

MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For Los Coches Plaza
PDS2020-MUP-20-006; PDS2021-TPM-21293; PDS2020-ER-20-14-005
APN(s) 400-381-02-00

June 6, 2023

I. Introduction

The project proposes the development of a 2,660-square-foot fast-food restaurant with drive-through, a 7,385-square-foot auto parts store, and a car wash. The existing four-pump, eight-fueling-space gas station and solar panels would remain as is on site. The project site is located within the northeast quadrant of Interstate 8 and Los Coches Road interchange in the unincorporated community of Lakeside. Access to the project site is proposed opposite of the Los Coches Road and Ora Belle Lane intersection. The project is also located within the Metro-Lakeside-Jamul Segment of the County's Multiple Species Conservation Program (MSCP). The site does not qualify as Biological Resource Core Area (BRCA) and is not within the Pre-Approved Mitigation Areas or undeveloped land.

Biological resources on the site were evaluated in a Biological Resources Letter Report (Harris & Associates, November 2021). The site contains 1.70 acres of Diegan coastal sage scrub, 0.11 acres of eucalyptus woodland, 0.71 acres of developed, and 0.36 acres of disturbed habitat. The site also includes 0.004 acre of non-vegetated concrete-lined channel potentially subject to the regulatory jurisdiction of the U.S. Army Corps of Engineers, Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW). Sensitive wildlife species identified on site include Cooper's hawk (*Accipiter cooperi*), monarch butterfly (*Danaus plexippus*), red-shouldered hawk (*Buteo lineatus*), and turkey vulture (*Cathartes aura*). No sensitive plant species were identified onsite. The project will impact 1.69 acres of Diegan coastal sage scrub, which includes 0.62 acres considered impact neutral, 0.11 acres of eucalyptus woodland, 0.42 acres of disturbed, and 0.71 acres of developed habitat. Impacts would occur to the special status wildlife species observed onsite. The project does not propose impacts to jurisdictional features.

Impacts to biological resources will require mitigation. Mitigation measures will include offsite purchase of 1.07 acres of coastal sage scrub (Tier II) or higher tier habitat within a BRCA in the MSCP, temporary fencing, and breeding season avoidance.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Diegan Coastal Sage Scrub	II	1.69	1.07	1:1	1.07
Eucalyptus Woodland	IV	0.11	0.11	--	--
Developed Habitat	IV	0.71	0.71	--	--
Disturbed Habitat	IV	0.36	0.36	--	--
Total:	--	2.88	2.25	--	1.07

The findings contained within this document are based on County records and the Biological Resource Letter Report (Harris & Associates, November 2021). 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 land is not shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map. Therefore, the project does not meet this criterion.

- 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 not adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map. Therefore, the project does not meet this criterion.

- 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 land is not part of a regional linkage/corridor. The project site is surrounded by residential development, commercial development, and Interstate 8. Therefore, the project does not meet this criterion.

- 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 land is shown on the Habitat Evaluation Map as moderate and developed and it does not link significant blocks of habitat. Therefore, the project does not meet this criterion.

- 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 does not consist 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. Therefore, the project does not meet this criterion.

- 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 no adjacent or contiguous to surrounding undisturbed habitat. Available data indicates that the project site contains Vista coarse sandy loam and Visalia sandy loam, which are not known to support sensitive species. Therefore, the project does not meet this criterion.

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

The project will mitigate for impacts through an offsite mitigation bank located within a BRCA in 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 would not impact 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 within a Biological Resource Core Area. Therefore, the project design criteria does 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 a Pre-Approved Mitigation Area (PAMA) or areas designated as Preserve land. Therefore, the Preserve Design Criteria from Attachment G does 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 project site is not located within a regional linkage or corridor. Therefore, the Design Criteria for Linkages and Corridors from Attachment H does not apply.

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 site contains 0.004 acre of a non-vegetated concrete lined channel. However the project does not propose impacts to this feature and will implement additional avoidance measures to prevent potential impacts. 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 site does not support any unique habitats or habitat features. The site is surrounded by residential development, commercial development, and Interstate 8. The loss of 1.07 acres of coastal sage scrub will be mitigated by the offsite preservation of Tier II (or higher tier) habitat within a BRCA in the MSCP. Breeding season avoidance and temporary fencing will also be implemented to prevent impacts to nesting birds and the onsite drainage. These measures will contribute towards maximizing diversity by preserving habitat in areas known to have unique habitats and habitat features.

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 does not include extensive patches of coastal sage scrub or habitats ranked as having high/very high biological values. Impacts to 1.07 acres of coastal

sage scrub will be mitigated through the offsite preservation of Tier II (or higher tier) habitat within a BRCA in the MSCP.

- 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. Impacts to onsite habitat will be mitigated through offsite purchase of Tier II (or higher tier) habitat within a BRCA in the MSCP. Offsite mitigation will contribute toward creating large blocks of high-quality habitats where edge effects are minimal and the land is protected in perpetuity.

- 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. Mitigation for impacts to biological resources will include offsite preservation, breeding season avoidance, and temporary fencing.

- 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, 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.**

No wide-ranging species are expected to occur onsite due to adjacent development and surrounding land uses. Offsite purchase and preservation of high-quality habitat to mitigate for impacts to coastal sage scrub will occur within a BRCA in the MSCP. This will contribute to the development of large interconnecting blocks of habitat that support 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.**

No critical or narrow endemic species were detected on the site. Most sensitive species have a low potential to be present due to the existence of surrounding development.

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 within an area of regional significance with regard to conservation of sensitive species and habitats. The site is not part of or adjacent to large interconnecting blocks of habitat, lands identified as PAMA or Preserve, or other sensitive resources. The surrounding development does not aid in conservation or wildlife dispersal. Therefore, 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 propose to onsite preservation. Therefore, this criterion does not apply.

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. No threatened, endangered, or narrow endemic species were detected on the project site. Due to the surrounding development, the project site is suitable for development with the incorporation of mitigation measures. Mitigation measures will include the offsite preservation of Tier II (or higher tier) habitat within a BRCA in the MSCP, breeding season avoidance, and temporary fencing. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined by the BMO.

Kendalyn White, Planning & Development Services

June 6, 2023

MSCP Designation

