



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)

Newland Sierra LLC
Contact: Rita Brandin
9820 Towne Centre Drive, Suite 100
San Diego, California 92121

DRAFT Habitat Loss Permit

APPLICATION NUMBER: HLP XX-XXX

ASSOCIATED PERMIT(S): PDS2015-GPA-15-001, PDS2015-SP-15-001, PDS2015-REZ15-001, PDS2015-TM-5597, PDS2015-ER-15-08-001

NAME OF APPLICANT: Newland Sierra LLC

DESCRIPTION/LOCATION OF LOSS:

This document presents findings required for the issuance of a Habitat Loss Permit under the Endangered Species Act Section 4(d) rule for the California gnatcatcher (*Poliioptila californica*). The action being addressed within these findings is the removal of coastal sage scrub associated with the Newland Sierra project within the County of San Diego. The project will result in the permanent direct impact to 54.5 acres of coastal sage scrub (CSS; all subtypes) onsite and one location of California gnatcatcher onsite. An additional 2.2 acres of CSS will be permanently impacted as a result of offsite improvements, for a total of 56.7 acres of CSS direct permanent impact.

The project is located on 1,985 acres north of the City of Escondido in the unincorporated area of San Diego County. It is in the North County Metropolitan Subarea, generally bound on the east by I-15, on the south by Deer Springs Road, on the west by Twin Oaks Valley Road, and by agriculture and estate development to the north. Thomas Brothers Coordinates: Page1088, Grid J/3.

Of the 1,985.6-acre Newland Sierra project site, the proposed project includes 1,209.1 acres of on-site open space and 776.5 acres of development and fuel management zones. The proposed project also includes off-site improvements and preservation of a 212-acre offsite mitigation parcel. The proposed development would include 7 neighborhoods with a total of 2,135 residential units. A community-wide linear park and trail network is proposed to connect the neighborhood parks and both community and open space trails. This network includes approximately 17 total linear miles of trails. The linear greenbelts may contain drainage conveyance creeks or swales to provide water quality treatment. Park amenities, open space for active recreation, neighborhood-scale parks and pocket parks, are proposed. Development of the seven planning areas would avoid the most sensitive biological, cultural, and topographical resources.

The proposed biological open space for the proposed project includes three large, interconnected, biological open space blocks within the project Site as well as a large off-site biological open space parcel. The proposed on-site open space design consists of two large continuous blocks of key biological resources situated within the northern half and along the eastern boundary of the project Site, and a large third block of open space in the center of the proposed development that would connect the abovementioned blocks of open space to open space located east and south of the project Site. These connected blocks of habitat create an on-site preserve of approximately 1,209.1 acres, which has been designated as a proposed hardline area in the draft North County Plan of the County of San Diego Multiple Species Conservation Program. Additionally, the project would preserve and manage a 212-acre off-site mitigation parcel, which has been identified as a conservation priority and is designated as a pre-approved mitigation area (PAMA) in the draft North County Plan.

Approximately 24% of the on-site biological open space is classified as Very High or High habitat value as indicated by the draft North County Plan Habitat Evaluation Map (2008), and another 63% of the on-site biological open space is classified as Moderate habitat value. The remainder of the on-site biological open space is classified as Low habitat value or developed land. Nearly the entire off-site mitigation parcel is classified as Very High habitat value by the draft North County Plan Habitat Evaluation Map.

The majority of the proposed open space design would be located within the northern half of the project site. The northern half of the site has the greatest potential to support wildlife due to the east-west connection with the San Marcos Mountains. In addition, the northern half of the project site is positioned to take maximum advantage of interconnected blocks of habitat. The northern portion of the proposed open space design provides a diverse representation of the natural and environmental conditions that occur within the larger project area. Open space would also be designated along the eastern boundary of the project site adjacent to I-15, which serves as important habitat for California gnatcatcher and many other wildlife species, as well as internal to the project site, which would enhance connectivity to the south. Draft North County Plan PAMA-designated lands are located to the west and north of the proposed on-site biological open space, which signifies that the lands adjacent to the proposed biological open space also support biological conservation value.

The proposed open space design includes a diverse array of environmental features including ridgetops, hill tops, and rocky outcrops. Although the majority of this area consists of dense chaparral, this area also incorporates a diverse representation of the vegetation communities that occur on site and in the vicinity including, riparian forest and scrub, coastal sage scrub, non-native grassland, and oak woodland. The two largest riparian areas located within the project Site would be included in the open space: the South Fork of Gopher Canyon and the South Fork of Moosa Canyon. The South Fork of Gopher Canyon, which is located along Twin Oaks Valley Road, holds water part of the year. The topography in this area of the open space is highly diverse and includes elevations from approximately 700 feet AMSL to 1,750 feet AMSL.

Overall, the entire open space area contains a diversity of environmental characteristics including representative populations of special-status plant and animal species observed on site; existing dirt trails and canyon bottoms currently used by wildlife for movement across the site; and the north-south-trending tributary to Gopher Canyon along Twin Oaks Valley Road, which provides linkage opportunities to the San Marcos Mountains.

The proposed project will result in both temporary and permanent impacts to coastal sage scrub. On-site impacts include 2.7 acres of temporary impacts and 54.5 acres of permanent impacts. Off-site impacts total 1.6 acre of temporary impacts and 2.2 acre permanent impacts. Coastal scrub impacts total 4.3 acres of temporary impacts and 56.7 acres of permanent impacts. Part of the northern portion of the project site is within federally designated critical habitat for the California gnatcatcher (2000); however, none of the CSS that would be impacted by the proposed project is within designated critical habitat.

Focused surveys for California gnatcatcher on the project site have resulted in the detection of two individuals.

Biological resources on the project site were evaluated in a Biological Resources Technical Report prepared by Dudek (2017). Native vegetation communities within the project site include coast live oak woodland, Diegan coastal sage scrub (including disturbed), coastal sage scrub *Baccharis* dominated (including disturbed), coastal sage scrub-chaparral transition, flat-topped buckwheat scrub (disturbed), granitic southern mixed chaparral (including disturbed), mafic southern mixed chaparral, scrub oak chaparral, freshwater marsh, mulefat scrub, southern coast live oak riparian forest, southern willow scrub, and southern willow scrub/tamarisk scrub. Three non-native vegetation communities, eucalyptus woodland, non-native woodland and non-native grassland, occurs within the project area. Four other land cover types occur within the project area: intensive agriculture, orchards and vineyards, urban/developed, and disturbed habitat.

Ten wildlife species and four plant species on the draft North County Plan Covered Species list occur or have a likelihood of using the project site, including western spadefoot (*Spea hammondi*), Belding's orange-throated whiptail (*Aspidoscelis hyperythra beldingi*), red-diamondback rattlesnake (*Crotalus ruber*), Blainville's horned lizard (*Phrynosoma blainvillei*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*) Bell's sage sparrow (*Artemisospiza [Amphisipiza] belli belli*), northern harrier (*Circus cyaneus hudsonius*), California gnatcatcher, pallid bat (*Antrozous pallidus*), and mountain lion (*Felis concolor*), summer holly (*Comarostaphylis diversifolia* ssp. *diversifolia*), sticky dudleya (*Dudleya viscida*), felt-leaved monardella (*Monardella hypoleuca* ssp. *lanata*) and Engelmann oak (*Quercus engelmannii*).

The relevant proposed mitigation measures for biological resources are provided below under Conditions of Approval.

The NCCP Flowchart indicates the CSS habitat is “Intermediate Value for Long-Term Conservation” (see NCCP Flowchart section below for additional information). Mitigation ratios are listed in Table 1. With the above-mentioned mitigation, all impacts associated with the development 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 4-1
Summary of Impacts, Mitigation, and Open Space for
Vegetation Communities and Jurisdictional Areas (Acres)

Habitat Types/Vegetation Communities	On-Site Existing Acreage	Total On-Site Impacts ¹	Total Off-Site Impacts ²	Mitigation Ratio	Mitigation Required	On-Site Open Space ³	Off-Site Mitigation Area	Mitigation Excess/ (Deficit)
<i>Coastal Scrub</i>								
Diegan coastal sage scrub (including disturbed)*	68.2	45.6	0.5	2:1	92.2	22.6	106.4	36.8
Coastal sage scrub – Baccharis dominated (including disturbed)	2.0	1.5	—	2:1	3.0	0.5	—	(2.5)
Flat-topped buckwheat – disturbed*	1.7	0	—	2:1	0	1.7	—	1.7
Coastal sage – chaparral transition*	7.8	7.4	1.7	2:1	18.2	0.4	—	(17.8)
<i>Subtotal</i>	<i>79.7</i>	<i>54.5</i>	<i>2.2</i>	<i>N/A</i>	<i>113</i>	<i>25.2</i>	<i>106.4</i>	<i>18.2</i>
<i>Chaparral</i>								
Chamise chaparral ^{4*}	—	—	—	—	—	—	19.7	19.7
Granitic southern mixed chaparral (including disturbed)*	1,700.7	626.9	6.3	0.5:1	316.6	1,073.8	—	757.2
Mafic southern mixed chaparral*	58.8	0.8	—	3:1	2.4	58.0	—	55.6
Scrub oak chaparral*	44.3	39.2	—	0.5:1	19.6	5.1	—	(14.5)
<i>Subtotal</i>	<i>1,803.8</i>	<i>666.9</i>	<i>6.3</i>	<i>N/A</i>	<i>338.3</i>	<i>1,136.9</i>	<i>19.7</i>	<i>818.0</i>
<i>Woodland</i>								
Coast live oak woodland*	9.1	6.5	2.8	3:1	27.9	2.6	—	(25.3)
Engelmann Oak Woodland - Open ^{4*}	—	—	—	N/A	—	—	29.0	29.0
<i>Subtotal</i>	<i>9.1</i>	<i>6.5</i>	<i>2.8</i>	<i>N/A</i>	<i>26.1</i>	<i>2.6</i>	<i>29.0</i>	<i>3.7</i>
<i>Riparian</i>								
Freshwater marsh*	0.1	—	—	3:1	—	0.1	—	0.1
Southern coast live oak riparian forest*	5.2	1.9	0.8	3:1	8.1	3.3	—	(4.8)
Mulefat scrub*	0.2	0.1	0.03	3:1	0.4	0.1	—	(0.3)
Southern sycamore-alder riparian woodland ^{4*}	—	—	—	—	—	—	7.9	7.9
Southern willow scrub*	2.5	0.1	0.5	3:1	1.8	2.4	—	0.6
Southern willow scrub/tamarisk scrub*	0.3	—	—	3:1	—	0.3	—	0.3
Arundo-dominated riparian	—	—	0.1	3:1	0.3	—	—	(0.3)

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<i>Subtotal</i>	8.3	2.1	1.4	N/A	10.3	6.2	7.9	3.5
<i>Grassland</i>								
Valley needlegrass grassland ^{4*}	—	—	—	—	—	—	8.5	8.5
Non-native grassland*	16.1	15.3	2.6	0.5:1	9.0	0.8	33.8	25.7
<i>Subtotal</i>	16.1	15.3	2.6	N/A	9.0	0.8	42.3	34.2
<i>Non-native Communities and Land Covers</i>								
Agriculture	—	—	2.0	None	—	—	—	(2.0)
Eucalyptus woodland	0.5	—	2.0	None	—	0.5	3.2	1.7
Intensive agriculture	<0.0	<0.0	1.4	None	—	—	—	(1.4)
Extensive agriculture	—	—	4.5	None	—	—	—	(4.5)
Orchard and vineyards	2.0	1.0	1.9	None	—	1.0	—	(1.9)
Urban/developed	9.2	9.2	40.8	None	—	—	0.1	(49.9)
Disturbed habitat	57.0	21.0	5.1	None	—	36.0	3.3	13.2
Non-native woodland	—	—	0.2	None	—	—	—	(0.2)
<i>Subtotal</i>	68.7	31.2	57.9	—	0	37.5	6.6	(35.5)
Total¹	1,985.6	776.6	71.7	N/A	497.3	1,209.1	211.8	923.6
<i>Other</i>								
RPO wetland buffer ⁵	30.2	8.7	3.9	N/A	N/A	N/A	—	N/A
Oak Root Zone ⁵	32.9	11.2	8.4	3:1	58.8	21.7	—	-18.9
Non-wetland waters (ephemeral and intermittent) ⁵	5.33	1.41	0.16	1:1	1.59	3.92	—	N/A

¹ Totals may not add due to rounding.

² This includes impacts for Deer Springs Road Option B and all other off-site impacts.

³ The open space acreage includes the on-site temporary impacts since they will be restored and conserved in permanent open space.

⁴ These communities occur in the off-site Ramona mitigation site and are described in Appendix J.

⁵ These features are overlays to the vegetation community layer and are not counted toward the total existing acreage.

* Considered special-status by the County (2010b).

3:1 for riparian areas includes a 1:1 creation and 2:1 enhancement requirement.

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 are being placed on the Implementing Tentative Map (PDS2015-TM-5597). 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):

Prior to approval of grading permits or improvement plans for applicable units or phases, and prior to approval of the Final Map for applicable units or phases of grading, the applicant shall incorporate the following mitigation measures as described in the Biological Resources Report for the Newland Sierra Project (Dudek 2017):

M-BIO-1 CONSTRUCTION MONITORING: To prevent inadvertent disturbance to areas outside the limits of grading, all grading shall be monitored by a biologist. A “Project Biologist” approved by the County of San Diego (County) shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities.

The following shall be completed:

1. The Project Biologist shall perform the monitoring duties before, during, and after construction pursuant to the most current version of the *County of San Diego Report Format and Content Requirements, Biological Resources*. 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 shall be executed. The contract shall include a cost estimate for the monitoring work and reporting. In addition to performing monitoring duties pursuant to the most current version of the *County of San Diego Report Format and Content Requirements, Biological Resources*, the Project Biologist shall perform the following duties:

- a. Attend the preconstruction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds).
- b. Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the Department of Public Works (DPW) Construction Inspector.
- c. Discuss procedures/training for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading.
- d. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading.
- e. Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading.
- f. Supervise and monitor vegetation clearing, grubbing, and grading to ensure against direct and indirect impacts to biological resources that are intended to be protected and preserved.
- g. Flush special-status and other species (i.e., avian and other mobile species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities.
- h. Verify that the construction site is implementing the following storm water pollution prevention plan best management practices: dust-control fencing, removal of construction debris and a clean work area, covered trash receptacles that are animal-proof and weather-proof, prohibition of pets on the construction site, and a speed limit of 15 miles per hour during the daylight and 10 miles per hour during dark hours.
- i. Periodically monitor incoming landscape products for compliance with the prohibition on non-native invasive species and the requirement for landscaping composed of native species that do not require high irrigation rates.

- j. Periodically monitor the construction site in accordance with the project's fugitive dust control plan in compliance with San Diego County Air Pollution Control District's regulations to reduce particulate matter less than 10 microns in diameter (PM₁₀) and fine particulate matter less than 2.5 microns in diameter (PM_{2.5}) emissions during construction (refer to the Air Quality Technical Report). Periodically monitor the construction site to see that dust is minimized according to the fugitive dust control plan and that manufactured slopes are revegetated as soon as possible.
- k. Periodically monitor the construction site to see that artificial security light fixtures are directed away from open space and are shielded.
- l. Oversee the construction site so that cover and/or escape routes for wildlife from excavated areas are provided on a daily basis. All steep trenches, holes, and excavations during construction shall be covered at night with backfill, plywood, metal plates, or other means, and the edges covered with soils and plastic sheeting such that small wildlife cannot access them. Soil piles shall be covered at night to prevent wildlife from burrowing in. The edges of the sheeting shall be weighed down by sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and prior to sealing the exposed area) by a qualified biologist to monitor for wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route.
- m. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and the County Construction Inspector within 24 hours; produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the PDS (final report will release bond);
- n. Confer with the Wildlife Agencies and the County Construction Inspector within 24 hours any time protected habitat or gnatcatchers or other special-status species are being affected by construction.
- o. Keep daily monitoring notes for the duration of grading for submittal in a final report to substantiate the biological supervision of the grading activities and the protection of the biological resources.

The cost estimate of the monitoring (provided in the contract) shall be added to the grading bonds that will be posted with the DPW, or bond separately with the PDS. The bond for monitoring shall be released upon the acceptance of the monitoring report for each Final Map.

Documentation: The applicant shall submit the monitoring contract, cost estimate, and MOU to the PDS for review and approval. The applicant shall provide verification that the cost of the monitoring has been added to the grading bond.

Timing: Monitoring shall be performed throughout the duration of grading; if this project includes more than one Final Map, each shall have separate monitoring contracts and documentation.

Monitoring: The PDS shall review the contract, MOU, and cost estimate or separate bonds for compliance with this condition. The cost estimate shall be forwarded to the project manager for inclusion in the grading bond cost estimate and grading bonds. The DPW shall add the cost of the monitoring to the grading bond costs.

M-BIO-2 CONSTRUCTION FENCING: To prevent inadvertent disturbance to sensitive vegetation and species, temporary construction fencing shall be installed. The temporary fencing shall be placed to confine project activities to the areas approved for construction activities and to protect from inadvertent disturbance all open space easements and preserve areas that do not allow grading, brushing, or clearing. Temporary fencing shall also be required in all locations of the project where proposed grading or clearing is within 100 feet of open space or preserve boundaries. The placement of such fencing shall be approved by the Department of Planning & Development Services (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 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 the certification letter to PDS for approval.

Timing: Prior to the preconstruction conference for each Final Map area, and prior to any clearing, grubbing, trenching, grading, or land disturbances, the fencing shall be installed, and shall remain for the duration of grading and clearing. This may be done in association with grading and improvement plans for each Final Map.

Monitoring: The County of San Diego Construction Inspector shall attend either the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.

M-BIO-3 MONITORING REPORT: To ensure that the biological monitoring occurred during the grading phase of the project, a final biological monitoring report shall be prepared. The report shall substantiate the supervision of the grading activities and state that grading and construction activities did not impact any additional areas or any other sensitive biological resources. The report shall conform to the County of San Diego *Report Format and Content Requirements, Biological Resources*, and include the following items:

1. Photos of the temporary fencing that was installed during the trenching, grading, and clearing activities.
2. Monitoring logs showing the date and time that the monitor was on site.

3. Photos of the site after the grading and clearing activities.
4. Lists of species observed with special-status species mapped.

Documentation: The Project Biologist shall prepare the final report and submit it to the Department of Planning & Development Services (PDS) for review and approval.

Timing: Upon approval of each Final Map, and prior to approval of the associated grading and improvement plans, the monitoring contract and bonding shall be submitted and complete. Upon completion of grading activities for each Final Map, and prior to rough grading final inspection (Grading Ordinance Section 87.421.a.2), the final report shall be completed and accepted by the PDS.

Monitoring: The PDS shall review the final report for compliance with this condition and the report format guidelines. Upon approval of the report, the PDS shall inform the Department of Public Works (DPW) that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then PDS shall inform DPW to release the bond back to the applicant.

M-BIO-4 INVASIVE SPECIES PROHIBITION: The Department of Planning & Development Services (PDS) Landscape Architect shall require that all final landscape plans comply with the following: (1) no invasive plant species as included on the most recent version of the California Invasive Plant Council's California Invasive Plant Inventory for the project region shall be included, and (2) the plant palette shall be composed of native species that do not require high irrigation rates. The Project Biologist shall periodically check landscape products for compliance with this requirement.

Monitoring: The PDS shall approve the final landscape plans; M-BIO-1 includes periodic monitoring of landscaping products brought to the project Site.

M-BIO-5 NESTING BIRD MANAGEMENT, MONITORING, AND REPORTING PLAN: To avoid impacts to nesting migratory birds and raptors and other nesting birds, which are a sensitive biological resource pursuant to CEQA, the MBTA and Fish and Game Code, breeding season avoidance shall be implemented on all plans.

DESCRIPTION OF REQUIREMENT: There shall be no brushing, clearing and/or grading allowed during the breeding season of migratory birds or raptors (between January 15 and August 31) or coastal California gnatcatcher (between February 15–August 15). The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the USFWS and the CDFW (i.e., Wildlife Agencies), provided that no nesting or breeding birds are present within 300 feet of the brushing, clearing or grading (500 feet for raptors) based on a pre-construction survey conducted by a County-approved biological consultant within seven days prior to the proposed start of clearing/grading. 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. If construction work must occur during the avian breeding season (February 1 through August 31, and as early as January 1 for some raptors), the applicant shall prepare a Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP) to address avoidance of impacts to nesting birds. This plan shall be designed in coordination with the Wildlife Agencies. To avoid impacts to nesting birds the applicant shall:

1. Prepare an NBMMRP that shall include the following: nest survey protocols describing the nest survey methodologies; a management plan describing the methods to be used to avoid nesting birds and their nests, eggs, and chicks; a monitoring and reporting plan detailing the information to be collected for incorporation into a regular Nest Monitoring Log with sufficient details to monitor the applicant's compliance with California Fish and Game Code Sections 3503, 3503.5, 3511, and 3513; guidance for the monitoring biologists on reducing stress and harm to the nesting birds as a result of monitoring activities, including instructions on frequency of monitoring visits and distance to keep from the nest; the schedule for the submittal (usually weekly) of the Nest Monitoring Log; standard buffer widths deemed adequate to avoid or minimize significant project-related edge effects (disturbance) on nesting birds and their nests, eggs, and chicks; a detailed explanation of how the buffer widths were determined; and measures the applicant will implement to preclude birds from using project-related structures (e.g., construction equipment, facilities, or materials) for nesting.
2. Conduct preconstruction nesting bird surveys within 72 hours of construction-related activities and implement appropriate avoidance measures for identified nesting birds.
3. If feasible, conduct surveys beyond the project Site to determine presence of nesting birds that the project activities may affect—300 feet for passerine birds and 500 feet for raptors and coastal California gnatcatchers. The survey protocols shall include a detailed description of methodologies used by CDFW-approved avian biologists to search for nests and describe avian behaviors that indicate active nests. The protocols shall include the size of the site being surveyed, method of search, and behavior that indicates active nests.

4. Include each nest identified on the project Site in the Nest Monitoring Logs. The Nest Monitoring Logs shall be updated daily and submitted to CDFW weekly. Since the purpose of the Nest Monitoring Logs is to allow CDFW to track compliance, the logs shall include information necessary to allow comparison between nests protected by standard buffer widths recommended for the project (300 or 500 feet) and nests with buffer widths that were reduced by encroachment of project-related activities. The Nest Monitoring Logs shall provide a summary of each nest identified, including the species, status of the nest, buffer information, and fledge or failure data. The Nest Monitoring Logs shall allow for tracking the success and failure of the buffers, and shall provide data on the adequacy of the buffers for certain species.
5. Rely on its avian biologists to coordinate with CDFW and USFWS to determine the appropriate standard buffer widths for nests within the project corridor/footprint to employ based on the sensitivity levels of specific species or guilds of avian species. The determination of the standard buffer widths shall be Site- and species-/guild-specific and data-driven, and not based on generalized assumptions regarding all nesting birds. Determination of the buffer widths shall consider the following factors:
 - a. Nesting chronologies
 - b. Geographic location
 - c. Existing ambient conditions (human activity within line of sight—cars, bikes, pedestrians, dogs, noise)
 - d. Type and extent of disturbance (e.g., noise levels and quality—punctuated, continual, ground vibrations; blasting-related vibrations proximate to tern colonies are known to make the ground-nesting birds flush the nests)
 - e. Visibility of disturbance
 - f. Duration and timing of disturbance
 - g. Influence of other environmental factors
 - h. Species' site-specific level of habituation to the disturbance
 - i. Construction-related noise levels in coastal California gnatcatcher occupied habitat within 500 feet of construction activity would not exceed 60 dBA Leq or pre-construction ambient noise levels, whichever is greater. Project construction within 500 feet of occupied habitat would occur outside of the breeding season if possible. If necessary, construction activities during the breeding season would be managed to limit noise levels in occupied habitat within 500 feet of the project or noise attenuation measures, such as temporary sound walls, would be implemented to reduce noise levels below 60 dBA Leq or below existing ambient noise levels, whichever is greater.

6. Apply the standard buffer widths to avoid the potential for project-related nest abandonment and failure of fledging, and minimize any disturbance to nesting behavior. If project activities cause or contribute to a bird being flushed from a nest, the buffer must be widened.
7. Avoidance and buffering of nests in the process of being built on construction equipment or developed structures shall not be necessary. Additionally, although direct impacts to nests with eggs or chicks shall not be allowed, no buffer requirements shall apply.

Documentation: The applicant shall submit the NBMMRP for review and approval by the County of San Diego (County) and the Wildlife Agencies.

Timing: The NBMMRP shall be submitted and approved prior to approval of the first Final Map. No grading shall occur until concurrence is received from the County and the Wildlife Agencies. The Nest Monitoring Logs shall be submitted to the County and the Wildlife Agencies prior to the 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 County Construction Inspector shall not allow any grading during the specified dates, unless a concurrence from the Wildlife Agencies is received and reviewed by the Department of Planning & Development Services.

M-BIO-6

REVEGETATION PLAN: To compensate for temporary impacts to special-status vegetation and wildlife habitat impacts, a final Revegetation Plan shall be submitted and approved for temporary impacts from grading to areas within the preserve and outside of the LBZ easement and FMZ. The revegetation plan shall be in compliance with the conceptual restoration plan (Appendix I of the Biological Resources Technical Report (Appendix H)), and provide replacement of comparable native vegetation. The final revegetation plan shall include, at a minimum, the implementation strategy; appropriate seed/source materials; appropriate planting method; an irrigation plan; quantitative and qualitative success criteria; a maintenance, monitoring, and reporting program; estimated completion time; and contingency measures. The revegetation plan shall conform to the most current version of the County of San Diego (County) *Report Format and Content Requirements for Revegetation Plans*. To ensure project completion and success of the revegetation plan, a surety shall be provided and an agreement shall be executed with the County and consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with implementation of the revegetation plan and a 10 percent cash deposit of the cost of all improvements (no less than \$3,000; no more than \$30,000). The surety shall be released upon completion of the revegetation plan, provided the installed vegetation is in a healthy condition and meets the plan's success criteria.

Documentation: The applicant shall prepare the revegetation plan and submit it for review with the applicable review fees and deposits.

Timing: Prior to the approval of the first associated map and prior to the approval of the first associated plan or issuance of the first associated permit, the revegetation plan shall be approved by the Department of Planning & Development Services (PDS).

Monitoring: The PDS Landscape Architect shall review the revegetation plan for conformance with this condition and the County's *Report Format and Content Requirements for Revegetation Plans*. Upon approval of the revegetation plan, a Director's Decision of approval shall be issued to the applicant, with the request for compliance with a Secured Agreement for implementation of the revegetation plan. Upon receipt of the compliance letter, the PDS Landscape Architect shall sign the Agreement for the Director of PDS and ensure that the cash deposit is collected. Upon acceptance of the Agreement, securities, and cash deposit, the PDS Landscape Architect shall provide a confirmation letter acknowledging acceptance of the securities.

M-BIO-7 LIGHTING PLAN: All artificial outdoor light fixtures shall be installed so they are directed away from open space and are shielded in accordance with the project's lighting plan standards as outlined in the Specific Plan for the project. Light fixtures shall be installed in conformance with the County of San Diego's (County) Light Pollution Code, Building Code, Electrical Code, and lighting requirements specified in Section 6324 (Lighting Permitted in Required Yards) and Section 6326 (Lighting Not in Required Yards) of the Zoning Ordinance, along with any other related state and federal regulations such as California Title 24.

Documentation: The applicant shall submit building plans to the County for review in compliance of the above regulations.

Timing: Prior to the approval of all building permits.

Monitoring: The County building inspector shall review structures for compliance with this condition. During construction, the Project Biologist shall review lighting for compliance with this measure as part of the construction monitoring requirement.

M-BIO-8A PRESERVE: The applicant shall preserve in permanent open space approximately 1,420.9 acres of native habitats, generally consistent with the assemblage of vegetation communities impacted by the project in a proposed on-site and off-site open space preserve area (see Table 2.4-27) (see Appendix K to the BTR for the off-site mitigation site description). This shall include preservation of 1,420.9 acres of native habitats to mitigate for project impacts to 760.6 acres of special-status vegetation communities (both upland and riparian), thereby preserving compensatory habitat that provides equal or greater benefits to plant and wildlife species. Proposed on-site open space preserve has already been evaluated and may be used to satisfy this requirement through M-BIO-8B through M-BIO-8E.

Documentation: An RMP shall be prepared per M-BIO-8D and an application for the RMP shall be submitted to the PDS.

Timing: Prior to issuance of a grading permit, the mitigation shall occur.

Monitoring: The PDS shall accept an application for an RMP, and PDS and DPR shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

M-BIO-8B BIOLOGICAL OPEN SPACE EASEMENT. The County of San Diego (County) shall be granted a biological open space easement, as shown on the approved Tentative Map for the on-site open space and a separate open space easement exhibit for the off-site biological open space. These easements shall be for the protection of biological resources and all of the following shall be prohibited on any portion of the land subject to said easement: grading; excavating; placing soil, sand, rock, gravel, or other material; clearing vegetation; constructing, erecting, or placing any building or structure; vehicular activities; dumping trash; or using for any purpose other than as open space. Granting this open space shall authorize the County and its agents to periodically access the land to perform management and monitoring activities for species and habitat conservation. The only exception(s) to this prohibition are the following:

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. Although 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 the Department of Planning & Development Services, Department of Parks and Recreation, and Department of Public Works
3. Vegetation removal or application of chemicals for vector-control purposes where expressly required by written order of the County of San Diego Department of Environmental Health.
4. Uses, activities, and placement of structures expressly permitted and shown on the plot plan.
5. Construction, use, and maintenance of multi-use, non-motorized trails per the specific plan (Figure 1-3, Parks and Trails Plan).

Documentation: The applicant shall show the on-site open space easement on the Final Map and open space easement exhibit with the appropriate granting language on the title sheet concurrent with Final Map review, then submit them for preparation and recordation with the [DGS, RP] and pay all applicable fees associated with preparation of the documents. For the off-site open space an easement will be dedicated to the County through a separate document.

Timing: Prior to the approval of each Final Map, and on the associated map and prior to the approval of any associated plan and issuance of any associated permit, the on-site and off-site biological open space easements shall be recorded.

Monitoring: For recordation on the map, the [PDS, LDR] shall route the Final Map to [PDS, PCC] for approval prior to map recordation. The [PDS, PCC] shall preapprove the language and estimated location of the easements prior to recordation. The [PDS LDR] shall satisfy the condition after map recordation.

M-BIO-8C LIMITED BUILDING ZONE EASEMENT: A Limited Building Zone Easement shall be granted to prohibit the building of structures that would require vegetation clearing within the protected biological open space for fuel management purposes. The easement must extend at least 100 feet from the Biological Open Space boundary.

DESCRIPTION OF REQUIREMENT: Grant to the County of San Diego a LBZ Easement as shown on the Tentative Map. 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 that would require vegetation clearing within the protected biological open space for fuel management purposes. The only exceptions to this prohibition are Structures that do not require fuel modification/vegetation management.

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, 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 each Final Map, and on the associated map and prior to the approval of any associated plan and issuance of any associated permit, the Limited Building Zone easements shall be recorded.

Monitoring: For recordation on the map, the [PDS, LDR] shall route the Final Map to [PDS, PCC] for approval prior to map recordation. The [PDS, PCC] shall preapprove the language and estimated location of the easements prior to recordation. The [PDS LDR] shall satisfy the condition after map recordation.

M-BIO-8D RESOURCE MANAGEMENT PLAN: To provide for the long-term management of the proposed biological open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. Conceptual RMPs are provided as Appendix L (on-site open space) and Appendix M (off-site open space) to the Biological Resources Technical Report.

DESCRIPTION OF REQUIREMENT: Submit to and receive approval from the Director of the Department of Planning & Development Services (PDS), an RMP consistent with the project's RPP (August 2016), on file as Environmental Review Number PDS2015-ER-15-08-001. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS,

and, in cases where the Department of Parks and Recreation has agreed to be the owner/manager, to the satisfaction of the Director of the Department of Parks and Recreation:

1. The RMP shall be prepared and approved pursuant to the most current version of the County of San Diego (County) Biological Report Format and Content Requirements.
2. The habitat land to be managed shall be completely purchased.
3. The biological open space easements shall be dedicated to ensure that the land is protected in perpetuity.
4. A resource manager shall be selected, and evidence provided by the applicant as to the acceptance of this responsibility by the proposed resource manager.
5. The RMP funding costs, including a Property Assessment Record or other equally adequate forecast. The funding mechanism (endowment or other equally adequate mechanism) to fund annual costs for the RMP and the holder of the security shall be identified and approved by the County.
6. A contract between the applicant and County shall be executed for implementation of the RMP.
7. Annual reports shall include an accounting of all required tasks and details of tasks addressed during the reporting period, and an accounting of all expenditures and demonstration that the funding source remains adequate.

Documentation: The applicant shall prepare the RMP and submit it to the PDS and pay all applicable review fees.

Timing: Prior to approval of the first Final Map, submit the RMP for review and approval.

Monitoring: The PDS shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

M-BIO-8E BIOLOGICAL OPEN SPACE FENCING AND SIGNAGE: To protect the proposed open space easement from unauthorized entry or disturbance, permanent post and rail fencing, or similar permeable fence, shall be installed along the boundaries of the biological open space. Open space signage shall be placed approximately every 200 feet along the fencing (see Figure 2.4-11, Proposed Biological Open Space/Conceptual Signage and Fencing).

DESCRIPTION OF REQUIREMENT: Open space fencing or walls shall be placed adjacent to residential uses and roads as shown on figure 2.4-11. Open space signage shall be installed as shown on Figure 2.4-11, Proposed Biological Open Space/Conceptual Signage and Fencing, and shall be corrosion resistant,

a minimum of 6 inches by 9 inches, on posts not less than 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: PDS2015-ER-15-08-001)

Documentation: The applicant shall install the fencing or walls as indicated on Figure 2.4-11, Proposed Biological Open Space/Conceptual Signage and Fencing Plan, and include them on the building plans. The applicant shall install the signage as indicated on the Proposed Biological Open Space/Conceptual Signage and Fencing Plan, and have them photographed and verified by a California Registered Engineer or licensed surveyor.

Timing: Prior to occupancy, the fencing or walls and signs shall be in place.

Monitoring: The Department of Planning & Development Services shall verify compliance of the fencing or walls through review of the building permits and this condition. Evidence of the signage shall be photos and a statement from a California Registered Engineer or licensed surveyor that the biological open space signs have been installed in accordance with the Open Space Fencing and Signage Plan.

M-BIO-9

HORKELIA RELOCATION PLAN: For any direct loss of Ramona horkelia (*Horkelia truncata*), the applicant shall prepare and implement a relocation plan prior to the issuance of grading permits. The relocation plan shall provide for replacement of individual plants to be removed at a minimum 1:1 ratio within suitable receptor sites(s) where no future construction-related disturbance will occur. The relocation plan shall specify, at minimum, the following: (1) the location of the receptors site(s) in protected open space areas within the project Site; (2) appropriate methods for replacement (e.g., harvesting seeds, salvaging and transplantation of impacted plants, and/or nursery propagation); (3) receptor site preparation methods; (4) schedule and action plan for maintaining and monitoring the receptor site(s); (5) list of performance criteria and standards for successful mitigation; (6) measures to protect the receptor site(s) (e.g., trespass and erosion control, weeding); and (7) cost of implementing the relocation plan.

Documentation: The applicant shall prepare a final Horkelia Mitigation Plan that complies with the Conceptual Restoration Plan and submit it for review with the applicable review fees and deposits (this is considered a revegetation plan submittal).

Timing: Prior to the approval of the first associated map and prior to the approval of the first associated plan or issuance of the first associated permit, the Horkelia Mitigation Plan shall be approved.

Monitoring: The Department of Planning & Development Services shall review the Horkelia Mitigation Plan for conformance with this condition and the

applicable elements of the most current version of the County of San Diego *Report Format and Content Requirements for Revegetation Plans*. Upon approval of the Horkelia Mitigation Plan, security for success of the Horkelia Mitigation Plan shall be collected and the applicant shall provide a confirmation letter acknowledging acceptance of securities.

M-BIO-10 CONTROL OF INVASIVE SPECIES: Weed control treatments shall include all legally permitted chemical, manual, and mechanical methods applied with the authorization of the County of San Diego agriculture commissioner. The application of herbicides shall be in compliance with all state and federal laws and regulations under the prescription of a pest control advisor and implemented by a licensed applicator. Where manual and/or mechanical methods are used, disposal of the plant debris shall follow the regulations set by the County of San Diego agriculture commissioner. The timing of the weed control treatment shall be determined for each plant species in consultation with the pest control advisor, County of San Diego agriculture commissioner, and California Invasive Plant Council with the goal of controlling populations before they start producing seeds.

M-BIO-11 FIRE PROTECTION PLAN: To minimize the potential exposure of the project Site to fire hazards, all features of the Fire Protection Plan for the Newland Sierra Project shall be implemented in conjunction with development of the project.

M-BIO-12 FEDERAL AND STATE AGENCY PERMITS: To comply with the state and federal regulations for impacts to U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) jurisdictional resources, the following agency permits are required, or verification that they are not required shall be obtained. The following permit and agreement shall be obtained, or evidence from the respective resource agency, satisfactory to the director of the Department of Planning & Development Services (PDS) that such an agreement or permit is not required, shall be provided:

- a. A Clean Water Act, Section 401/404 permit issued by the California RWQCB and ACOE for all project-related disturbances of waters of the United States and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by CDFW for all project-related disturbances of any streambed and/or associated riparian habitat.

Documentation: The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/requirement(s)/agreement(s).

Timing: Prior to approval of any grading and or improvement plans and issuance of any grading or construction permits.

Monitoring: PDS shall review the permits/agreements for compliance with this condition. Copies of these permits shall be included on the grading plans.

ENVIRONMENTAL FINDINGS:

A. CEQA Findings

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 Newland Sierra project will permanently impact 56.7 acres of CSS. Approved CSS losses, as of the date of June 8, 2017 including this approval for the entire unincorporated County outside the 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:	1293.45 acres
Net loss due to this project:	56.70 acres
Total cumulative loss:	1350.15 acres
Remaining loss under five percent guideline:	1603.15 acres

The loss of CSS resulting from the Newland Sierra project would not result in the County exceeding the five percent guideline.

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

Based on the 2017 Biological Technical Report, the Newland Sierra project site is characterized by approximately 95% native vegetation and 5% non-native communities and other land cover. A majority of the site (nearly 91%; 1,803.8 acres) is characterized by chaparral communities. Approximately 4% (79.7 acres) of the site is characterized by coastal scrub communities. The remainder of the site supports oak woodland (0.5%; 9.1 acres) and riparian communities (0.4%; 8.3 acres).

The 79.7 acres of coastal scrub communities on the site are comprised of the following types: 68.2 acres of Diegan coastal sage scrub, 2 acres of coastal sage scrub – Baccharis dominated, 1.7 acres of flat-topped buckwheat, and 7.8 acres of coastal sage – chaparral transition. Based on the 2009 draft North County Plan, there is approximately 29,888 acres of coastal sage scrub in the draft North County Plan Area, including 23,463 acres of coastal sage scrub in the PAMA. Therefore, the Newland Sierra project site contains 0.27% of the total CSS in the Plan Area and 0.34% of the total CSS in the PAMA.

The 79.7 acres of CSS on the project site occurs in five general patch locations: three patch locations in the northern portion of the site, one in the central portion of the site, and one patch location in the southeastern portion of the site. The CSS patches in the northern portion of the site are small, comprising 7.18 acres, 4.76 acres, and 2.90 acres. The central CSS patch is the largest, with a combined acreage of all CSS types of 48.73 acres. The southeastern CSS patch totals 16.13 acres.

The draft North County Plan California Gnatcatcher Habitat Evaluation Model shows a majority of the Sierra Newland project site as “None” with several small patches of “Low” value for California gnatcatcher. In terms of the draft North County Plan composite Habitat Evaluation Model, the majority of the project site (58%) is considered moderate value. The remainder of the site is classified as High or Very High (31%) or Low, Agricultural, or Developed (11%). The High and Very High values from the draft North County Plan composite Habitat Evaluation Model on the project site are not a result of habitat value for California gnatcatcher and do not correspond to the areas of mapped CSS on the site.

The conservation strategy for the draft North County Plan is based on a reserve design that includes existing preserves, PAMAs, and biological open space within proposed hardline areas.. The project Site is designated as a proposed hardline area within the approximately 7,640-acre San Marcos–Merriam Mountains Core Area of the North County Plan PAMA. This Core Area comprises approximately 5 percent of the overall North County Plan PAMA.

In the reserve design of the draft North County Plan, the San Marcos–Merriam Mountains Core Area is connected to other portions of the reserve design through the adjacent Escondido-Temecula Linkage located along the I-15 both north and south of the site, and through the Moosa Canyon Linkage and Lower San Luis Rey River Linkage that are both located north of the project Site. In the vicinity of the Newland Sierra project site, the largest and highest proportion of Very High and High habitat value areas occurs in the western portion of the San Marcos – Merriam Mountains Core Area, in the predominantly open space areas west of Twin Oaks Valley Road and west of the Vista Valley Country Club south and north of Gopher Canyon Road. Farther to the north, Very High and High habitat value areas are concentrated along Moosa Canyon (along Camino del Rey) and the Lower San Luis Rey River (along SR-76). Offsite along the I-15 corridor, smaller scattered areas of Very High and High habitat value occur that is often referred to as the CSS “ladder” or “stepping stone” corridor. East of the I-15 corridor, patches of Very High and High habitat value occur on the open space slope east of Lawrence Welk Resort Village.

The loss of 56.7 acres of coastal sage scrub resulting from the proposed Newland Sierra project will not preclude connectivity between areas of high habitat values for the following reasons:

- The proposed biological open space maintains connectivity to the adjacent San Marcos – Merriam Mountains Core Area and adjacent PAMA linkages. The proposed Newland Sierra development area and associated roadways and fuel modification zones have been strategically designed to maintain connectivity to the adjacent PAMA and retain the functionality of the reserve design for the draft North

County Plan. By situating a majority of the development area in the southwestern corner of the project site, the proposed biological open space is connected to the draft North County Plan PAMA in three key locations:

- North – Establishing a large, contiguous biological open space (approximately 870.2 acres) in the northern portion of the site (referred to as Block 1) retains the connectivity to the adjacent PAMA Core Area. This portion of the project site is located in the most interior part of the Core Area and conserving it would retain the integrity of the draft North County Plan reserve design. The proposed Block 1 biological open space also builds off of and buffers existing protected lands north of the project site. Additionally, the Block 1 open space area conserves key biological resources including a section of Gopher Canyon Creek and associated riparian resources, patches of coastal sage scrub, Mafic southern mixed chaparral, and draft North County Plan Covered Plant Species (i.e., summer holly and Engelmann oak).
- East – Establishing a north-south biological open space area along nearly the entire eastern portion of the project site (referred to as Block 2; approximately 153.9 acres) would maintain the landscape connectivity by establishing dedicated conserved lands within the north-south CSS “stepping stone” corridor for identified as important for California gnatcatcher regional movement. Additionally, the Block 2 biological open space would establish permanently protected habitat for approximately 1.5 miles along the western side of I-15 valley, which establishes good sight lines for moving and dispersing avian species.
- South – Establishing open space along the southern portion of the property (referred to as Block 3; approximately 185.0 acres) maintains the integrity of the draft North County Plan reserve design by dedicating open space adjacent to and connected with the Escondido-Temecula Linkage area located south of the project site.
- The areas of Very High and High habitat value on the project site that would be impacted by the proposed project are isolated from other areas of contiguous Very High or High value habitat areas by existing land uses (e.g., existing development areas and the I-15 corridor). Therefore, the proposed Newland Sierra project would not increase or contribute to the isolation of high value areas.
- Approximately 47% (291 acres) of the Very High and High habitat value areas on the project site would be conserved in proposed biological open space. Therefore, the proposed project would retain areas of high habitat value within an interconnected biological open space system developed consistent with the reserve design objectives of the draft North County Plan.
- The Newland Sierra project also proposes to conserve additional CSS offsite within the draft North County Plan PAMA Core Area on an off-site mitigation parcel in Ramona. Nearly the entire off-site mitigation parcel is classified as Very High habitat value by the NCMSCP Habitat Evaluation Map. Contribution of offsite CSS mitigation (106.4 acres) in addition to the onsite biological open space would further offset the effects of the loss of CSS from the proposed project.

Therefore, the permanent loss of 56.7 acres of CSS would not preclude connectivity between areas of high habitat value.

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

The proposed project has been incorporated into the overall conservation strategy of the County's draft North County Plan, and the development areas and biological open space areas of the proposed project are identified as proposed hardline areas in the draft North County Plan. The Newland Sierra Project would not preclude or prevent the preparation of the subregional NCCP because the project has been planned in accordance with the planning principles of the draft North County Plan as expressed by the Preliminary Conservation Objectives outlined in the Planning Agreement for North County Plan (County of San Diego 2008 and 2014). Additionally, the Planning Agreement identifies preserve design principles in the process for evaluating "Interim Projects" and the Newland Sierra project has also been developed to be consistent with these principles. Finally, the draft North County Plan identifies conservation goals for the adjacent PAMA planning units, and the Newland Sierra project has been designed to be consistent with these goals.

NCMSCP Preliminary Conservation Objectives

As described below, the habitat loss from the Newland Sierra Project would not preclude or prevent the draft North County Plan from achieving the preliminary conservation objectives from the 2008 and 2014 draft North County Plan Planning Agreement.

- *Objective: Provide for the protection of species, natural communities, and ecosystems on a landscape level.*
 - The Newland Sierra Project, with mitigation, would provide for protection and conservation of special-status species and natural communities consistent with the conservation strategy of the draft North County Plan. Through the preservation and long-term management of 1,209.1 acres of on-site biological open space within a proposed hardline area of the draft North County Plan and the preservation and long-term management of 211.8 acres of off-site biological open space within the draft North County Plan PAMA Core Area, multiple Covered Species and natural communities would be protected in an interconnected system of biological open space with connections to off-site PAMA areas, which would allow for protection of species, natural communities, and ecosystems at a landscape level.
- *Objective: Preserve the diversity of plant and animal communities throughout the Planning Area.*
 - The Newland Sierra project would conserve and provide long-term habitat management for 1,422.0 acres of on- and off-site biological open space designed to capture the range of plant and animal diversity, which would contribute to the preserved biodiversity in the draft North County Plan. All of the native vegetation communities and habitat types that occur on the project site are represented within the proposed on- and off-site biological open space. In addition to the

California gnatcatcher movement corridors and coastal sage scrub conserved by the project, the biological open space would preserve unique communities like Mafic southern mixed chaparral and diverse riparian communities along a segment of Gopher Canyon Creek, which would contribute to the diversity of plant and animal communities preserved in the draft North County Plan. The proposed biological open space also captures an array of landscape features and microhabitats, like rock outcrops and varying landforms (ridgelines, valleys, and slopes), across a range of topographic gradients and differing aspects, which would contribute to the plant and animal communities preserved in the draft North County Plan Planning Area.

- *Objective: Protect threatened, endangered, or other special status plant and animal species, and minimize and mitigate the take or loss of proposed Covered Species.*
 - The Newland Sierra project, with mitigation, would provide for protection and conservation of special-status plant and animal species, thereby contributing to the conservation of the planned draft North County Plan consistent with the draft North County Plan conservation strategy. Specifically, the proposed project provides conservation of populations and/or suitable habitat, and provides additional mitigation as necessary for the following draft North County Plan Covered Species: summer holly, sticky dudleya, felt-leaved monardella, Engelmann oak, western spadefoot, orange-throated whiptail, Blainville's horned lizard, red-diamond rattlesnake, northern harrier, California gnatcatcher, southern California rufous-crowned sparrow, Bell's sage sparrow, pallid bat, and mountain lion.
- *Objective: Identify and designate biologically sensitive habitat areas.*
 - Consistent with federal, state, and County standards, biological studies have been conducted on the Newland Sierra project site between 2000 and 2017, which contributes to the biological database and knowledge for nearly 2,000 acres in the draft North County Plan Planning Area. Field surveys, mapping, and documentation has been conducted for vegetation communities, rare plants, jurisdictional waters and wetlands, nesting raptors, reptiles, wildlife crossing and culverts, and focused surveys for burrowing owl (*Athene cunicularia*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), coastal California gnatcatcher (*Polioptila californica californica*), and Harbison's dun skipper (*Euphyes vestris harbisoni*).
- *Objective: Preserve habitat and contribute to the recovery of Covered Species.*
 - The Newland Sierra project, with mitigation, would provide for protection and conservation of special-status plant and animal species, thereby contributing to the recovery of the draft North County Plan Covered Species consistent with the draft North County Plan conservation strategy. Specifically, the proposed project provides conservation of populations and/or suitable habitat for the following draft North County Plan Covered Species: summer holly, sticky dudleya, felt-leaved monardella, Engelmann oak, orange-throated whiptail, western spadefoot, Blainville's horned lizard, red-diamond rattlesnake, northern harrier, California

gnatcatcher, southern California rufous-crowned sparrow, Bell's sage sparrow, pallid bat, and mountain lion.

- *Objective: Reduce the need to list additional species.*
 - The long-term conservation of large areas of open space resulting from the proposed Newland Sierra project would contribute to building the draft North County Plan reserve system and build upon and buffer existing adjacent preserve areas within the adjacent PAMA. By implementing the proposed project consistent with the draft North County Plan conservation strategy, the Newland Sierra project would contribute to reducing the need to list draft North County Plan Covered Species that are currently not listed.
- *Objective: Set forth species-specific goals and objectives.*
 - For the Covered Species, the draft draft North County Plan describes the general species goals as: Conserve the ecosystem functions and values, appropriate natural communities, and opportunities for genetic exchange needed for the Covered Species to persist in the Plan Area. As described above under separate objectives, the proposed project provides conservation of populations and/or suitable habitat, and provides additional mitigation as necessary for the Covered Species to contribute towards meeting the species-specific goals of the draft North County Plan.
- *Objective: Set forth specific habitat-based goals and objectives expressed in terms of amount, quality, and connectivity of habitat.*
 - The Newland Sierra Project, with mitigation, would provide for protection and conservation of Covered Species Habitat and natural communities consistent with the conservation strategy of the draft North County Plan, thereby contributing to and not precluding the ability of the County to meet the goals and objectives of the draft North County Plan. Through the preservation and long-term management of 1,422.0 acres of on-and off-site biological open space within the draft North County Plan reserve design, multiple Covered Species and natural communities would be protected in an interconnected system of biological open space consistent with the goals and objectives of the draft North County Plan.

Interim Project Preserve Design Principles

In addition to the preliminary conservation objectives, the Planning Agreement identifies an interim project review process, including a set of preserve design principles that interim projects would be evaluated against during the period when the draft North County Plan is in preparation. As described below, the habitat loss resulting from the Newland Sierra Project would not preclude or prevent the County from preparing the draft North County Plan because the proposed project has been incorporated as a proposed hardline area and it has been developed consistent with the interim project preserve design guidelines.

- *Principle: On-site open space should provide a long-term biological benefit.*

- The biological open space proposed for protection on the Site is located within a proposed hardline area of the draft North County Plan, which means that the proposed project's development areas and biological open space areas have been predetermined and hardlined for the purposes of preparing draft North County Plan. By identifying the proposed on-site biological open space as a proposed hardline area, the County of San Diego has determined that the proposed biological open space would provide long-term biological benefit consistent with the draft North County Plan. The proposed 1,209.1 acres of on-site biological open space occur in an interconnected system of 3 blocks, consisting of a 870.2-acre northern block, a 153.9-acre eastern block, and a 185-acre southern block. Each of these blocks is connected to adjacent draft North County Plan PAMA Core Areas and linkages. Therefore, the proposed large, interconnected on-site biological open space would provide long-term biological benefit.
- *Principle: On-site open space must protect habitat of equal or greater value as that being impacted. No isolated pockets of open space should be used for mitigation credit.*
 - As described for the principle above, the biological open space proposed for protection on the Site is located within a proposed hardline area of the draft North County Plan, indicating that it has long-term biological value and benefit in terms of reserve design for the draft North County Plan. The proposed Newland Sierra development area and associated roadways and fuel modification zones have been strategically designed to maintain connectivity of the adjacent PAMA and retain the functionality of the reserve design for the draft North County Plan. By situating a majority of the development area in the southwestern corner of the project site, the proposed biological open space is connected to the adjacent PAMA in three key locations:
 - North – Establishing a large, contiguous biological open space (approximately 870.2 acres) in the northern portion of the site (referred to as Block 1) retains the connectivity to the remainder of the draft North County Plan Core Area. This portion of the project site is located in the most interior part of the Core Area and conserving it would retain the integrity of the draft North County Plan reserve design. The proposed Block 1 biological open space also builds off of and buffers existing protected lands north of the project site. Additionally, the Block 1 open space area conserves key biological resources including a section of Gopher Canyon Creek and associated riparian resources, patches of coastal sage scrub, Mafic southern mixed chaparral, and NCMSCP Covered Plant Species (i.e., summer holly and Engelmann oak).
 - East – Establishing a north-south biological open space area along nearly the entire eastern portion of the project site (referred to as Block 2; approximately 153.9 acres) would maintain the landscape connectivity by establishing dedicated conserved lands within the north-south CSS “stepping stone” corridor for identified as important for California gnatcatcher regional movement. Additionally, the Block 2 biological open space would establish

permanently protected habitat for approximately 1.5 miles along the western side of I-15 valley, which establishes good sight lines for moving and dispersing avian species.

- South – Establishing open space along the southern portion of the property (referred to as Block 3; approximately 185.06 acres) maintains the integrity of the draft North County Plan reserve design by dedicating open space adjacent to and connected with the Escondido-Temecula Linkage area located south of the project site.

Therefore, the proposed on-site biological open space would protect habitat of equal or greater value as that being impacted and no isolated pockets of open space are proposed by the project.

- *Principle: Separate lots should be used whenever possible for on-site open space to help protect the biological value of the preserved areas.*
 - The proposed Newland Sierra on-site biological open space would be protected within individual lots, and this biological open space would be managed for its biological value for the long-term.
- *Principle: On-site open space shall contribute to regional conservation efforts.*
 - As described in previous principles, the proposed on-site and off-site biological open space would establish long-term protection for 1,420.9 acres of habitat for Covered Species and natural communities within the draft North County Plan proposed hardline area and offsite PAMA area, consistent with the conservation strategy for the draft North County Plan. Therefore, the proposed project would contribute to the regional conservation efforts on the County and the Wildlife Agencies under the MSCP draft North County Plan.
- *Principle: Open space design, to the extent known, should not reduce the biological diversity found on the site.*
 - The proposed Newland Sierra biological open space was designed to capture the range of plant and animal diversity found on site in a system of interconnected open space blocks. All of the native vegetation communities and habitat types that occur on the project site are represented within the proposed on-site biological open space. In addition to the California gnatcatcher movement corridors and coastal sage scrub that would be conserved by the project, the on-site biological open space would preserve unique communities like Mafic southern mixed chaparral and diverse riparian communities along a segment of Gopher Canyon Creek, which would contribute to the diversity of plant and animal communities preserved in the draft North County Plan. The proposed on-site biological open space also captures an array of landscape features and microhabitats, like rock outcrops and varying landforms (ridgelines, valleys, and slopes), across a range of topographic gradients and differing aspects, which would contribute to the diversity of plant and animal communities preserved onsite. Therefore, the design of the proposed Newland Sierra biological open

space, to the extent known using the best available information, would not reduce the biological diversity found on the site.

- *Principle: Open space design shall maintain habitat connectivity between areas of high quality habitat.*
 - As described in detail above under Finding 1.b, the proposed on-site biological open space is interconnected within the project site and also maintains connectivity to the remainder of the San Marcos – Merriam Mountains Core Area and adjacent PAMA linkages. The proposed Newland Sierra development area and associated roadways and fuel modification zones have been strategically designed to maintain connectivity of the PAMA and retain the functionality of the reserve design of the draft North County Plan, as reflected by the designation of a proposed hardline area for the Site. By situating a majority of the development area in the southwestern corner of the project site, the proposed biological open space is connected to the areas of high quality habitat offsite within the draft North County Plan PAMA in three key locations: North, East, and South. The northern connection is provided by the 870.2-acre Block 1 open space area, which connects to adjacent PAMA Core Area and existing reserves to the north and west of the project site. The eastern connection is provided by the 153.9-acre Block 2 open space area, which maintains the connection to the Escondido-Temecula Linkage PAMA and facilitates California gnatcatcher and other avian movement both north-south along the I-15 stepping stone corridor and east-west across the I-15 valley.
- *Principle: The most sensitive resources shall be protected to maximize long-term viability.*
 - The Newland Sierra site is a large property characterized by predominantly (95%) native vegetation communities that support important biological resources, some of which are considered sensitive. A majority of the site (91%), however, is characterized by chaparral communities that are fairly common in the region. Of the chaparral communities, southern mixed chaparral on mafic soils is considered more rare/sensitive, and the proposed project would include nearly all (99%) of this vegetation type in on-site biological open space. All of the other vegetation groups found on the site are also represented in the biological open space, including coastal scrub, oak woodlands, and riparian. With respect to plant species considered sensitive, biological surveys of the project site identified 6 special-status species, two of which are draft North County Plan Covered Species (summer holly and Engelmann oak). Additionally, the site is considered to have the potential to support 2 other draft North County Plan Covered Species (sticky dudleya and felt-leaved monardella) but these species were not detected on the site. The site supports a relatively large population of summer holly (1,356 individuals), of which the Newland Sierra project would protect 86% (1,160 individuals). The site supports a relatively small population of Engelmann oaks, and the Newland Sierra project would protect 36% (10 individuals). With respect to wildlife species considered sensitive, the Newland Sierra site supports or has the potential to support 16 special-status wildlife species (California species of special concern/County Group 1 species). The site

supports or has the potential to support 10 draft North County Plan Covered Species: western spadefoot orange-throated whiptail, Blainville's horned lizard, red-diamond rattlesnake, northern harrier, California gnatcatcher, southern California rufous-crowned sparrow, Bell's sage sparrow, pallid bat, and mountain lion; however, the site is not considered to support major or critical populations of these species. Habitat for all of these wildlife species would be protected within the proposed on- and off-site biological open space.

From a landscape perspective, the most important function of the proposed on-site biological open space would be to protect open space in this key geographic location in the region in order to maintain the connectivity of the regional draft North County Plan reserve design and to facilitate the continued movement of California gnatcatcher and other avian species. As described above for other principles, the on-site biological open space system blocks have been designed to protect these landscape functions for long-term viability.

- *Principle: Edge effects and habitat fragmentation shall be minimized by maximizing the surface area to perimeter ratio, preserving large blocks of contiguous open space. Edge effects shall be further minimized by establishing buffers, providing fencing and/or permanent signs, and limiting trails and/or lighting.*
 - The proposed Newland Sierra on-site biological open space is a large, interconnected system comprised of 3 open space blocks. These 3 on-site open space blocks are connected internally within the site and externally to offsite PAMA and offsite existing reserves. Both the size and configuration of the proposed on-site biological open space minimize edge effects and habitat fragmentation. In terms of open space patch size, the proposed Newland Sierra on-site biological open space system includes Block 1 (870.2 acres), Block 2 (153.9 acres), and Block 3 (185.0 acres). In addition, the offsite mitigation parcel is approximately 213 acres. These are considered large open space patches when compared to existing reserves in the San Marcos – Merriam Mountains Core Area of the draft North County Plan PAMA. Based on a review of the Conserved Lands dataset maintained by SANDAG (2015), there are approximately 532 acres total of existing reserve within this Core Area in approximately 23 discrete open space patches. The largest existing reserve patch in this Core Area is currently 148 acres and the average open space size across these 23 patches is 24 acres. The three proposed on-site biological open space blocks also have very high Area-to-Perimeter ratios (expressed in units of square feet-to-feet): Block 1 (886), Block 2 (386), and (384). By way of comparison, only one of the existing open space patches in the San Marcos – Merriam Mountains Core Area has a comparable Area-to-Perimeter ratio (an 89-acre square patch with a ratio of 413). The average Area-to-Perimeter ratio of the existing open space patches in the Core Area is 132. By designing the on- and off-site biological open space in large blocks with high Area-to-Perimeter ratios, the Newland Sierra project minimizes edge effects and habitat fragmentation. Additionally, the design features and mitigation measures of the Newland Sierra project include limited building zones that buffer the on-site biological open space from adjacent development, directional lighting and other lighting specifications, and open space fencing and signage, all of which would minimize edge effects and habitat fragmentation.

San Marcos – Merriam Mountain Core Area Conservation Goals

The County is in the process of developing the draft North County Plan. The draft North County Plan includes conservation goals for each PAMA planning unit. The following describes the consistency of the proposed project with the draft conservation goals for the San Marcos–Merriam Mountains Core Area, which is the PAMA designated by the draft North County Plan adjacent to the Site (County of San Diego 2014).

- *To the maximum extent practicable, conserve oak woodlands, coastal sage scrub (particularly in Twin Oaks) to maintain populations and connectivity of coastal California gnatcatcher and other coastal sage scrub-dependent species, and chaparral on mafic or gabbro soils that support sensitive plant species, such as chaparral beargrass and Parry’s tetraococcus, San Diego thornmint (particularly in San Marcos Mountains), or California adolphia. Refer to natural community and species goals and objectives in the Conservation Analysis (Volume II).*
 - To the maximum extent practicable and in consideration of all the competing goals and principles that relate to this project site, the proposed on-site biological open space of the proposed hardline area for the Site has been developed consistent within this conservation goal. Considering that this site is predominantly characterized by chaparral habitats, chaparral communities and plant and animal species are the primary species supported by the site. Mafic chaparral communities are 99% conserved in the on-site biological open space. The chaparral related plant species listed in this draft goal (i.e., chaparral beargrass, Parry’s tetraococcus, San Diego thornmint, and California adolphia) do not occur on the site. At the regional scale, the importance of the site is in its location and geographic position relative to the draft North County Plan PAMA. By designing the site with 3 on-site interconnected biological open space block covering over 1,209 acres, the proposed project would maintain populations and connectivity of California gnatcatcher and other avian species, particularly by maintaining the north-south I-15 “stepping-stone” corridor and the east-west movement corridor across the I-15 valley. Biological open space Block 2 will conserve coastal sage scrub found to be occupied by California gnatcatcher. Oak woodlands with buffers would also be conserved within the large interconnected open space system. Volume II of the draft North County Plan has not been made available; therefore, an evaluation of consistency with the natural community and species goals and objectives from the draft North County Plan Conservation Analysis was not possible.
- *Ensure that a core community of coastal California gnatcatcher and other coastal sage scrub-dependent species remains in the coastal sage scrub block in Twin Oaks. Refer to species goals and objectives in the Conservation Analysis (Volume II).*
 - The proposed project is not located in the Twin Oaks area of the San Marcos – Merriam Mountains Core Area; therefore, this draft conservation goal is not applicable. The proposed project would conserve California gnatcatcher habitat onsite and maintain generational movement of California gnatcatcher north and south, and east and west, across the site.

- *Conserve the north–south connectivity of coastal California gnatcatcher habitat along Interstate 15 between the Riverside County line and the City of Escondido. Maintain the east-west connectivity of natural habitats on either side of I-15 for dispersal of coastal sage scrub community birds.*
 - As above for previous draft conservation goals and in the principles above, the proposed on-site biological open space design would conserve the north–south connectivity of coastal California gnatcatcher habitat along I-15. In addition, a potential east–west connection in the northwestern portion of the open space will be conserved over the long-term in the proposed biological open space.
- *Promote conservation of riparian and upland habitats of Gopher Canyon Creek for water quality and sensitive species, such as southwestern pond turtle and least Bell’s vireo.*
 - The proposed on-site biological open space design includes the preservation of a portion of the South Fork of Gopher Canyon which is a tributary to Gopher Canyon Creek and the San Luis Rey River. Inclusion of the headwaters to Gopher Canyon Creek into the proposed on-site biological open space design will assist in the maintenance of water quality and the conservation of riparian habitat. In addition, upland habitat surrounding this tributary will be included in the open space design. The proposed project site was not found to support southwestern pond turtle or least Bell’s vireo, but the proposed project would protect upstream reaches of Gopher Canyon Creek that supports riparian habitat and resources.
- *Ensure the San Diego thornmint population in the Palisades open space preserve is maintained and enhanced, if practicable. Refer to species goals and objectives in the Conservation Analysis (Volume II).*
 - This draft conservation goal is not applicable to the Newland Sierra project site and this species does not occur on the site.

Overall, the proposed on-site biological open space design will be consistent with applicable planning guidelines for the San Marcos Hills – Merriam Mountains Core Area.

For the above reasons, the finding that the habitat loss will not preclude or prevent the preparation of the subregional NCCP can be made for the project.

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.

According to Section 4.3 of the NCCP Process Guidelines,

“Any impacts to the coastal sage scrub habitat and the target species must be mitigated to insignificant levels as required by the California Environmental Quality Act (CEQA) by using one or more of the following options:

- Acquisition of habitat
- Dedication of land
- Management agreements
- Restoration
- Payment of fees
- Transfer of development rights
- Other mitigation measures approved in writing by CDFG and USFWS.”

The proposed project has minimized the effects on coastal sage scrub and California gnatcatcher by designing a 1,209-acre on-site biological open space system comprised of 3 large, interconnected open space blocks that minimize edge effects and habitat fragmentation through very high Area-to-Perimeter ratios (see discussion above under Finding 1.c). Furthermore, the habitat loss impact would be mitigated to the maximum extent practicable through the on-site dedication of 1,209.1 acres of biological open space (including 25.2 acres of coastal sage scrub types) and through the offsite dedication of a 211.8-acre mitigation parcel containing 106.4 acres of coastal sage scrub. These actions, in addition to the proposed project design features, avoidance measures, and long-term resource management plan, would avoid, minimize, and mitigate the effects of the habitat loss to below a level of significance under CEQA, as described in the 2017 Newland Sierra Biological Technical Report

For the above reasons, the finding that the habitat loss has been minimized and mitigated to the maximum extent practicable can be made for the project.

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

Protocol surveys for the California gnatcatcher were performed in 2013 which concluded there are two individual California gnatcatcher residents on site. To mitigate for the loss of coastal sage scrub habitat due to the project, the proposed project will preserve 25.2 acres of CSS in on-site biological open space and will preserve 106.4 acres of CSS in off-site biological open space. The project would also be required to provide on-site and off-site mitigation for all other habitat impacts in accordance with the mitigation ratios set forth in the County Guidelines for Determining Significance for Biological Resources. The on-site and off-site biological open space preserves are located in draft North County Plan a proposed hardline area and a PAMA Core Area and will provide for long-term viability of CSS that connects to high value districts and potential to support listed species. Other areas adjacent to the project site, within the I-15 right of way and historically occupied by California gnatcatchers, would be buffered from any project effects and would continue to support the species. Additionally, as a precaution, no clearing or grading of scrub habitats will be permitted during the breeding/nesting season of the California gnatcatcher, unless pre-construction breeding surveys are done that show gnatcatchers would not be directly or indirectly affected.

Based on the 2009 draft North County Plan, there is approximately 29,888 acres of coastal sage scrub in the draft North County Plan Area and another 5,179 acres of coastal sage scrub/chaparral. The loss of 56.7 of coastal sage scrub resulting from the proposed project represents a very small proportion (0.16%) of the California

gnatcatcher habitat in the draft North County Plan. Therefore, the proposed project with mitigation would not be considered to 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 and improvement plans for preparation of the site for development. The issuance of a Habitat Loss Permit by the County of San Diego with the concurrence of the CDFW and USFWS, and approval of a Grading Permit, Clearing Permit, or Improvement Plan by the County of San Diego is required prior to the clearing of any CSS on the project site. 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, Procedures and Standards of the San Diego County Code. As such, the anticipated loss will be incidental to “otherwise lawful activities”.

NCCP FLOWCHART

The following NCCP flowchart is used in the evaluation process to determine the potential habitat value for interim protection of onsite coastal sage scrub, based on the Southern California Coastal Sage Scrub NCCP Conservation Guidelines (CDFG 1993).

1. Natural land: Is natural vegetation present? **Yes.**

Rationale: As defined by CDFG 1993, “Natural land is land with a significant cover of natural vegetation. Natural vegetation in this context includes all native California natural communities and includes forestlands, shrublands, native and non-native grasslands, non-irrigated land, grazed land, and vacant or disturbed natural land. Natural land excludes lands subject to intensive agriculture and urban uses. Disturbed land or land recently cleared may still be restorable and should be included in the evaluation.” According to this definition, natural vegetation is present on the Newland Sierra project site.

2. CSS: Is CSS present? **Yes.**

Rationale: As defined by CDFG 1993, “CSS includes landscape areas supporting primary or secondary cover of characteristic CSS plant species dominants as defined by the Scientific Review Panel”. According to this definition, CSS is present on the Newland Sierra project site.

3. Large size: Is the CSS the most dense CSS in the subregion? **No.**

Rationale: As described by CDFG 1993, “the largest CSS patches in the subregion should be considered possible core areas for future reserves”. The larger patches of CSS are those that, “when the entire subregion is evaluated, those patches of CSS habitat with the highest percent CSS cover in the neighborhood, cumulatively representing 50% or more of all CSS within a subregion...Neighborhoods should have a radius of ½ to 1 mile.” When evaluating the vegetation cover within 1 mile of the CSS patches proposed to be impacted by the Newland Sierra project, very little of the surrounding neighborhood is comprised of CSS (a majority of the surrounding areas are

chaparral vegetation or other types). Therefore, the CSS on the Newland Sierra site is not the most dense in the subregion.

4. Proximity: Is the land close to High Value District? **No.**

Rationale: According to CDFG 1993, “CSS patches close to a core can be identified by measuring direct, straightline distance.” Close proximity “should be on the order of one-quarter to one-half mile.” There are no dense patches of CSS considered High Value Districts within $\frac{1}{4}$ to $\frac{1}{2}$ mile of the CSS patches proposed to be impacted by the Newland Sierra project site.

5. Landscape linkages: Is the land located in a corridor between Higher Value Habitats? **Yes.**

Rationale: The Newland Sierra project site is a proposed hardline area of the draft North County Plan and is located adjacent to the San Marcos - Merriam Mountains Core Area of the draft North County Plan PAMA. The portion of the property located along Interstate-15 is also situated adjacent to Escondido – Temecula linkage, which is considered to be an important movement corridor for avian species including California gnatcatcher. Therefore, the Newland Sierra project site is considered to be located in a landscape linkage area.

6. Species presence: Does the land support high density of target species? **No.**

Rationale: As described by CDFG 1993, “the SRP considers habitat that supports a portion of a local population with five or more pairs of gnatcatchers or cactus wrens to be significant. For other species of plants or animals...the SRP considers habitat that supports a portion of a local population representing more than 20% of the known population of the subregion to be significant”. As demonstrated below, the Newland Sierra project would not impact lands with high density of target species (referred to as Covered Species in the draft North County Plan) when considering the local population in the draft North County Plan subregion (based on County habitat models¹).

- Summer-holly
 - Modeled habitat in draft North County Plan PAMA: 4,181 acres
 - Status onsite: Estimate 1,356 individuals onsite; 196 individuals proposed to be impacted by the project, remainder would be in on-site biological open space.
- Sticky dudleya
 - Modeled habitat in draft North County Plan PAMA: 1,938 acres
 - Status onsite: Moderate potential to occur but not observed. Suitable habitat to be included in the on-site biological open space.
- Felt-leaved monardella
 - Modeled habitat in draft North County Plan PAMA: 20,349 acres

¹ Status is the NCMSCP based on GIS analysis of species distribution models for the Covered Species within the NCMSCP PAMA, using data provided to Dudek by the County in 2015.

- Status onsite: Moderate potential to occur but not observed. Suitable habitat to be included in the on-site biological open space.
- Engelmann oak
 - Modeled habitat in in draft North County Plan PAMA: 9,347 acres
 - Status onsite: Estimate 28 individuals onsite; 18 individuals proposed to be impacted by the project; remainder would be in on-site biological open space.
- Western spadefoot
 - Modeled habitat in in draft North County Plan PAMA: 72,390 acres
 - Status onsite: Breeding habitat within vegetation communities would be in on-site biological open space.
- Belding's orange-throated whiptail
 - Modeled habitat in in draft North County Plan PAMA: 56,409 acres
 - Status onsite: Occurs; 1,965.7 acres of suitable habitat onsite; 764.2 acres proposed to be impacted by the project; remainder would be in on-site biological open space.
- Blainville's horned lizard,
 - Modeled habitat in in draft North County Plan PAMA: 92,499 acres
 - Status onsite: Occurs; 1,965.7 acres of suitable habitat onsite; 764.2 acres proposed to be impacted by the project; remainder would be in on-site biological open space.
- Red-diamond rattlesnake
 - Modeled habitat in in draft North County Plan PAMA: 90,802 acres
 - Status onsite: Occurs; 1,965.7 acres of suitable habitat onsite; 764.2 acres proposed to be impacted by the project; remainder would be in on-site biological open space.
- Northern harrier
 - Modeled habitat in in draft North County Plan PAMA: 31,329 acres
 - Status onsite: Status onsite: Potential to occur; 76.1 acres of suitable foraging habitat occurs on site; 36.5 acres proposed to be impacted by the project; remainder would be in on-site biological open space.
- California gnatcatcher
 - Modeled habitat in in draft North County Plan PAMA: 11,724 acres
 - Status onsite: Occurs; 79.7 acres of suitable habitat onsite; 56.7 acres proposed to be impacted by the project on-site and off-site; remainder would be in on-site biological open space. The project would impact no more than 1 pair of California gnatcatcher; however, the pair is expected to remain onsite following project implementation.
- Southern California rufous-crowned sparrow
 - Modeled habitat in in draft North County Plan PAMA: 26,516 acres

- Status onsite: Moderate potential to occur but not observed. Suitable habitat to be included in on-site biological open space.
- Bell's sage sparrow
 - Modeled habitat in in draft North County Plan PAMA: 39,883 acres
 - Status onsite: Occurs; 1,965.7 acres of suitable habitat onsite; 764.2 acres proposed to be impacted by the project; remainder would be in on-site biological open space.
- Pallid bat
 - Modeled habitat in in draft North County Plan PAMA: 70,563 acres
 - Status onsite: May occur; 1,965.7 acres of suitable habitat onsite; 764.2 acres proposed to be impacted by the project; remainder would be in on-site biological open space.
- Mountain lion
 - Modeled habitat in in draft North County Plan PAMA: 118,276 acres
 - Status onsite: May occur; 1,965.7 acres of suitable habitat onsite; 764.2 acres proposed to be impacted by the project; remainder would be in on-site biological open space.

7. Does the land support significant populations of highly endemic species or rare subhabitat types? **No.**

Rationale: None of the in draft North County Plan proposed Covered Species that occur on the Newland Sierra project site are identified as Narrow Endemics by the in draft North County Plan. No rare subhabitat types occur on the Newland Sierra project site.

According to the NCCP flowchart for evaluating potential habitat value for ranking lands for interim protection (CDFG 1993), the CSS habitat proposed to be impacted on the Newland Sierra project site is of Intermediate Potential Value for long-term conservation, due to "Yes" determination for Flowchart question #5.

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: **MM-BIO-1, MM-BIO-5, MM-BIO-6, MM-BIO-7, MM-BIO-8A, MM-BIO-8B, MM-BIO-8C, MM-BIO-8D, and MM-BIO-12**

- 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: **MM-BIO-2 and MM-BIO-8E**

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: The County of San Diego hereby notifies the applicant that State law (A.B. 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. Because your project has an effect on native biological resources, State law requires the payment of a \$3,070.00 fee to the California Department of Fish and Wildlife for their review of the Environmental Impact Report (Fish and Wildlife Code §711.4) and a \$50 administrative fee to the County (\$3,120.00 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 Department of Planning and Land Use, 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 Department of Planning and Land Use and the California Department of Fish and Wildlife to have no effect 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 Game Code, provided that no project shall be operative, vested, or final until the required filing fee is paid.

LIGHTING ORDINANCE COMPLIANCE: To comply with the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, 6324, and 6326, the onsite lighting shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. Light fixtures shall be installed in conformance with the County Light Pollution Code, the Building Code, the Electrical Code, and lighting requirements specified in Section 6324 (Lighting Permitted in Required Yards) and Section 6326 (Lighting

not in Required Yards) of the Zoning Ordinance of the County of San Diego, along with any other related state and federal regulations such as California Title 24. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to lighting. No additional lighting is permitted. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

NOISE ORDINANCE COMPLIANCE: To comply with the County Noise Ordinance 36.401 et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), the property and all of its uses shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. No loudspeakers, sound amplification systems, and project related noise sources shall produce noise levels in violation of the County Noise Ordinance. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to noise generating devices or activities. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

STORMWATER ORDINANCE COMPLIANCE: To Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10096 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, stormwater pollution prevention plan, all requirements for Low Impact Development (LID), hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: On May 8, 2013, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) (R9-2013-0001). The permit was amended on February 15, 2015 (R9-2015-0001) and November 18, 2015 (R9-2015-0100). *Project design shall be in compliance with the new Municipal Permit regulations.*

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following:

http://www.waterboards.ca.gov/rwqcb9/water_issues/programs/stormwater/docs/2015-1118_AmendedOrder_R9-2013-0001_COMPLETE.pdf

<http://www.sandiegocounty.gov/dplu/docs/LID-Handbook.pdf>

NOTICE: This subject property is known to contain CSS vegetation communities. Such vegetation communities are habitat for the coastal California gnatcatcher. The Federal government listed the gnatcatcher as a threatened species under the Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.). THE LISTING MAY RESULT IN AN APPLICANT'S INABILITY TO PROCEED WITH HIS/HER PROJECT WITHOUT A PERMIT FROM THE FEDERAL GOVERNMENT IF THE SPECIES OR ITS HABITAT ARE PRESENT ON THE PROJECT SITE. It is advisable to contact the USFWS to determine the applicability of the prohibitions under the Act to each applicant's property.

NOTICE: The subject property contains wetlands, a lake, a stream, and/or waters of the U.S. which may be subject to regulation by State and/or federal agencies, including, but not limited to, the Regional Water Quality Control Board, U.S. Army Corps of Engineers and the CDFW. It is the applicant's responsibility to consult with each agency to determine if a permit, agreement or other approval is required and to obtain all necessary permits, agreements or approvals before commencing any activity which could impact the wetlands, lake, stream, and/or waters of the U.S. on the subject property. The agency contact information is provided below.

U.S. Army Corps of Engineers: 6010 Hidden Valley Rd, Suite 105, Carlsbad, CA 92011-4219; (858) 674-5386; <http://www.usace.army.mil/>

Regional Water Quality Control Board: 2375 Northside Drive, Suite 100, San Diego, CA 92108-2700; (619) 516-1990; <http://www.waterboards.ca.gov/sandiego/>

California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 467-4201; <http://www.dfg.ca.gov/>

NOTICE: The subject property contains habitat which may be used for nesting by migratory birds. Any grading, brush removal or clearing conducted during the migratory bird breeding season, February 1 – August 31, and as early as January 1 for some raptors, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act. The applicant may submit evidence that nesting or breeding migratory birds will not be affected by the grading, brush removal or clearing to these agencies: CDFW, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201, <http://www.dfg.ca.gov/>; and USFWS, 2177 Salk Ave., Suite 250, Carlsbad, CA, (760) 431-9440, <http://www.fws.gov/>.

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 TO BE DETERMINED. 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

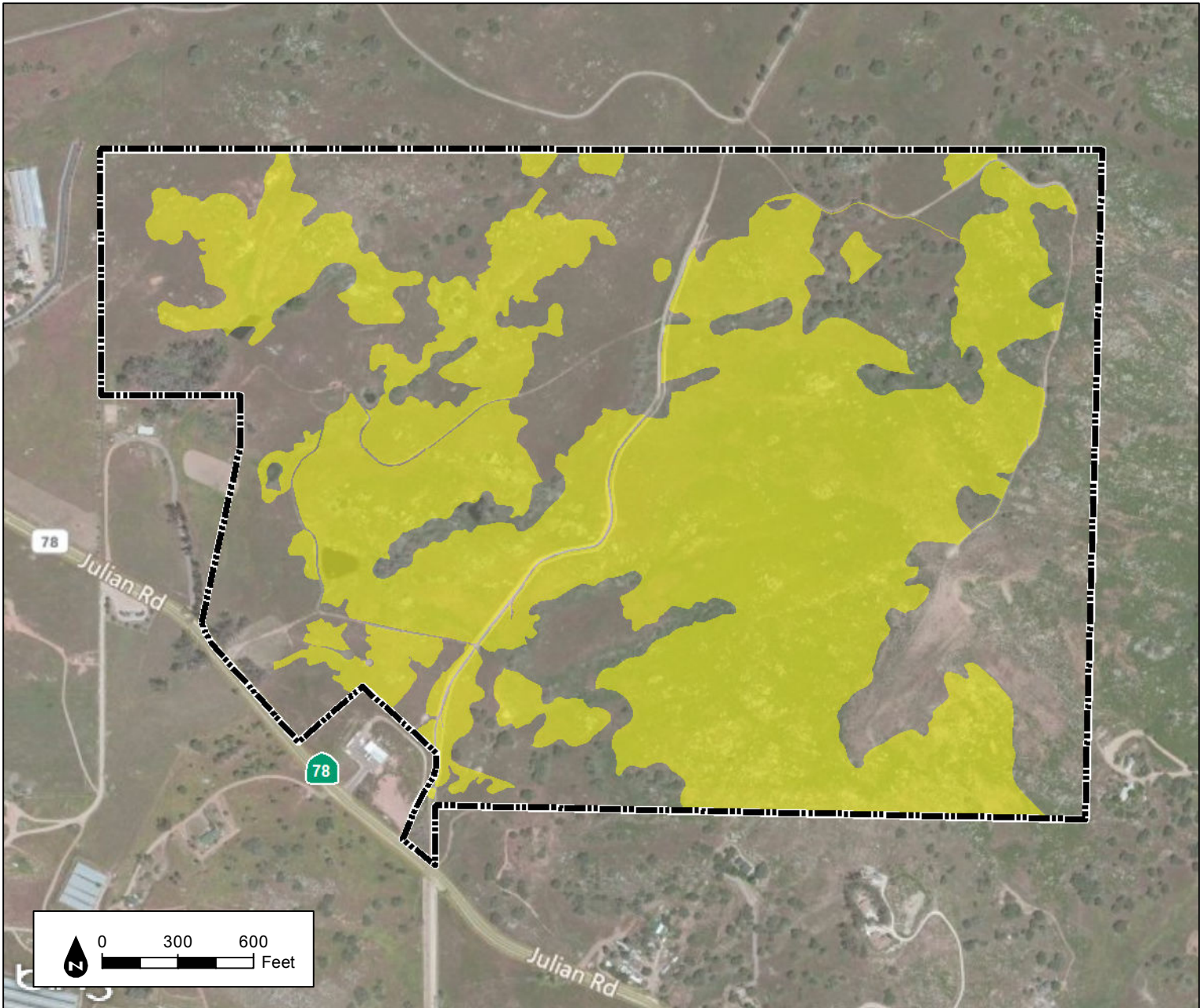
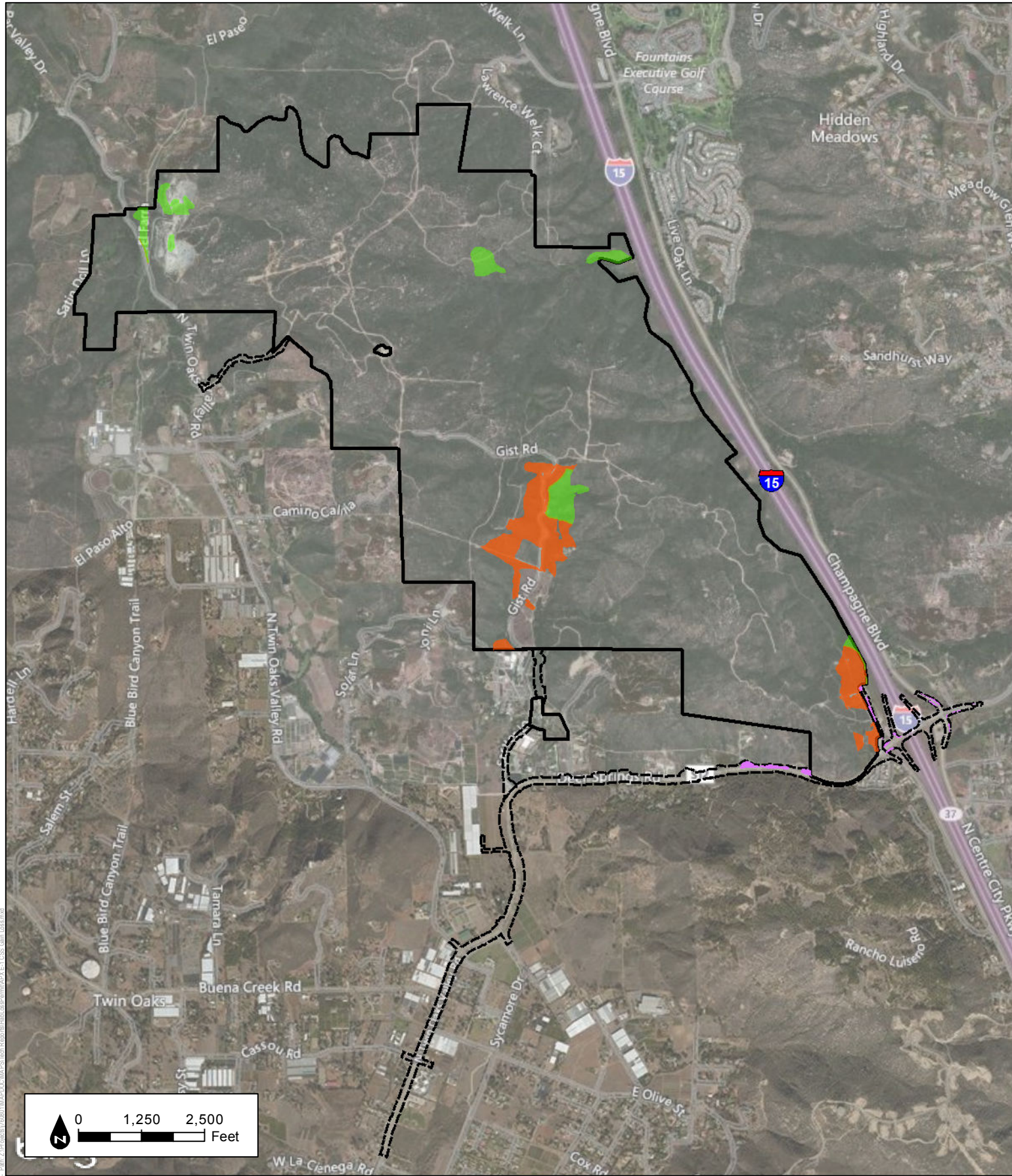
Attachments

Exhibit Entitled "Sage Scrub Habitat Lost and Gained from the Newland Sierra Project"

cc: To be provided at issuance of Habitat Loss Permit

email cc:

Ashley Smith, Project Manager, Project Planning, Planning & Development Services
Mark Slovick, Planning Manager, Project Planning, Planning & Development Services



CSS Habitat Gained (131.45 Ac.)

■ On-site Coastal Sage Scrub Gain (25.09 Ac.)

■ Ramona Off-site Coastal Sage Scrub Gain (106.36 Ac.)

CSS Habitat Lost (56.73 Ac.)

■ On-site Coastal Sage Scrub Loss (54.50 Ac.)

■ Off-site Coastal Sage Scrub Loss (2.23 Ac.)

Project Site

Off-site Roadway Impacts

Ramona Off-Site Mitigation Site