



# County of San Diego

**MARK WARDLAW**  
DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
(858) 694-2962 • Fax (858) 694-2555  
[www.sdcountry.ca.gov/pds](http://www.sdcountry.ca.gov/pds)

**KATHY FLANNERY**  
ASSISTANT DIRECTOR

**PLEASE NOTE THAT A FORMAL APPLICATION FOR A HABITAT LOSS PERMIT HAS NOT BEEN FILED AT THIS TIME. THE FOLLOWING IS A DRAFT FORM OF DECISION FOR A HABITAT LOSS PERMIT SHOWING THE FORMAT AND POSSIBLE CONDITIONS FOR A FUTURE HABITAT LOSS PERMIT. BECAUSE A FORMAL APPLICATION HAS NOT BEEN FILED, CERTAIN DATES, FINDINGS AND OTHER INFORMATION IS ABSENT FROM THE DRAFT FORM OF DECISION, THIS INFORMATION WILL BE INCLUDED IN THE FINAL FORM OF DECISION.**

April 22, 2015  
Revised July 10, 2018

Eden Hills Project Owner LLC  
2235 Encinitas Blvd Suite 216  
Encinitas, CA 92042

## **DRAFT Habitat Loss Permit**

APPLICATION NUMBER: HLP xx-xxx, ER PDS2013-ER-12-08-002

ASSOCIATED PERMIT(S): PDS2013-SP-13-001, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019

NAME OF APPLICANT: Integral Communities

DESCRIPTION/LOCATION OF LOSS:

The proposed project will directly and indirectly impact 1.8 acres of Coastal Sage Scrub (CSS) associated with the Valiano Specific Plan as shown on the attached Habitat Loss Exhibit dated April 23, 2015.

The proposed project is located in the Eden Valley area within the San Dieguito Community Planning Area, between the cities of San Marcos and Escondido. The site accessed from

Country Club Drive, north of Harmony Grove Village and south of La Moree Road. The project location is indicated on the attached USGS map.

The proposed Habitat Loss Permit (HLP) is being considered as part of the Environmental Impact Report for the project and it would allow removal of habitat for a 326-unit residential subdivision. A Batching Meeting with the wildlife agencies occurred on November 21, 2013 to discuss the project design and the CSS loss.

#### DECISION:

The Director of Planning & Development Services has approved your application for a HABITAT LOSS PERMIT. This HLP approval does not become final until both the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) concur with the Director's approval, by the either of the following:

1. Concurrence implied by allowing a 30-day period, initiated by their receipt of this decision, to lapse without presenting written notification to the County that the decision is inconsistent with the Southern CSS Natural Community Conservation Planning (NCCP) Process Guidelines (CDFW, November 1993) or any approved subregional mitigation guidelines; or
2. Granting concurrence through written notification to the County prior to the conclusion of the 30-day period, initiated by their receipt of this decision, that the project is consistent with the Southern California CSS NCCP Process Guidelines or any approved subregional mitigation guidelines.

Pending the issuance of an associated Grading Permit, Clearing Permit or Improvement Plan from the County of San Diego, this HLP allows for the loss of the above-described CSS habitat (see attached Habitat Loss Exhibit) and incidental take of the California gnatcatcher for a period of one calendar year commencing the day concurrence is given by both the USFWS and CDFW. If the loss of habitat, as authorized by this HLP, has not occurred within this one-year period, this HLP and the authorization for the loss of CSS habitat expires.

**This HLP cannot be relied upon for the clearing, grading or removal of any vegetation until a valid Grading Permit, Clearing Permit or Improvement Plan has been issued from the County of San Diego authorizing such vegetation removal. Furthermore, use and reliance upon this HLP cannot occur until all of the requirements as specified within the "Conditions of Approval" section of this permit have been satisfied.**

#### CONDITIONS OF APPROVAL:

**The following conditions are being placed on the Tentative Map PDS2013-TM-5575. For the final Habitat Loss Permit, the list of conditions will be modified to require satisfaction of all conditions prior to use and reliance on the HLP.**

- A. Prior to use and reliance on this Habitat Loss Permit, the following conditions shall be met:

1. Obtain approval from the County of San Diego of a Grading Permit, Clearing Permit, or Improvement Plan that authorizes the clearing and/or grading of the area addressed by this Habitat Loss Permit.

**BIO#1. BIOLOGICAL EASEMENT**

**INTENT:** In order to protect sensitive biological resources, pursuant to CEQA and the County of San Diego Significance Guidelines for Biological Resources, a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego an open space easement as shown on the Open Space Exhibit 2.4-10a & 2.4-10b in the Final EIR. If the North County MSCP is approved at the time of open space dedication, the easement shall be granted to both the County of San Diego and the California Department of Fish and Wildlife as follows: Grant to the County of San Diego and the California Department of Fish and Wildlife by separate document, an open space easement, or grant to the California Department of Fish and Wildlife a conservation easement, as shown on the Open Space Exhibit 2.4-10a & 2.4-10b in the Final EIR. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exception(s) to this prohibition are:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
2. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Director of Planning & Development Services, Parks and Recreation or Public Works.
3. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
4. Activities for the installation and maintenance of revegetation (Coast Live Oak Woodland) within Neighborhood 3 Biological Open Space pursuant to the approved Revegetation Plan. Such activities shall be approved in advance by the Director of Planning & Development Services, and shall not be inconsistent with the original intent of this easement.
5. Uses, activities, and placement of structures expressly permitted by the Director of Planning & Development Services, whose permission may be given only after

following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to The Zoning Ordinance of the County of San Diego.

6. Construction, use and maintenance of multi-use, non-motorized trails.

**DOCUMENTATION:** The applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map Review - OR - The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to the recordation of the Final Map, or on the Final Map, and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. **MONITORING:** For recordation on the map, [PDS, LDR] shall route the Final Map to [PDS, PPD] for approval prior to map recordation or for recordation by separate document, the [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PPD] and [DPR GPM] for preapproval. The [PDS, PPD] shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PPD] for satisfaction of the condition or if recorded on the Final Map, the [PDS LDR] shall satisfy the condition after map recordation.

**BIO#2 (M-BI-3e, M-BI-5). BIOLOGICAL EASEMENT – OAK TREE PROTECTION**

**EASEMENT INTENT:** In order to protect sensitive biological resources (Coast Live Oak Woodland – 2.1 acres), a biological open space easement (Oak Tree Protection Easement) shall be granted over the Coast Live Oak Woodland located within the Limited Building Zone. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego an open space easement as shown on the Open Space Exhibit 2.4-10a & 2.4-10b in the Final EIR. If the North County MSCP is approved at the time of open space dedication, the easement shall be granted to both the County of San Diego and the California Department of Fish and Wildlife as follows: Grant to the County of San Diego and the California Department of Fish and Wildlife by separate document, an open space easement, or grant to the California Department of Fish and Wildlife a conservation easement, as shown on the Open Space Exhibit dated 2.4-10a & 2.4-10b in the Final EIR. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exception(s) to this prohibition are:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. Fuel modification is limited to the understory of the Coast Live Oak Woodland and prohibits the removal of mature oak trees. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the

- Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
2. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning & Development Services.
  3. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
  4. Uses, activities, and placement of structures expressly permitted by the Director of Planning and Land Use, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to The Zoning Ordinance of the County of San Diego.

**DOCUMENTATION:** The applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map Review - OR - The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to the approval of the first Final Map or on the Final Map, and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. **MONITORING:** For recordation on the map, [PDS, LDR] shall route the Final Map to [PDS, PPD] for approval prior to map recordation or for recordation by separate document, the [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PPD] for preapproval. The [PDS, PPD] shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PPD] for satisfaction of the condition or if recorded on the map, the [PDS, LDR] shall satisfy the condition after map recordation.

### **BIO#3. LBZ EASEMENT**

**INTENT:** In order to protect sensitive biological resources, pursuant to CEQA and the County of San Diego Guidelines for Significance, a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit 2.4-10a & 2.4-10b in the Final EIR. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

1. Structures designed or intended for occupancy by humans or animals located no less than 100 feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing/fuel modification requirements so that they will not be required within any portion of the biological open space easement.

2. Decking, fences, and similar facilities.
3. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

**DOCUMENTATION:** The applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map Review or the applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to the approval of the Final Map for each neighborhood, or on the Final Map and prior to the approval of any plan and issuance of any permit, the easements shall be recorded. **MONITORING:** For recordation on the map, the [PDS, LDR] shall route the Final Map to [PDS, PPD] for approval prior to map recordation or for recordation by separate document, the [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PPD] and [DPR GPM] for preapproval. The [PDS, PPD] shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PPD] for satisfaction of the condition or if recorded on the map, the [PDS LDR] shall satisfy the condition after map recordation.

**BIO#4 (M-BI-1a, M-BI-3h, M-BI-8). OFF-SITE MITIGATION – NON-NATIVE GRASSLANDS**

**INTENT:** In order to mitigate for the impacts to Non-Native Grasslands, which is a sensitive biological resource pursuant to County Guidelines and CEQA, off-site mitigation for impacts to 49.9 acres shall be acquired at an approved mitigation bank, or other location deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife Service. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 49.1 acres of Non-Native Grasslands (1:1 ratio) as indicated below. Note – 0.8 acres shall be mitigated through oak woodland mitigation because 0.8 acres of non-native grasslands occur within the oak root zone within the Project site and are considered impacts to oak woodland.

- a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife Service. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
  - 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
  - 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.

- 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

or

b. **Option 2:** Provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below. If this option is selected, the conservation of habitat shall be located within the North County MSCP PAMA.

- 1) The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PPD] before purchase or entering into any agreement for purchase.
- 2) A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
- 3) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
- 4) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
- 5) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

**DOCUMENTATION:** The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PPD] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR or other approved agency, the applicant must provide evidence to the [PDS PPD] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PPD], for pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to issuance of any permit for the first neighborhood, the

mitigation shall be completed. **MONITORING:** The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PPD] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses Option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

**BIO#5 (M-BI-1b, M-BI-3h, M-BI-8). OFF-SITE MITIGATION – EXTENSIVE AGRICULTURE**

**INTENT:** In order to mitigate for the impacts to Extensive Agriculture, which is a sensitive biological resource pursuant to County Guidelines and CEQA, off-site mitigation for impacts to 20.3 acres shall be acquired shall be acquired at an approved mitigation bank or other location deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife Service. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 10.2 acres of Extensive Agriculture (0.5:1 ratio) as indicated below.

a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife Service. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

- 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

or

b. **Option 2:** Provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below. If this option is selected, the conservation of habitat shall be located within the North County MSCP PAMA.

- 1) The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PPD] before purchase or entering into any agreement for purchase.
- 2) A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements



to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.

- 3) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
- 4) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
- 5) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

**DOCUMENTATION:** The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PPD] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PPD] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PPD], for pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to the issuance of any permit for the first neighborhood, the mitigation shall be completed. **MONITORING:** The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PPD] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses Option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

#### **BIO#6 (M-BI-3a, M-BI-5). OFF-SITE MITIGATION – SOUTHERN WILLOW SCRUB**

**INTENT:** In order to mitigate for the impacts to Southern Willow Scrub, which is a sensitive biological resource pursuant to County Guidelines and CEQA, off-site mitigation for impacts to 0.04 acres shall be acquired at the San Luis Rey Mitigation Bank, or other location deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife Service. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 0.12 acres of Southern Willow Scrub (3:1 ratio) as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

- 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

or

- b. **Option 2:** Provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below:
- 1) The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PPD] before purchase or entering into any agreement for purchase.
  - 2) A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
  - 3) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
  - 4) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
  - 5) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

**DOCUMENTATION:** The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PPD] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PPD] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PPD], for pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to issuance of any permit for the first neighborhood, the mitigation shall be completed. **MONITORING:** The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PPD] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses Option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

**BIO#7 (M-BI-3b, M-BI-6). OFF-SITE MITIGATION – MULE FAT SCRUB**

**INTENT:** In order to mitigate for the impacts to Mule Fat Scrub, which is a sensitive biological resource pursuant to County Guidelines and CEQA, off-site mitigation for impacts to 0.01 acres shall be acquired at the San Luis Rey Mitigation Bank, or other location deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife Service. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 0.03 acres of Mule Fat Scrub (3:1 ratio) as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
- 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
  - 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
  - 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
  - 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

or

- b. **Option 2:** Provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below:

- 1) The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PPD] before purchase or entering into any agreement for purchase.
- 2) A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
- 3) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
- 4) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
- 5) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

**DOCUMENTATION:** The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PPD] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS, PPD] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PPD], for pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to issuance of any permit for the first neighborhood, the mitigation shall be completed. **MONITORING:** The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PPD] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses Option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

#### **BIO#8 (M-BI-3c, M-BI-5). OFF-SITE MITIGATION – HERBACEOUS WETLAND**

**INTENT:** In order to mitigate for the impacts to Herbaceous Wetland, which is a sensitive biological resource pursuant to County Guidelines and CEQA, off-site mitigation for impacts to 0.02 acres shall be acquired at the San Luis Rey Mitigation Bank, or other location deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife Service. **DESCRIPTION OF REQUIREMENT:** The applicant

shall purchase habitat credit, or provide for the conservation of habitat of 0.06 acres of Herbaceous Wetland (3:1 ratio) as indicated below.

a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

- 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

or

b. **Option 2:** Provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below:

- 1) The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PPD] before purchase or entering into any agreement for purchase.
- 2) A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
- 3) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
- 4) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
- 5) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource

management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

**DOCUMENTATION:** The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PPD] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PPD] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PPD], for pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to issuance of any permit for the first neighborhood, the mitigation shall be completed. **MONITORING:** The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PPD] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses Option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

#### **BIO#9 (M-BI-3d, M-BI-5). OFF-SITE MITIGATION – DISTURBED WETLAND**

**INTENT:** In order to mitigate for the impacts to Disturbed Wetland, which is a sensitive biological resource pursuant to County Guidelines and CEQA, off-site mitigation for impacts to 0.08 acres shall be acquired at the San Luis Rey Mitigation Bank, or other location deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife Service. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 0.24 acres of Disturbed Wetland (3:1 ratio) as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
  - 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
  - 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
  - 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
  - 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

or

- b. **Option 2:** Provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below:
- 1) The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PPD] before purchase or entering into any agreement for purchase.
  - 2) A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
  - 3) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
  - 4) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
  - 5) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

**DOCUMENTATION:** The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PPD] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PPD] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PPD], for pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to issuance of any permit for the first neighborhood, the mitigation shall be completed. **MONITORING:** The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PPD] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses Option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

**BIO#10 (M-BI-3e, M-BI-5). OFF-SITE MITIGATION – COAST LIVE OAK WOODLAND AND OAK WOODLAND BUFFER**

**INTENT:** In order to mitigate for the impacts to Coast Live Oak Woodland and Oak Woodland Buffer, which are sensitive biological resources pursuant to County Guidelines and CEQA, 19.5 acres of off-site mitigation of Oak Woodland, Oak Riparian Woodland, or Oak Riparian Forest shall be acquired at the Brook Forest Conservation Bank, or other location deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife Service. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 19.5 acres of Oak Woodland, Oak Riparian Woodland, or Oak Riparian Forest (2:1 ratio for LBZ impacts [2.1 acres]; 3:1 ratio for remaining areas of impact [5.1 acres]) as indicated below.

a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

- 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

or

b. **Option 2:** Provide for the conservation of habitat of the same amount and type of land located within the North County MSCP PAMA as indicated below:

- 1) The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PPD] before purchase or entering into any agreement for purchase.
- 2) A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.



- 3) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
- 4) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
- 5) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

**DOCUMENTATION:** The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PPD] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PPD] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PPD], for pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to issuance of any permit for the first neighborhood, the mitigation shall be completed. **MONITORING:** The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PPD] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses Option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

#### **BIO#11 (M-BI-3f). OFF-SITE MITIGATION – DIEGAN COASTAL SAGE SCRUB**

**INTENT:** In order to mitigate for the impacts to Diegan Coastal Sage Scrub, which is a sensitive biological resources pursuant to County Guidelines and CEQA, off-site mitigation for impacts to 1.8 acres shall be acquired at the Brook Forest Conservation Bank, or other location deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife Service. **DESCRIPTION OF**

**REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 3.6 acres of Diegan Coastal Sage Scrub (2:1 ratio) as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
  - 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.

- 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

or

b. **Option 2:** Provide for the conservation of habitat of the same amount and type of land located within the North County MSCP PAMA as indicated below:

- 1) The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PPD] before purchase or entering into any agreement for purchase.
- 2) A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
- 3) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
- 4) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
- 5) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

**DOCUMENTATION:** The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PPD] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PPD] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant

submit the mitigation proposal to the [PDS, PPD], for pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to issuance of any permit for the first neighborhood, the mitigation shall be completed. **MONITORING:** The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PPD] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses Option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

**BIO#12 (M-BI-3g). OFF-SITE MITIGATION – GRANITIC SOUTHERN MIXED CHAPARRAL**

**INTENT:** In order to mitigate for the impacts to Granitic Southern Mixed Chaparral, which is a sensitive biological resources pursuant to County Guidelines and CEQA, off-site mitigation for impacts to 3.0 acres shall be acquired at the Brook Forest Conservation Bank, or other location deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife Service. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 1.5 acres of Granitic Southern Mixed Chaparral (0.5:1) as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be deemed acceptable to the County, the California Department of Fish & Wildlife and the U.S. Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
- 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
  - 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
  - 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
  - 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

or

- b. **Option 2:** Provide for the conservation of habitat of the same amount and type of land located within the North County MSCP PAMA as indicated below:

- 1) The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PPD] before purchase or entering into any agreement for purchase.
- 2) A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
- 3) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
- 4) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
- 5) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

**DOCUMENTATION:** The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PPD] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS, PPD] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PPD], for pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to issuance of any permit for the first neighborhood, the mitigation shall be completed. **MONITORING:** The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PPD] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses Option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

**BIO#13 (M-BI-4, M-BI-5). OFF-SITE MITIGATION – NON-WETLAND WATERS OF THE US AND CALIFORNIA DEPARTMENT OF FISH & WILDLIFE JURISDICTIONAL STREAMBED**

**INTENT:** In order to mitigate for the impacts to Non Wetland Waters (0.19 acres) of the US (WUS) and California Department of Fish & Wildlife (CDFW) Jurisdictional Streambed (0.26 acres) which overlap and are considered sensitive biological resources pursuant to

County Guidelines and CEQA, off-site mitigation for impacts to 0.26 acres shall be acquired at the San Luis Rey Mitigation Bank, or other location deemed acceptable to the County, the CDFW and the U.S. Army Corps of Engineers (USACE). **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit of 0.26 acres of Non-Wetland WUS as indicated below.

- a. The mitigation bank shall be deemed acceptable to the County, the California Department of Fish & Wildlife and the USACE. The mitigation shall be selected in consultation with the USACE and the CDFW. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
  - 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
  - 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
  - 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
  - 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

**DOCUMENTATION:** The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PPD] for review and approval. It is recommended that the applicant submit the mitigation proposal to the [PDS, PPD], for pre-approval. **TIMING:** Prior to issuance of any permit for the first neighborhood, the mitigation shall be completed. **MONITORING:** The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PPD] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed.

#### **BIO#14. OPEN SPACE SIGNAGE**

**INTENT:** In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the biological open space boundary as indicated on the approved Open Space Exhibit dated 2.4-10a & 2.4-10b in the Final EIR. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources  
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,

Planning & Development Services

Reference: PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019,  
PDS2013-ER-13-08-002

**DOCUMENTATION:** The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space signs have been installed at the boundary of the open space easement(s). **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the open space signs shall be installed. **MONITORING:** The [PDS, PPD] shall review the photos and statement for compliance with this condition.

**BIO#15. PERMANENT OPEN SPACE FENCING**

**INTENT:** In order to protect the proposed open space easement from entry, and disturbance, permanent fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space fencing shall be placed along the biological open space boundary as indicated on the Open Space Exhibit dated 2.4-10a & 2.4-10b in the Final EIR. The fencing design shall consist of 3 strand non-barbed wire. **DOCUMENTATION:** The applicant shall install the fencing as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed. **TIMING** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the fencing shall be installed. **MONITORING:** The [PDS, PPD] shall review the photos and statement for compliance with this condition.

**BIO#18. BIOLOGICAL MONITORING**

**INTENT:** In order to prevent inadvertent disturbance to sensitive resources, all grading located within and adjacent to the project site shall be monitored by a biologist. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The monitoring program shall include the following:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of [the County of San Diego Biological Report Format and Requirement Guidelines](#). The contract or letter of acceptance provided to the county shall include an agreement that this monitoring will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the biologist and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the grading bonds or bond separately with Planning & Development Services.

**DOCUMENTATION:** The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to the approval of the Final Map and prior to the approval of any plan and issuance of any permit, the requirement shall be completed. **MONITORING:** The [PDS, PCC] shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, LDR], for inclusion in the grading bond cost estimate, and grading bonds.

- B. Prior to approval of the any final map, the following conditions shall be placed on the face of all future grading permits or improvement plans:

**PRE-CONSTRUCTION MEETING:** *(Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

#### **BIO#GR-1. BIOLOGICAL MONITORING – TEMPORARY FENCING AND PRECONSTRUCTION MEETING**

**INTENT:** In order to prevent inadvertent disturbance to sensitive habitat, all clearing, grubbing, and/or grading shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan and the County of San Diego Guidelines for Significance for Biological Resources:

- a. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by Planning & Development Services.
- b. The Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements.

**DOCUMENTATION:** The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on project sensitive biological resources that are to be avoided. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

#### **BIO#GR-2. TEMPORARY FENCING**

**INTENT:** In order to prevent inadvertent disturbance to open space areas, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the Planning & Development Services. Upon approval,

the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PPD] for approval. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **MONITORING:** The [PDS, PPD] shall review the certification and pictures provided by the applicant.

### **BIO#GR-3 (M-BI-7). BREEDING SEASON AVOIDANCE – MIGRATORY BIRD TREATY ACT (MBTA)**

**INTENT:** In order to avoid impacts to MBTA-covered species, which is a sensitive biological resource pursuant to County Guidelines and CEQA, grading and clearing shall occur outside of the breeding season of MBTA-covered species. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading within 100 feet of biological open space easements during the breeding season of MBTA-covered species. If grubbing, clearing or grading is proposed during the breeding season, a pre-grading survey shall be conducted seven (7) days prior to start of work to determine the absence and/or presence of migratory birds. Grading or clearing activities during the breeding season of MBTA-covered species may take place with PDS approval and Wildlife Agencies concurrence if it is determined that no nesting birds (or birds displaying breeding/nesting behavior) are present immediately prior to clearing and grading. If migratory birds are nesting or displaying breeding/nesting behavior within the area, construction shall be postponed until all nesting (or breeding/nesting behavior) has ceased or until after the end of the breeding season as determined by a field survey and concurrence by the Director of PDS with concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife. The breeding season is defined as occurring between February 1<sup>st</sup> and September 1<sup>st</sup>. The Director of PDS [PDS, PPD] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no MBTA-covered species are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. No Grading shall occur until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading unless a concurrence from the [PDS, PPD] is received. The [PDS, PPD] shall review the concurrence letter

### **BIO#GR-4 (M-BI-2). BREEDING SEASON AVOIDANCE - RAPTORS**

**INTENT:** In order to avoid impacts to raptors, which is a sensitive biological resource pursuant to County Guidelines and CEQA, a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed within 300 feet of an active raptor nest during the breeding season as determined by preconstruction biological surveys. If grubbing, clearing or grading is proposed during the breeding season, a pre-



grading survey shall be conducted three (3) days prior to start of work to determine the absence and/or presence of raptors. If raptors are nesting or displaying breeding/nesting behavior within the area, construction shall be postponed until (1) all nesting (or breeding/nesting behavior) has ceased or until after the end of the breeding season; or (2) a temporary noise barrier or berm is constructed at the edge of the development footprint to reduce noise levels below 60 dB  $L_{EQ}$  or ambient (if ambient is greater than 60 dB  $L_{EQ}$ ) to the satisfaction of the Director of PDS with concurrence from USFWS and CDFW. The breeding season is defined as occurring between February 1<sup>st</sup> and July 15<sup>th</sup>. The Director of PDS [PDS, PPD] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no raptors are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PPD] is received. The [PDS, PPD] shall review the concurrence letter.

**DURING CONTRUCTION:** *(The following actions shall occur throughout the duration of the grading construction).*

#### **BIO#GR-5. BIOLOGICAL MONITORING – DURING CONSTRUCTION**

**INTENT:** In order to prevent inadvertent disturbance to sensitive habitats, all grading shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any Biological Open Space areas or sensitive habitats. If there are disturbances, the monitor must report the occurrence(s) immediately to the [PDS PPD]. The biologist shall perform the following duties:

- a. Prepare a California gnatcatcher-monitoring program to the satisfaction of PDS Permit Compliance Section and the Wildlife Agencies;
- b. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
- c. Perform periodic monitoring of the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;

- d. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the gnatcatcher and its habitat, and the conservation measures that should be implemented during project construction;
- e. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, is selectively placed and shielded, and is directed away from preserved habitat;
- f. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
- g. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and PDS Project Planning Division within 24 hours;
- h. Produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and PDS (final report will release bond);
- i. Confer with the Wildlife Agencies and PDS Project Planning Division within 24 hours any time protected habitat or gnatcatchers are being affected by construction;
- j. Attend construction meetings and other meetings as necessary.

**DOCUMENTATION:** The Project Biologist shall prepare and submit to the satisfaction of the [PDS, PPD] monitoring reports, which indicate that the monitoring has occurred as required above. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall assure that the Project Biologist is onsite performing the monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Biologist or applicant fails to comply with this condition. The [PDS, PPD] shall review and approve the monitoring reports for compliance with this condition.

#### **BIO#GR-6. FOCUSED BAT SURVEYS – STRUCTURE DEMOLITION AND REMOVAL OF TREES**

**INTENT:** In order to determine the absence and/or presence of bats within existing structures or hollow trees that are identified for removal, focused bat surveys shall be conducted. **DESCRIPTION OF REQUIREMENT:** Prior to the demolition of existing structures or removal of hollow trees, bat surveys shall be conducted to determine the absence and/or presence of bat colonies and/or bat nursery sites. Surveys shall be conducted seven (7) days prior to structure demolition or tree removal and one survey shall be conducted immediately prior to initiation of work. If any bat colonies and/or bat nursery sites are found within any structure(s) or trees, demolition of the structure or removal of the tree(s) shall be postponed until the nursery/breeding activity ends. If bat roosting sites are found, demolition of the structure(s) or removal of the tree(s) shall be postponed until the bats are excluded from the structure(s). **DOCUMENTATION:** The applicant shall provide a copy of the survey results to the [PDS, PPD] for approval. **TIMING:** Prior to demolition of existing structure(s) or removal of hollow tree(s). **MONITORING:** The [PDS, PPD] shall review the survey results provided by the applicant.

**ROUGH GRADING:** *(Prior to rough grading approval and issuance of any building permit).*

#### **BIO#GR-7. BIOLOGICAL MONITORING REPORT**

**INTENT:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources](#), a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Biologist shall prepare and submit a final letter report substantiating their supervision of the grading activities and substantiating that grading did not impact additional areas of sensitive resources. The report shall conform to the [County of San Diego Report Format Guidelines for Biological Resources](#). It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

**DOCUMENTATION:** The applicant shall submit the final biological monitoring report to the [PDS, PPD] for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the final report shall be completed. **MONITORING:** The [PDS, PPD] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

**FINAL GRADING RELEASE:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

#### **BIO#GR-8. OPEN SPACE SIGNAGE & FENCING**

**INTENT:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) for PDS2013-TM-5575, PDS2013-STP-13-003, and PDS2014-MUP-14-019, the permanent fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences and open space signs shall be installed along the open space boundary as shown on these plans.

- a. Evidence shall be in the form of site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent fences and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources  
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego, Planning & Development Services

Reference:  
PDS2013-ER-13-08-002

**DOCUMENTATION:** The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [PDS, PPD]. **TIMING:** Prior to the occupancy of any structure or use of the premises in reliance of PDS2013-STP-13-003 or PDS2014-MUP-14-019, and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)) the fencing and signage shall be installed. **MONITORING:** The [PDS, PPD] shall review the photos and statement for compliance with this condition.

**BIO#GR-9. EASEMENT AVOIDANCE**

**INTENT:** In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **DESCRIPTION OF REQUIREMENT:** The easements indicated on this plan are for the protection of sensitive environmental resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement. Any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exception(s) to this prohibition is:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
- c. Activities for the installation and maintenance of revegetation (Coast Live Oak Woodland) within Neighborhood 3 Biological Open Space pursuant to the approved Revegetation Plan. Such activities shall be approved in advance by the Director of Planning & Development Services, and shall not be inconsistent with the original intent of this easement.
- d. Uses, activities, and placement of structures expressly permitted by the Director of Planning & Development Services, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to The Zoning Ordinance of the County of San Diego.

**DOCUMENTATION:** The applicant shall provide a letter report to the [*PDS, PPD*] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. **TIMING:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **MONITORING:** The [*DPW, PDCI*] shall not allow any grading, clearing or encroachment into the open space easement.

### ENVIRONMENTAL FINDINGS:

#### A. CEQA Findings

##### 1. TO BE PROVIDED

#### B. FINDINGS MADE IN SUPPORT OF THE ISSUANCE OF THE HABITAT LOSS PERMIT:

The following findings are made based upon all of the documents contained in the record for this project, and pursuant to Section 86.104 of County of San Diego Ordinance No. 8365 (N.S.) and Section 4.2.g of the CSS NCCP Process Guidelines (CDFW, November 1993):

Finding 1.a: The habitat loss does not exceed the five percent guideline.

The proposed project will impact 1.8 acres of CSS and zero pairs of California gnatcatcher (*Poliophtia californica*). Approved CSS losses as of the date of February 6, 2013 and including this approval, for the entire unincorporated County, outside the boundaries of the Multiple Species Conservation Program (MSCP), are presented in the following table:

Unincorporated Area CSS Cumulative Losses	
Total loss allowed under five percent guideline:	2953.30 acres
Cumulative loss of CSS to date:	1187.52 acres
Net loss due to this project:	1.8 acres
Total cumulative loss:	1189.32 acres
Remaining loss under five percent guideline:	1763.98 acres

Finding 1.b: The habitat loss will not preclude connectivity between areas of high habitat values.

The Project site is situated at the western edge of existing development with limited opportunity for wildlife movement to the east and north of the Project site. The construction of the Harmony Grove Village development further limits wildlife connectivity to the south of the Project site. Thus, the only area of substantial connectivity allowing local wildlife movement to off-site habitat is to the west of the site, where the project abuts large residential lots with slopes supporting southern mixed chaparral. The Project would conserve 48.6 acres of land in the northern portion of the site as a combination of biological and agricultural open space easements, thus continuing to allow for wildlife to access the Project site from the west. However, there is no existing regional corridor that continues across the site from the west to off-site preserved habitat because of existing

urban and residential development to the north, east, and south of the Project site. The site is not adjacent to areas of high-value CSS, will not interfere with a regional wildlife corridor or linkage, and is not identified as potential future PAMA in the draft NCMSCP. Therefore, the project will not preclude connectivity between areas of high habitat values.

Finding 1.c: The habitat loss will not preclude or prevent the preparation of the subregional NCCP.

The site is substantially surrounded by residential development and the majority of the site has been impacted by past or current agricultural production. The most sensitive habitats on-site are the wetland areas, which will be preserved in compliance with the Resource Protection Ordinance. The area of CSS on-site is small, less than two areas, and represents about one percent of the project site. In addition, although the full 1.8 acres is considered impacted based on consultation with the Wildlife Agencies, only 1.0 acre would be directly impacted, while 0.7 acre would be preserved in a biological open space easement. The impact site is not identified as potential future PAMA in the draft NCMSCP. Conserved lands associated with Mt. Whitney/Double Peak are located approximately one mile to the west and portions of the Escondido Creek Resource Conservation Area are further to the southwest. The viability of these off-site conserved lands as habitat and movement corridors for wildlife would not be affected by the Project as they are part of larger, connected open space areas that do not extend across the Project site. Therefore, the project will not preclude or prevent the preparation of the subregional NCCP.

Finding 1.d: The habitat loss has been minimized and mitigated to the maximum extent practicable in accordance with Section 4.3 of the NCCP Process Guidelines.

As stated above, 0.7 acre of on-site CSS will be protected as part of a wetland buffer within a dedicated biological open space easement protected by fencing, signage, and a Limited Building Zone; nevertheless, the full 1.8 acres within the project will be mitigated off-site at a 2:1 ratio in an area with superior habitat connectivity and long-term viability, to the satisfaction of PDS and the Wildlife Agencies. Therefore, the habitat loss has been minimized and mitigated to the maximum extent practicable.

Finding 2 The habitat loss will not appreciably reduce the likelihood of survival and recovery of listed species in the wild.

The Project site is used by a variety of wildlife species but does not support core or critical populations of any special status species, nor have any listed species or narrow endemic plant or animal species been observed on site. The Project site contains non-continuous riparian areas interspersed primarily with orchard and non-native grassland and does not provide core wildlife habitat or linkage areas. The wetlands and wetland buffers are preserved, providing habitat for yellow warbler, Cooper's hawk, and red-shouldered hawk. The minor wetland impacts would be mitigated within the same watershed as feasible through agency permits. Habitat impacts would be mitigated off-site in the North County MSCP subarea at the standard ratios, with the exception of non-native grassland, which will be mitigated at an enhanced ratio of 1:1 to provide mitigation for special status species that use the on-site grasslands (grasshopper sparrow, northern harrier, prairie falcon,

western bluebird, white-tailed kite, turkey vulture, and southern mule deer). Therefore, the habitat loss will not appreciably reduce the likelihood of survival and recovery of listed species in the wild.

Finding 3: The habitat loss is incidental to otherwise lawful activities.

The project will require grading plans and improvement plans from the County, as well as 401, 404, and 1600 permits for impacts to USACE and CDFW jurisdictional areas. The issuance of a Habitat Loss Permit by the County of San Diego, with the concurrence of the Department of Fish and Wildlife and U.S. Fish and Wildlife Service and approval by the County of San Diego of a Grading Permit, Clearing Permit, or Improvement Plan is required prior to the clearing of any CSS supported on the project site. No state or federal permits other than those mentioned above are identified as being required at this time. Construction and/or land use modification will not commence until all appropriate permits have been issued. The project has been found to be in conformance with Section 86.104 of the San Diego County Code. As such, the anticipated loss will be incidental to "otherwise lawful activities".

#### NCCP FLOWCHART

1. Is natural vegetation present? **Yes.**
2. Is Coastal sage scrub present? **Yes.**
3. Is Coastal sage scrub the most dense in the subregion? **No.**
4. Is the land close to high value district. **No.**
5. Is the land located in a corridor between higher value districts. **No.**
6. Does the land support high density of target species? **The site does not support gnatcatchers, but does support ten sensitive wildlife species, noted above.**

Based on the NCCP Logic Flow Chart, the quality of habitat supported on the Valiano project is defined as being "Intermediate Value."

#### MITIGATION MONITORING AND REPORTING PROGRAM:

The following shall be the Mitigation Monitoring or Reporting Program for this Habitat Loss Permit:

Public Resources Code Section 21081.6 requires the County to adopt a mitigation reporting or monitoring program for any project that is approved on the basis of a mitigated Negative Declaration or an Environmental Impact Report for which findings are required under Section 21081(a)(1). The program must be adopted for the changes to a project which the County has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment. The program must be designed to ensure compliance during project implementation.

The mitigation monitoring program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored,

method and frequency, who is responsible, and required time frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism which will be used to ensure compliance during project implementation.

- Subsequent Project Permits

Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until the conditions have been satisfied: **BIO#1 through BIO#18.**

- Ongoing Mitigation

Compliance with the following conditions is assured because County staff will monitor the on-going requirements and, if necessary, pursue the remedies specified in the project permit, the security agreement, or the mitigation monitoring agreement: **BIO#GP1 through BIO#GP7.**

**NOTICE:** The issuance of this permit by the County of San Diego does not authorize the applicant for said permit to violate any federal, state, or county laws, ordinances, regulations, or policies, including but not limited to, the federal Endangered Species Act and any amendments thereto.

**DEFENSE OF LAWSUITS AND INDEMNITY:** The applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers and employees to attack, set aside, void or annul this approval or any of the proceedings, acts or determinations taken, done or made prior to this approval; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense.

**JUDICIAL REVIEW TIME LIMITATIONS:** The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure Section 1094.6, which has been made applicable in the County of San Diego by San Diego County Code Section 11.120. Any petition or other paper seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision becomes final; however, if within 10 days after the decision becomes final a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the party, or the party's attorney of record. A written request for the preparation of the record of the proceedings shall be filed with the Director, Planning & Development Services, 5510 Overland Avenue, Suite 110, San Diego, California 92123.

The foregoing decision was approved by the Director of Planning & Development Services on date of decision. A copy of this decision, and the documentation supporting the decision, is on



file in the Planning & Development Services office at 5510 Overland Avenue, Suite 110, San Diego, California.

PLANNING & DEVELOPMENT SERVICES  
MARK WARDLAW, DIRECTOR

BY:

LISA GORDON, DEPUTY DIRECTOR  
Project Planning Division

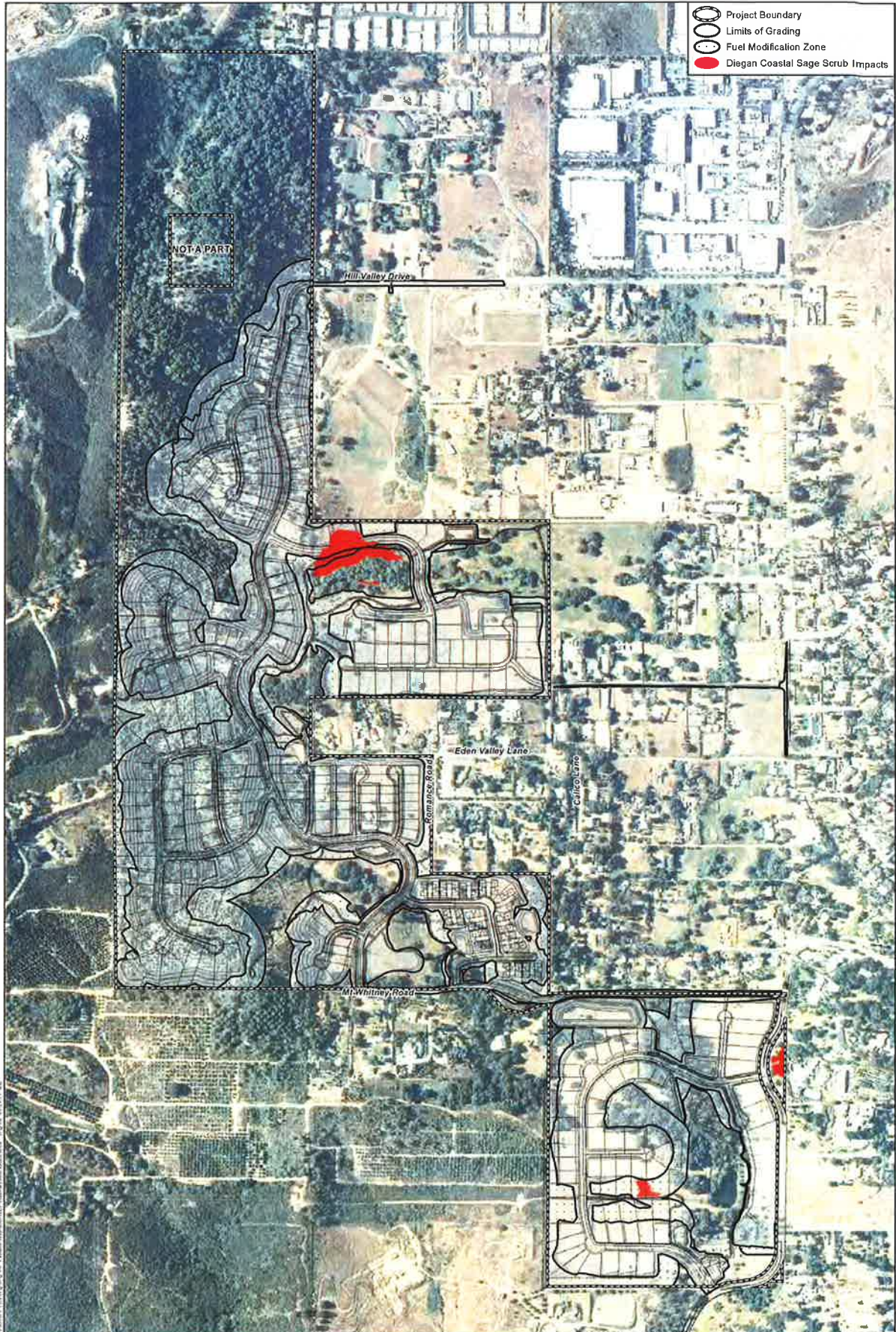
Attachments

Habitat Loss Exhibit dated April 23, 2015  
USGS Map  
Biological Resource Report

cc: To be provided at issuance of Habitat Loss Permit

email cc:

Michelle Chan, Project Manager, Project Planning, Planning & Development Services  
Nick Ortiz, Team Leader, Land Development, Planning & Development Services  
David Sibbet, Planning Manager, Project Planning, Planning & Development Services  
San Dieguito Community Planning Group  
Donna Beddow, EIR Coordinator, Project Planning, Planning & Development Services



Valiano Project Habitat Loss Exhibit

APRIL 23, 2015