

Attachment Page 468

designated RS use regulation. Please refer to FEIR Figures 1-3 and 1-4 and FEIR Table 1-1. This change is reflected throughout the FEIR, associated technical reports, and the Specific Plan.

Design and Operation of Wastewater Treatment Plant

Page 1-22. The FEIR was clarified to state that all three of the on-site wastewater treatment options are proposed in the same location in the southern portion of Phase 3 as shown in FEIR Figure 1-4.

Phasing of Project Development

- Page 1-29. The FEIR was clarified to state that project phasing would be implemented through the recording of Final Maps. All required improvements including roadways, utilities, and infrastructure, as discussed throughout the FEIR, necessary to support each phase of development would be required to be constructed pursuant to conditions of approval of each Tentative Parcel Map and/or Tentative Map.
- Page 2.2-10. The FEIR was clarified to further explain the assumptions for project phasing. Specifically, for purposes of the air quality analysis, it was assumed that various phases of construction activity would overlap. For example, it was assumed that when grading activities are complete for one phase, building construction would begin for that phase and grading activities would begin for the next phase.
- Subchapter 2.3.s.2. The FEIR was clarified to further explain that the traffic analysis scenarios are based on the most likely progression of the construction of the project's five phases of development, as shown in Figure 1-17, with each phase dependent on the infrastructure constructed in the preceding phases.
- Subchapter 2.3.2.1. The FEIR was clarified to state that construction of the project would occur over 8-10 years, which is consistent with the project description and other subchapters of the FEIR.

Sight Distance Analysis

Subchapter 2.3.2.3. The Sight Distance analysis from Chapter 1.0 was added to the FEIR at this location to provide a context for sight distance in terms of the traffic hazard analysis and to provide clarity with respect to the threshold of significance relating to this issue. The analysis is not new, although it is newly placed in this location, and does not change the conclusion as to impact significance.

Air Quality Mitigation Measures

Subchapter 2.2.5. In response to recommendations contained in comment letter O4 (Johnson & Sedlack, see Final Response to Comment Tables in FEIR), additional mitigation measures were added to the project to reduce construction and operational air emissions. These new measures do not change the significance conclusions as detailed in revised portions of FEIR subchapter 2.2.6.2 and 2.2.6.3 and Table S-1.

Traffic Mitigation Measures

Subchapter 2.3.5.1. The FEIR has been revised to reflect correspondence from Caltrans (dated September 4, 2014 and October 22, 2014) indicating that Mitigation Measures M-TR-2 and M-TR-3 would both require the installation of traffic signals at the I-15 SB and NB Ramps at Gopher Canyon Road. Additional text was added in this subchapter and throughout to clarify that while Caltrans commented that the agency is not opposed to the mitigation proposed, Impacts TR-3 and TR-4 would remain significant and unavoidable for purposes of the FEIR because the signals are within the jurisdiction and control of another agency, and the County does not have the ability to enforce implementation of the improvements. Therefore, there is no assurance that the improvements would be implemented within the necessary timeframe (i.e., prior to recordation of the Final Map associated with the 363rd EDU).

Agricultural Buffers

- Subchapter 2.4.2.3. Figures 2.4-7a - 2.4-7i added to subchapter 2.4 (previously found in the Agricultural Technical report) to provide greater detail regarding the proposed agricultural buffers and mitigation measures applicable to each Agricultural Adjacency Area (AA). Text was also added to clarify that off-site pesticide application would not adversely affect the students attending the on-site school. Additional landscaping was added along the southern boundary of the school site to further buffer the school site from off-site agricultural operations.
- Subchapter 2.4.5. Mitigation Measure M-AG-2 was clarified to explain that one row of trees would be planted at AA-3, AA-9 and AA-16 where constraints exist. In addition, the impact locations were corrected to be consistent with the remainder of analysis. Further text was added to Mitigation Measure M-AG-2 to describe specific plant requirements (Canary Island Pines) for the agricultural buffer provided in AA 6. Mitigation Measure M-AG-3 was corrected to remove AA-3 as an area that requires fencing. Mitigation Measure M-AG-5 was revised to clarify that the measure includes the restriction on aerial pesticide application (as stated in the Specific Plan), and also the limitation on pesticide use to only organic materials.
- Subchapter 2.4.6. The FEIR was revised to provide additional detail in the conclusions to specify which impacts are addressed by each mitigation measure. Additionally, text was added to further explain why Mitigation Measure M-AG-1 is adequate to reduce the project's significant direct impacts. The FEIR was also revised in this subchapter as follows: to clarify the mitigation measures and buffer widths at each AA location and add references to new figures; to add a discussion of the Pennebaker literature review regarding agricultural buffers; and to provide additional detail about the PACE mitigation program.

- Table 2.4-7. New table added to subchapter 2.4 of the FEIR to clarify the widths of the buffers along agricultural adjacency areas. This table reiterates in a concise manner the information contained in the chapter.

Revisions to Fire Discussion

Subchapter 2.7.2.4 was revised to clarify that the project would meet the travel time standards identified by the County's General Plan with implementation of one of the four fire service options. In addition, Fire Option 1 was revised to clarify that this option would be based upon Deer Springs Fire Protection District and/or CAL FIRE providing fire and medical emergency services from Miller Station to the project within the 5-minute travel time standard.

Analysis of Greenhouse Gas Emissions

Subchapter 3.1.2 of the FEIR has been revised to present a multi-faceted evaluation of the project's GHG emissions. The primary legal foundation for the GHG emissions analysis is CEQA Guidelines section 15064.4, as well as Appendix G. Under the first criterion set forth in Appendix G of the CEQA Guidelines, a significant impact would occur if implementation of the proposed project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The analysis provided in the FEIR evaluates the significance of the project's GHG emissions under this first criterion by reference to: (a) the existing environmental conditions on the project site; (b) the County's GHG guidance, which requires at least a 16 percent reduction from the "unmitigated" condition; (c) the Sacramento Metropolitan Air Quality Management District's guidance, which requires at least a 21.7 percent reduction from the "no action taken" condition; and (d) the California Air Resources Board's original 2008 Scoping Plan, which identifies a 28.5 percent reduction from the "business-as-usual" condition. Items (b) through (d), which are referred to in FEIR subchapter 3.1.2 as Methodologies 2 through 4, allow the FEIR to evaluate the project's significance relative to Assembly Bill 32, the 2006 Global Warming Solutions Act, which requires statewide emissions to return to the 1990 level by 2020.

Under the second criterion set forth in Appendix G of the CEQA Guidelines, a significant impact would occur if implementation of the proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The significance analysis provided in the FEIR evaluates the significance of the project's GHG emissions under this second criterion by reference to: (a) the goals and policies of the County's General Plan that pertain to GHG emissions; (b) Senate Bill 375, the 2008 Sustainable Communities and Climate Protection Act, and the 2050 Regional Transportation Plan/Sustainable Communities Strategy adopted by the San Diego Association of Governments; and (c) the interim (2030) and horizon-year (2050) statewide GHG reduction goals set forth in Executive Orders B-30-15 and S-3-05.

The County revised the GHG analysis for a number of reasons. First, comments on the original EIR raised a number of issues about the GHG analysis included in that document. Second, litigation related to GHG analysis and to which the County was a party (*Sierra Club v. County of San Diego*, Case No. D064243) was pending when the County prepared the original EIR. That litigation was subsequently concluded necessitating changes to the analysis. Third, GHG analysis is a rapidly evolving area of CEQA. For example, on April 29, 2015, the Governor issued Executive Order B-30-15 which established an interim goal of reducing GHG emissions in the state to 40% below 1990 levels by 2030.

The revised GHG analysis does not constitute significant new information under CEQA Guidelines section 15088.5 that would require recirculation. For example, the new analysis does not identify a new significant environmental effect or a substantial increase in severity of a significant environmental effect. In any event, the public will have an opportunity to comment on the revised analysis before a decision is made on the project because the County will make the EIR with the changes available to the public before the public hearings on the project.

Project's Consistency with General Plan Policy LU-1.2

- Additional analysis was added to subchapter 3.1.4 to address the project's consistency with the SANDAG Regional Comprehensive Plan (RCP) and Sustainable Community Strategy (SCS).
- Subchapter 3.1.4.2 was revised to provide additional analysis of the project's consistency with General Plan Land Use Policy LU-1.2. Additional text is added to address how the project is designed to meet the Community Development Model as described in the County's General Plan. Specifically, the discussion on the project's design meeting "LEED for Neighborhood Development Certification or an Equivalent" was revised to explain that pursuant to Policy LU-1.2, the project is not required to be LEED-ND certified, but to be designed to meet LEED-ND certification or an equivalent. The analysis is supplemented to include a detailed evaluation of the how the project is designed in a manner that is equivalent to or corresponding in performance or outcome with the LEED-ND Certification program. The analysis identifies 18 fundamental design criteria from the various categories of credits that could be received under the LEED-ND Certification model and then evaluates the project's design. The section concludes that through the project's score under the National Green Building Standard (NGBS) program certification and the practically equal effect to the LEED-ND certification program, the project conforms to General Plan Policy LU-1.2.

Additional Analysis of Executive Emergency Order B-29-15 Regarding Water Conservation

Subchapter 3.1.7 was revised to reflect an additional consistency analysis related to the new Executive Emergency Order B-29-15 regarding statewide temporary water conservation restrictions. The temporary, emergency Executive Order was issued in April 2015, and, along with related State Water Resources Control Board regulations, requires urban water suppliers to achieve a 25% overall reduction in potable water use across the state (compared to a 2013 baseline year) through February 2016.

Mountain Ridge Road Fire Station Alternative

- Subchapter 4.9.2.2 was clarified to explain that the analysis of the alternative would include the construction of a new permanent fire station resulting in additional construction related emissions as compared to the project. Tables 4-10 and 4-11 were updated to reflect this clarification, resulting in no change to the significance determinations within the subchapter. Text was also added to explain that while the alternative would increase emissions associated with the operation of the new permanent fire station, the alternative's operational impacts would be similar to the project's operational impacts. New tables (Tables 4-12 and -13) were added, and existing tables (Tables 4-14 and -15) were revised to express this conclusion.
- Subchapter 4.9.2.9, Greenhouse Gas, was revised to reflect the approach to the GHG analysis explained under **Analysis of Greenhouse Gas Emissions** above.

LIST OF MITIGATION MEASURES AND ENVIRONMENTAL DESIGN CONSIDERATIONS

The MMRP has been revised to reflect all previously addressed changes to clarify both project design and mitigation measures.

PROJECT APPENDICES

All Appendices have been revised to reflect the changes discussed above.

CONCLUSIONS

The modifications made to the Draft EIR for inclusion in the Final EIR are minor clarifications. The modifications are highlighted in the Final EIR by text underline and strikeout. Modifications do not show: (1) new significant environmental impacts from the Project or from new mitigation measures; (2) a substantial increase in the severity of environmental impacts; (3) feasible project alternatives or mitigation measures considerably different from others previously analyzed in the Draft EIR, and which the Project proponents decline to adopt; or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The modifications to the Draft EIR clarify and amplify information already contained in the document.

Based on the above discussion, none of the changes contained in the Final EIR constitute "significant new information" as defined in Section 15088.5 of the State CEQA Guidelines. Failure to recirculate would not deprive the public of a meaningful opportunity to comment on substantial adverse effects or feasible mitigation measures or alternatives. The modifications in the Final EIR, therefore, do not require recirculation.

Attachment Page 473

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.

DATE (To Be Determined)

Accretive Investments, Inc.
John Rilling
12275 El Camino Real, Suite 110
San Diego, CA 92130

DRAFT Habitat Loss Permit

APPLICATION NUMBER: HLP XX-XXX, ER 12-02-003

ASSOCIATED PERMIT(S): 3810-12-001 (GPA), 3810-12-001 (SP), 3600-12-003 (REZ), 3100-5571 (TM), 3100-5572 (TM), 3300-12-005 (MUP), 3500-12-018 (STP)

NAME OF APPLICANT: Accretive Investments, Inc. (John Rilling)

DESCRIPTION/LOCATION OF LOSS:

The Lilac Hills Ranch project is a master planned community encompassing 608 acres and would consist of 1,746 residences, 90,000 square feet of commercial, office, and retail, a 50-room Country Inn, a memory care, and civic facilities that include public and private parks, a private recreational facility, and other recreational amenities, and may include a fire station or a remodel of an existing fire station (Miller Station) and a school (K-8). Of the 1,746 residences, 903 would be single-family detached homes, 164 would be single-family attached homes, 211 would be mixed use residential units and 468 would be age-restricted houses within a senior citizen neighborhood. Also planned within the project site are a Recycling Facility, a Water Reclamation Facility, and other supporting infrastructure. The project would dedicate approximately 104 acres of permanent open space.

The project is located south and west of West Lilac Road approximately one-half mile north of Circle R Drive within the Bonsall and Valley Center Community Plan areas

within the unincorporated area of San Diego County as indicated on the attached USGS map. The project will impact 19.7 acres of Diegan coastal sage scrub (CSS) as shown on the attached Habitat Loss Exhibit.

Biological resources on the project site were evaluated in a Biological Resources Report prepared Recon Environmental Inc. (June 4, 2014). Onsite habitat includes coast live oak woodland, Diegan coastal sage scrub, disturbed coastal/valley freshwater marsh, southern coast live oak riparian forest, southern mixed chaparral, southern willow riparian woodland, southern willow scrub, mule fat scrub, open water-freshwater, disturbed wetland, extensive and intensive agriculture, eucalyptus woodland and developed and disturbed lands. Thirteen sensitive wildlife species and three sensitive plant species were detected onsite: Belding's orange-throated whiptail (*Aspidoscelis hyperythra beldingi*), Coastal western whiptail (*Cnemidophorus multiscultatus tigris*), Red diamond rattlesnake (*Crotalus ruber*), Cooper's hawk (*Accipiter cooperii*), White-tailed kite (*Elanus leucurus*), Turkey vulture (*Cathartes aura*), Loggerhead shrike (*Lanius ludovicianus*), Western bluebird (*Sialia mexicana occidentalis*), Yellow warbler (*Dendroica petechia*), Yellow-breasted chat (*Icteria virens auricollis*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), San Diego desert woodrat (*Neotoma lepida intermedia*), Southern mule deer (*Odocoileus hemionus fuliginata*), Prostrate spineflower (*Chorizanthe procumbens*), Southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*) and Engelmann oak (*Quercus engelmannii*). Protocol surveys for the California gnatcatcher were performed in 2011 with negative results.

The proposed project would impact 505.0 acres onsite and 24.8 acres offsite, as listed in Table 1. Mitigation would consist of onsite biological open space, a limited building zone, offsite purchase or preservation of habitat, revegetation, Resource Management Plans (RMP), breeding season avoidance, temporary fencing, permanent open space signage and biological monitoring. The Diegan coastal sage scrub habitat onsite is considered to be of intermediate quality as determined by the criteria established under the Natural Community Conservation Planning (NCCP) Logic Flow Chart. Mitigation ratios are listed in Table 1. With the above mentioned mitigation, all impacts associated with the development of the Lilac Hills Ranch property would be mitigated to a level below significance. The proposed project is in conformance with all standards and guidelines outlined in the NCCP Process Guidelines.

Table 1.

Habitat/Vegetation Community	Existing (acres)	Impacts (acres)	Offsite Impacts (acres)	Mitigation Ratio	Mitigation Required (acres)	Preserved Onsite/ Impact Neutral (acres)	Offsite Mitigation (acres)
Coast live oak woodland	3.6	0.3	0	3:1	1.2	3.3	1.2
Diegan coastal sage scrub	22.5	19.6	0.1	2:1	39.4	2.9	39.4
Coastal/valley freshwater marsh	0.6	0.1	0	3:1	0.3	0.5	0.3
Southern coast live oak riparian woodland	24.4	1.6	0	3:1	4.8	22.8	4.8
Southern mixed chaparral	81.4	54.3	0	0.5:1	26.9	27.1	26.9
Southern willow riparian woodland	4.7	0.5	0	3:1	1.5	4.2	1.5
Southern willow scrub	6.4	0.6	0	3:1	1.8	5.8	1.8
Mule fat scrub	0.1	0.1	0	3:1	0.3	0	0.3
Open water-freshwater	0.5	0.5	0	3:1	1.5	0	1.5
Disturbed wetland	0.4	0.1	0	3:1	0.3	0.3	0.3
Extensive Agriculture	90.5	84.5	0	None	None	6.0	None
Intensive Agriculture	301.8	283.2	1.2	None	None	18.6	None
Eucalyptus woodland	1.7	1.0	0	None	None	0.7	None
Disturbed habitat	44.0	34.8	2.4	None	None	9.2	None
Developed	25.7	22.8	21.1	None	None	2.9	None
TOTAL	608.3	505.0	24.8		78.0	104.1	78.0

DECISION:

The Director of Planning & Development Services has approved your application for a HABITAT LOSS PERMIT. This Habitat Loss Permit 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 California Coastal Sage Scrub (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 Habitat Loss Permit allows for the loss of the above-described coastal sage scrub 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 Habitat Loss Permit, has not occurred within this one-year period, this Habitat Loss Permit and the authorization for the loss of coastal sage scrub habitat expires.

Pending the issuance of an associated Grading Permit, Clearing Permit or Improvement Plan from the County of San Diego, this Habitat Loss Permit allows for this additional loss of coastal sage scrub as described above and shown on the attached Habitat Loss Exhibit 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 Habitat Loss Permit, has not occurred within this one-year period, this Habitat Loss Permit and the authorization for the loss of coastal sage scrub habitat that was not previously cleared, graded or removed expires.

This Habitat Loss Permit 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 Habitat Loss Permit 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 Implementing Tentative Map (TM 5572). Future discretionary permits will be required for the proposed project. The conditions applicable to those actions are outlined in the MMRP found in the Environmental Impact Report (EIR) and referenced in the Specific Plan. 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.

APPROVAL OF MAP: The conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically, indicated, shall also be complied with prior to approval of any plans, and issuance of any grading or other permits as specified):

- 1. BIOLOGICAL EASEMENT: [PDS, PCC] [DPR TC, GPM] [DGS, RP] [MA, GP, IP] [PDS, FEE X 2]. INTENT:** In order to protect sensitive biological resources, pursuant to the Resources Protection Ordinance (RPO) and the County of San Diego Guidelines for Determining Significance for Biological Resources, a

biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a conservation easement, as shown on the approved Implementing Tentative Map (TM 5572 - RPL 4) as BIO OPEN SPACE LOT A, B, C, D, E, and F. 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 exceptions to this prohibition are:

- 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. 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.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning & Development Services, Parks and Recreation or the Director of Public Works.
- c. 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.
- d. Maintenance and construction of private and public drainage facilities to the extent approved or required by written order of the Director of Public Works for the express purpose of reducing an identified flooding or drainage hazard. All maintenance of drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state and local permits (e.g., California Section 1600 Streambed Alteration Agreement, County Watercourse Permit) have been obtained.
- e. Construction, use and maintenance of multi-use, non-motorized trails.
- f. Continued activities and maintenance of existing agricultural operations, including fertilizer, pest control, irrigation repairs and crop rotation in accordance with the approved RMP.

DOCUMENTATION: The applicant shall record the easements on the Final Map or 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. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [PDS, PCC] for approval. **TIMING:** Upon the recordation of the Final Map, or prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. **MONITORING:** The [PDS, LDR] shall verify that the easement is indicated on the map, and that the map details the language above. OR The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] and [DPR TC, GPM] for preapproval. The [PDS, PCC] shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition.

2. **LBZ EASEMENT: [PDS, PCC] [DGS, RP][MA, GP, IP] [PDS, FEEX 2]**
INTENT: In order to protect sensitive biological resources, pursuant to Resources Protection Ordinance (RPO) and the County of San Diego Guidelines for Determining Significance for Biological Resources, a Limited Building Zone Easement shall be granted by separate document or on the Final Map 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 approved Tentative Map (TM 5572). 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:
- a. Pools, decking, fences, and similar facilities.
 - b. 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 record the easements on the Final Map or 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. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [PDS, PCC] for approval. **TIMING:** Upon the recordation of the Final Map, or prior to the approval of the map and prior to the

approval of any plan and issuance of any permit, the easements shall be recorded. **MONITORING:** The [PDS, LDR] shall verify that the easement is indicated on the map, and that the map details the language above. OR The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] for pre approval. The [PDS, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition.

3. OFF-SITE MITIGATION: [PDS, PCC] [MA, GP, IP] [PDS, FEE X2] [DPR, GPM]

INTENT: In order to mitigate for the impacts to sensitive habitats, including coastal sage scrub, coastal/valley freshwater marsh, southern coast live oak riparian woodland, southern mixed chaparral and southern willow riparian woodland, which are sensitive biological resources pursuant to the County of San Diego Guidelines for Determining Significance for Biological Resources, off-site mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 23.2 acres, including 19.6 acres of coastal sage scrub, 0.3 acre of coastal/valley freshwater marsh (note - wetland mitigation may be accomplished or partially accomplished on-site or on parcels with suitable lands adjacent to the project boundary), 1.5 acres of southern coast live oak riparian woodland (note - wetland mitigation may be accomplished or partially accomplished on-site or on parcels with suitable lands adjacent to the project boundary), 0.3 acres of southern mixed chaparral and 1.5 acres of southern willow riparian woodland (note - wetland mitigation may be accomplished or partially accomplished on-site or on parcels with suitable lands adjacent to the project boundary) located within North County in either the draft Pre-Approved Mitigation Area (PAMA) of the draft North County Multiple Species Conservation Program (MSCP), or suitable lands with native habitat adjacent to the project boundary as indicated below.

a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. 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.

- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in North County in either the draft Pre-Approved Mitigation Area (PAMA) of the draft North County Multiple Species Conservation Program (MSCP), or suitable lands with native habitat on parcels adjacent to the project boundary as indicated below:
1. The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PCC] 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, PCC] 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 PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to

the [PDS, PCC], for a 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 approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can preapprove 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.

4. **OPEN SPACE SIGNAGE: [PDS, PCC] [MA, GP, IP] [PDS, FEE]. 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 of BIO OPEN SPACE LOT A, B, C, D, E, and F as indicated on Figure 20 of the Specific Plan "Trails Plan & Biological Open Space Signage". 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: ER 12-02-003

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 the approval of the map and prior to the approval of any plan and issuance of any permit, the open space signs shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

5. **REVEGETATION PLAN: [PDS, PPD] [MA, GP, IP]**
INTENT: In order to mitigate for the impacts to jurisdictional waters (Federal, State and County), which are sensitive biological resources pursuant to Federal and State Regulations and the County Resource Protection Ordinance (RPO), revegetation shall occur. **DESCRIPTION OF REQUIREMENT:** A Revegetation Plan, shall be prepared, which mitigates impacts to Resource Protection Ordinance (RPO) wetlands. The revegetation shall occur onsite as detailed in the Conceptual Wetland Revegetation Plan. The revegetation plan shall conform to the Conceptual Wetland Revegetation Plan, and the most current version of

the County of San Diego Report Format and Content Requirements for Revegetation Plans. The Revegetation Plan shall include the following:

- a. The monitoring plan shall be for a length of five years and have an 80 percent success criterion.
- b. A preservation plan over the land to be revegetated shall be included in the Revegetation Plan. The preservation plan shall include evidence of dedication of an open space easement to the County of San Diego or evidence of protection in perpetuity by some other means to the satisfaction of the Director PDS.
- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- d. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.
- e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

DOCUMENTATION: The applicant shall prepare the Revegetation Plan, submit it to the [PDS, ZONING] and pay all the applicable review fees and deposits. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the Revegetation Plan shall be approved. **MONITORING:** The [PDS, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition 6 shall be made to enter into a Secured Agreement for the implementation of the Plan.

6. SECURED AGREEMENT: [PDS, PPD] [MA, GP, IP]

INTENT: In order to assure project completion and success of the Revegetation Plan in condition 5 a surety shall be provided and an agreement shall be executed. **DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan and,
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000.
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Revegetation Plan implementation provided the installed vegetation is in a healthy condition and meets the 80 percent success criteria. Eighty- percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Revegetation Plan.

DOCUMENTATION: The applicant shall execute a Secured Agreement provided with the Revegetation Plan Final Decision, and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash deposit, and the securities shall be submitted to the *[PDS, Landscape Architect]* for final review and approval. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, and after the approval of the Revegetation Plan, the agreement shall be executed and the securities provided for the revegetation plan implementation. **MONITORING:** The *[PDS, LA]* shall review the Agreement cash deposit and securities provided are in compliance with this condition, and the Revegetation Plan Final Decision. The *[PDS, LA]* shall sign the Agreement for the Director of PDS and ensure the cash deposit is collected by *[PDS, FISCAL]*. Upon acceptance of the Agreement, securities and cash deposit, the *[PDS, LA]*, shall provide a confirmation letter-acknowledging acceptance of securities.

7. **RESOURCE MANAGEMENT PLAN:** *[PDS, PPD] [DPR, GPM] [MA, GP, IP]*
INTENT: In order to provide for the long-term management of the proposed open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of Planning & Development Services, a Resource Management Plan (RMP). The RMP shall be for the perpetual management of onsite wetlands. The RMP shall be consistent with the Conceptual Biological Resource Management Plan for Onsite Biological Open Space on file with Planning & Development Services as Environmental Review Number 12-02-003. The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner and/or manager, to the satisfaction of the Director of DPR.

- a. The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements.
- b. The habitat land to be managed shall be completely purchased.
- c. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- d. A Resource Manager shall be selected and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager
- e. The RMP funding mechanism shall be identified and approved by the County to fund annual costs for basic stewardship.
- f. A contract between applicant and County shall be executed for the implementation of the RMP.

DOCUMENTATION: The applicant shall prepare the RMP and submit it to the [PDS, ZONING] and pay all applicable review fees. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the RMP shall be approved. **MONITORING:** The [PDS, PPD] shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

8. **BIOLOGICAL MONITORING: [PDS, PCC] [DPW, LDR] [GP, IP, MA] [PDS, FEE X2]. INTENT:** In order to prevent inadvertent disturbance to onsite wetlands, all grading shall be monitored by a biologist. **DESCRIPTION OF REQUIREMENT:** A County approved biologist "Project Biologist" shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The following shall be completed:

- 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 and this permit. The contract provided to the county shall include an agreement that this will be completed, and a Memorandum of Understanding (MOU) between the biological consulting company 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 that will be posted with the Department of Public Works, or bond separately with Planning & Development Services.