minimum 1:1 ratio through the purchase of 0.4 acre of coastal sage scrub credits at an approved mitigation bank, such as the Willows Road Conservation Bank, or other location deemed acceptable by the County. Project impacts to 0.6 acre of chamise chaparral will be mitigated at a 0.5:1 ratio through the purchase of 0.3 acre of chamise chaparral credits at an approved mitigation bank, such as the Willows Road Conservation Bank, or other location deemed acceptable by the County.

IMPACTS TO VEGETATION COMMUNITIES/LAND USES AND MITIGATION

Vegetation Community ¹	Tier	Impact (Acres) ²	Mitigation Ratio	Mitigation Required
Diegan coastal sage scrub–disturbed (32500)	II	0.4	1:1	0.4
Chamise chaparral (37200)	III	0.6	0.5:1	0.3
Disturbed Habitat (11300)	IV	0.5	--	--
Developed (12000)	--	0.8	--	--
TOTAL		2.3	--	0.7

¹Vegetation categories and numerical codes are from Holland (1986) and Oberbauer (2008).

²Upland habitats are rounded to the nearest 0.1 acre.

The findings contained within this document are based on County records and the Biological Resources Letter Report completed by HELIX and dated March 1, 2019. 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 is not located within a Pre-Approved Mitigation Area (PAMA).

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 site is not located in an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is not located within PAMA.

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 or corridor.

- 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 site is shown as low and developed on the Habitat Evaluation Map.

- 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 land is not within a block of habitat greater than 500 acres in area of diverse and undisturbed 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 land does not contain a high number of sensitive species and is not adjacent or contiguous to undisturbed habitats. Cieneba rocky coarse sandy loam is the only soil type in the proposed project site.

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

The project will mitigate in an offsite mitigation bank located within the MSCP and within a BRCA, such as the Willows Road Conservation Bank, or other location deemed acceptable by the County.

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 and the site is not designated as 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. Therefore, the Design Criteria for Linkages and Corridors is 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 other jurisdictional waters are located within the project boundaries 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 project site was determined to not be appropriate for onsite preservation and therefore, measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features are not necessary.

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 site contains only a small area of coastal sage scrub (0.4 acres) and the site is ranked as low on the Habitat Evaluation Model. Therefore, it was determined that the site is not appropriate for onsite preservation.

- 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 project site was determined to not be appropriate for onsite preservation due to the lack of adjacent open space and the existing development surrounding the site. Therefore, the project does not necessitate measures to reduce edge effects.

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

The project site was determined to not be appropriate for onsite preservation due to the lack of adjacent open space and the existing development surrounding the site. Therefore, the entire site will be developed and mitigation will be provided in an offsite mitigation bank.

- 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, or 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 site is small and not located within a large interconnecting block of habitat. Onsite preservation is not proposed as it would not contribute 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 site does not support critical populations or narrow endemics.

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

The project will not jeopardize the assembly of a preserve system because the site is does not qualify as a BRCA and is not within an area of regional significance with regard to conservation of sensitive species and habitats. 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 project does not include onsite preservation.

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 does not qualify as a BRCA. The project site was determined to not be appropriate for onsite preservation due to the lack of adjacent open space and the existing development surrounding the site. No threatened, endangered, narrow endemic species were detected on the project site. The project will provide offsite mitigation in a mitigation bank.

Ashley Smith, Planning & Development Services
September 24, 2019

MSCP Designation for Tavern Road Gas Station Project (STP 18-012)

