



County of San Diego

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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)

City of Escondido
201 North Broadway
Escondido, CA 92025

DRAFT Habitat Loss Permit

APPLICATION NUMBER: HLP XX-XXX,

ASSOCIATED PERMIT(S): None

NAME OF APPLICANT: City of Escondido

DESCRIPTION/LOCATION OF LOSS:

The proposed project is for a Habitat Loss Permit and will remove 2.39 acres of coastal sage scrub associated with the Lindley Reservoir Tank Replacement Project as shown on the attached Habitat Loss Exhibit.

The proposed project is located at 720 Hubbard Avenue, west of the intersection of Hubbard Avenue and North Ash Street, south of Vista Avenue, within unincorporated San Diego County (APN 227-010-55 and 227-010-58). The project location is indicated on the attached USGS map.

The proposed Habitat Loss Permit will allow removal of habitat for the Lindley Reservoir Tank Replacement Project. The City of Escondido proposes the demolition of the existing steel tank and replacement with two tanks with a combined storage capacity of 2.5 to 3.0 million gallons. The City also proposes the increase of the high water level of the replacement tanks by 3 to 4 feet, if feasible. The two tanks would be piped to allow isolation of one tank for maintenance shutdown while leaving the other tank in service. The City’s preference is for the tanks to be partially or fully buried. The existing steel tank is to remain in service until one of the two replacement tanks can be put into service. Offsite trenching and pipe connections include impacts to 0.53 acre of offsite developed habitat along Hubbard Avenue.

The project site is owned by the City of Escondido but is within the unincorporated San Diego County. Therefore, the City of Escondido is the lead agency for the preparation of the California Environmental Quality Act (CEQA) documentation and the County is a responsible agency responsible for issuance of a Habitat Loss Permit in accordance with the Habitat Loss Permit Ordinance. The City has prepared a Draft Mitigated Negative Declaration which was available for public review from July 3, 2014 through August 1, 2014 (http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/Draft%20ISMNDLindleyTank_complete.pdf). A Mitigated Negative Declaration would be adopted for this project prior to approval of a Final Habitat Loss Permit.

The Biological Resources Letter Report prepared by Helix Environmental Planning, dated June 24, 2014, indicates that the biological resources onsite include Diegan coastal sage scrub, non-native grassland and disturbed and developed lands. Impacts resulting from the proposed project as well as proposed offsite mitigation are detailed below in Table 1. No threatened, endangered or County sensitive plant species were observed on site. One sensitive wildlife species, the California gnatcatcher was detected onsite during the October 2012 vegetation survey. Protocol surveys for coastal California gnatcatchers were completed within the study area in November 2012 with negative results.

Table 1

Vegetation Community	Acreage			Mitigation	
	Existing	Onsite Impacts	Offsite Impacts	Mitigation Ratio	Offsite Mitigation
Diegan coastal sage scrub (32500)	2.39	2.39	0.0	2:1	4.78
Non-native grassland (42200)	0.0	0.0	0.0	0.5:1	0.0
Disturbed habitat (11300)	0.65	0.65	0.0	--	N/A
Developed (12000)	0.52	0.52	0.53	--	N/A
TOTAL	3.56	3.56	0.53	--	4.78

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.

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 will be implemented by the City of Escondido as described in the Lindley Reservoir Tank Replacement Project Mitigated Negative Declaration. 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.

ANY PERMIT: (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

1. BIO#1–OFF-SITE MITIGATION [PDS, FEE X2]

INTENT: In order to mitigate for the impacts to Diegan coastal sage scrub, which is a sensitive biological resource pursuant to the County Guidelines for Determining Significance and the Habitat Loss Permit Ordinance, off-site mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 4.78 acres of occupied Diegan coastal sage scrub, located in an approved mitigation bank (including the Red Mountain Mitigation Bank) as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of 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.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in San Diego County as indicated below:
1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
 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 managed by DPR, the RMP shall also be prepared and approved to the satisfaction of 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 purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
 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 approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] 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] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

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

2. BIO#2–RESOURCE AVOIDANCE [PDS, FEE X2]

INTENT: In order to avoid impacts to California gnatcatcher and raptors, which are sensitive biological resources pursuant to the Migratory Bird Treaty Act (MBTA), 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 during the breeding season of the California gnatcatcher and raptors within the RAA. The breeding season is defined as occurring between February 15th (and as early as January 15th for raptors) and August 31st. If it is determined that the initiation of construction during the noted breeding season is required, a pre-grading CAGN survey shall be conducted by a qualified biologist within three days prior to grading to determine if this species occurs within the areas directly impacted by grading, or would be indirectly impacted by construction noise. If no CAGN nesting activities (including nest building or other breeding/nesting behavior) are occurring within the applicable areas, development shall be allowed to proceed. If the CAGN is observed nesting or displaying breeding/nesting behavior within 300 feet of the construction area, however, construction shall be postponed until: (1) all nesting (or breeding/nesting behavior) has ceased, or until after September 15; or (2) a temporary noise barrier or berm is constructed at the edge of the development footprint to reduce noise levels below 60 dB LEQ or ambient (if ambient is greater than 60 dB LEQ). Alternatively, the duration of construction equipment operation could potentially be controlled to keep noise levels below 60 dB LEQ or ambient in lieu of, or in concert with, a wall or other sound attenuation barrier. The Director of PDS [PDS, PCC] 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 California gnatcatcher or 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. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and 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, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

3. BIO#3–RESOURCE AVOIDANCE [PDS, FEE X2]

INTENT: In order to avoid impacts to migratory birds, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), 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 during the breeding season of migratory birds within the RAA. The breeding season is defined as occurring between February 1st and July 31st. If vegetation clearing is required during

the noted breeding season, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 7 days prior to vegetation clearing. If no active nests are observed during this survey, clearing shall be allowed to proceed. If active nests are found, however, all vegetation clearing shall be precluded within 100 feet of the nest(s) until a qualified biologist determines that the nest(s) is (are) no longer active or has (have) failed. The Director of PDS [PDS, PCC] 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 migratory birds 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. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and 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, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

4. **BIO#4–TEMPORARY FENCING [PDS, FEE]**

INTENT: In order to prevent inadvertent disturbance to habitat outside of the project impact area, temporary construction fencing shall be installed adjacent to sensitive vegetation. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and/or clearing in association with this grading plan, the construction and staging area limits shall be clearly demarcated with temporary construction (orange blaze) fencing under the supervision of a qualified biologist to ensure that construction activity remains within the defined limits of work. In addition, appropriate signs shall be erected noting the restricted areas. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. 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. The applicant shall submit photos of the fencing to the [PDS, PCC] for approval. **TIMING:** Prior to Preconstruction Conference, and 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, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the pictures provided by the applicant.

ENVIRONMENTAL FINDINGS:

A. CEQA Findings

The City of Escondido has prepared a Draft Mitigated Negative Declaration which was available for public review from July 3, 2014 through August 1, 2014 (http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/Draft%20ISMNDLindleyT ank_complete.pdf).

1. It is hereby found that that the Director of Planning & Development Services has reviewed and considered the information contained in the City of Escondido’s

Mitigated Negative Declaration dated July 2014 on file with PDS as PDS2013-HLP-13-001;

- 2. The "Environmental Review Update Checklist Form for Projects with a Previously Approved Environmental Document" dated _____, on file with PDS as PDS2013-HLP-13-001 including California Environmental Quality Act Guidelines Sections 15162, 15163, and 15164 Findings for Determining the Appropriate Environmental Documentation to be completed when there is a previously adopted Mitigated Negative Declaration (MND); is hereby adopted.

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 2.39 acres of coastal sage scrub and one individual California gnatcatcher (*Polioptia californica*). Approved coastal sage scrub 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 Coastal Sage Scrub Cumulative Losses	
Total loss allowed under five percent guideline:	2953.30 acres
Cumulative loss of Coastal sage scrub to date:	1187.52 acres
Net loss due to this project:	2.39 acres
Total cumulative loss:	1189.91 acres
Remaining loss under five percent guideline:	1763.39 acres

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

The County habitat evaluation model ranks the site as predominantly medium value with agriculture along the eastern boundary. The project site itself contains an approximately 10 acre area of habitat surrounded by existing intense residential development to the north, south, east and west. Most of the habitat immediately surrounding the site is ranked as developed by the County habitat evaluation model. The project site is currently developed with an existing potable water tank, and existing underground recycled water tank and an existing access road. The site does not provide a viable connection between any high value habitats, due to its existing development on-site and surrounding land development patterns. Therefore, the project site is unlikely to provide connectivity between nearby areas of high habitat values and this habitat loss will not preclude connectivity.

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

The Diegan coastal sage scrub habitat onsite is not identified for conservation on Attachment B of the Process Guidelines. The project site is within an approximately 10 acre area containing native habitat which is surrounded by dense residential development to the north, south, east and west. The site contains an existing potable water tank, and existing underground recycled water tank and an existing access road. The project site is not strategically located for preservation as it does not constitute a wildlife corridor or core area. Since the habitat is already isolated, the habitat loss 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.

The Lindley Reservoir Tank Replacement Project will impact 2.39 acres of Diegan coastal sage scrub habitat. The habitat is considered of "intermediate" value, pursuant to the NCCP Logic Flow Chart. Despite this intermediate value, preservation of onsite habitat would not create a viable preserve as the site is surrounded on all sides by dense residential development. The remaining Diegan coastal sage scrub habitat within the project site will not be impacted and would require future a Habitat Loss Permit for additional impacts. The project will be required to purchase no less than 4.78 acres of Diegan coastal sage scrub mitigate for impacts at a 2:1 ratio. The purchase of offsite habitat will provide for the long-term viability of habitat that has connectivity to high value districts. In addition, no clearing or grading will be permitted within 300 feet of Diegan coastal sage scrub during the breeding season of the California gnatcatcher and temporary construction fencing will be required to protect habitat adjacent to the impact area. As such, the loss of Diegan coastal sage scrub will be mitigated to the maximum extent practicable for intermediate-value habitat in accordance with Section 4.3 the NCCP Process Guidelines.

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

No threatened, endangered or County sensitive plant species were observed on site. One sensitive wildlife species, the California gnatcatcher was detected onsite during the October 2012 vegetation survey. Protocol surveys for coastal California gnatcatchers were completed within the study area in November 2012 with negative results. The project will be required to offset impacts to Diegan coastal sage scrub with the purchase of offsite mitigation at a 2:1 ratio. The offsite habitat purchase will preserve occupied habitat with long-term viability that has connectivity to high value districts and potential to support listed species. Through the project mitigation, the Lindley Reservoir Tank Replacement Project will not appreciably reduce the likelihood of the survival and recovery of listed species.

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

The project will require grading, building and landscape permits from the City of Escondido. 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 coastal sage scrub 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. **Yes.**
5. Is the land located in a corridor between higher value districts. **No.**
6. Does the land support high density of target species? **No.**

Based on the NCCP Logic Flow Chart, the quality of habitat supported on the Lindley Reservoir Tank Replacement 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:

The City of Escondido will adopt a Mitigation Monitoring Report as included as Attachment A of the Mitigated Negative Declaration which was available for public review from July 3, 2014 through August 1, 2014
(http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/Draft%20ISMNDLindleyTank_complete.pdf)

The mitigation monitoring program is comprised of all the environmental mitigation measures which will be 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, BIO#2, BIO#3, BIO#4

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.

NOTIFICATION TO APPLICANT: Because your project has an effect on native biological resources, State law requires the payment of a \$2,181.25 fee to the California Department of Fish and Wildlife for their review of the Mitigated Negative Declaration (Fish and Wildlife Code §711.4) and a \$50 administrative fee to the County (\$2,231.25 total). If you made this payment at the time of public review of the environmental document pursuant to Administrative Code Section 362, Article XX, effective August 27, 1992, you have met this obligation. If the fee has not been paid, to comply with State law, the applicant should remit to the County Planning & Development Services, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable). **The payment must be by certified check or cashier's check payable to the "County of San Diego" and can be submitted to the cashier at the PDS office or directly to the County Clerk.** The fees (excluding the administrative fee) may be waived for projects that are found by the Planning & Development Services and the California Department of Fish and Wildlife to have a no effect impact on fish and wildlife resources. Failure to remit the required fee in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation Code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Wildlife Code, provide that no project shall be operative, vested, or final until the required filing fee is paid.

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:

SAMI REAL, Chief
Project Planning Division

Attachments

Habitat Loss Exhibit
Project Location Map
Biological Resources Letter Report (June 24, 2014)

cc: To be provided at issuance of Habitat Loss Permit

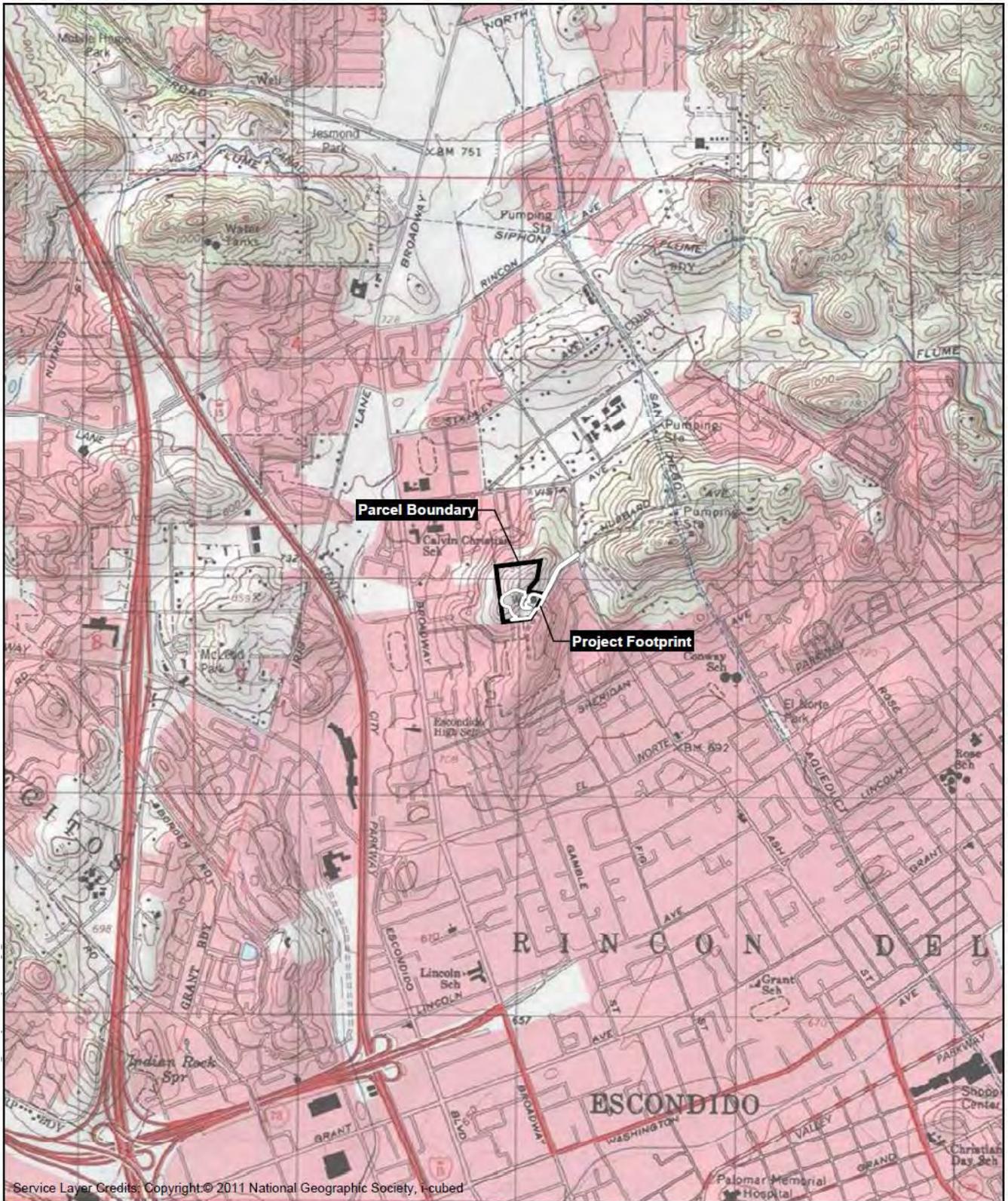
email cc:

Ashley Gungle, Project Manager, Project Planning, Planning & Development Services
Mindy Fogg, Planning Manager, Project Planning, Planning & Development Services
Hidden Meadows Community Sponsor Group



Habitat Loss Permit Exhibit

LINDLEY TANK



Project Location Map

LINDLEY TANK

Figure 2

