



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
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KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

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

DATE: To be determined

Tran (Phap Vuong) Monastery
715 Vista Ave
Escondido, CA 92026

DRAFT **Habitat Loss Permit**

APPLICATION NUMBER: HLP **xx-xxx**

ASSOCIATED PERMIT(S): PDS2014-MUP-14-010

NAME OF APPLICANT: TRAN (PHAP VUONG) MONASTERY

DESCRIPTION/LOCATION OF LOSS:

The proposed project is located at the intersection of Vista Avenue and North Ash Street within a portion of the unincorporated County that is surrounded by the City of Escondido. The project location is shown in the Biological Technical Report dated August 15, 2017 and Exhibit A.

A Negative Declaration for P 01-022, Log No. 01-08-051 was adopted by the Planning and Environmental Review Board on May 27, 2004. The ND dated October 9, 2003, covering 2.8 acres in the western portion of the site, found that no significant environmental impacts would result from the previously approved MUP project because proposed impacts would occur within previously disturbed/developed areas. The ND identified, through several County staff investigations, that the habitat had been removed as an action associated with the single-family residence constructed on the project site in 1998-1999. The construction of a single-family residence was issued as a ministerial action and was exempt from Habitat Loss Permit Ordinance. No mitigation for impacts to biological resources was required.

Biological resources on and adjacent to the project site were evaluated in the Biological Technical Report, prepared by Alden Environmental, Inc., dated August 15, 2017. The 7.3-acre project site within the

SDC PDS RCVD 01-25-19
MUP14-010

proposed MUP boundary is predominantly developed, disturbed, and agricultural. A 1.2-acre area of Diegan coastal sage scrub currently exists in the northeastern corner of the site and several remnant patches of non-native grassland totaling 0.6 acres exist scattered throughout the parcel (See Habitat Loss Exhibit C). Forensic analysis indicates that in 2004, the parcel contained an additional 0.6 acres of Diegan coastal sage scrub and 0.6 acres of non-native grassland that was removed without a permit (See Table 1 and Habitat Loss Exhibit B).

The proposed project would result in the removal of 1.2 acres of Diegan coastal sage scrub for construction of a monastery building, expanded parking, pathways, and associated on- and off-site facilities as shown on the attached Habitat Loss Exhibit C. An additional non-permitted 0.6 acres of Diegan coastal sage scrub was previously cleared that would be mitigated through off-site habitat preservation as part of this project. (See Table 1 and Habitat Loss Exhibit B). The project proposes to mitigate for impacts to 1.8 acres of Diegan coastal sage scrub through off-site habitat conveyance and preservation at a ratio of 1:1. Additionally, impacts to 0.8 acres of non-native grassland would be mitigated at a 0.5:1 mitigation ratio (See Table 1). Implementation of habitat conveyance and preservation would reduce impacts to a level below significance for sensitive habitats. The proposed project is in conformance with all standards and guidelines outlined in the NCCP Process Guidelines.

Table 1. Existing Vegetation Communities, Impacts, and Mitigation

Habitat Type	Existing Vegetation – 2004	Existing Vegetation – 2015	Impacted Acreage*	Mitigation Ratio	Required Mitigation
Diegan Coastal Sage Scrub – disturbed (32520)	1.8 acre	1.2 acre	1.8 acres	1:1	1.8 acres
Non-native grassland (42210)	1.2 acres	0.6 acres	0.8 acres	0.5:1	0.4 acres
Developed/Ornamental (12000)	2.4 acres	4.2 acres	1.7 acres	N/A	-
Disturbed Habitat (11300)	1.9 acres	4.1 acres	0.2 acres	N/A	-
Orchard (18100)	2.8 acres	-	2.8 acres	N/A	-
TOTAL	10.1 acres	10.1 acre	7.3 acres	--	2.2 acres

*Based on 2004 vegetation mapping. Impacted acreage includes the entire MUP area as well as the off-site road improvements.

No sensitive plants or sensitive wildlife species were identified or detected on-site. Although the on-site Diegan coastal sage scrub is small, isolated, and shows signs of previous disturbance, there is a low potential for the coastal California gnatcatcher to occur on site. Potential impacts to California gnatcatcher would be mitigated through habitat conveyance and preservation and breeding season avoidance.

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.

A concurrence letter was sent to the USFWS and CDFW on **DATE**. Written comments **were/were not** received on **DATE**. Pending the issuance of an associated Grading Permit, Clearing Permit or Improvement Plan from the County of San Diego, this Habitat Loss Permit acknowledges the loss of the above-described coastal sage scrub habitat that was previously cleared, graded or removed without a valid permit (see Biological Technical Report, Figures 3 and 4: Habitat Loss Exhibits). However, no take authorization for incidental take of sensitive species, including the California gnatcatcher, shall be conveyed by the County of San Diego for previous clearing, grading, or removal of coastal sage scrub habitat that was accomplished without a valid permit or authorization.

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 additional loss of coastal sage scrub as described above and shown on the attached Biological Technical Report, Figures 3 and 4: Habitat Loss Exhibit for a period of one calendar year commencing the day concurrence is given by both the USFWS and CDFW. If the loss of habitat, as authorized by this Habitat Loss Permit, has not occurred within this one-year period, this Habitat Loss Permit and the authorization for the loss of coastal sage scrub habitat that was not previously cleared, graded or removed expires.

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

CONDITIONS OF APPROVAL:

The following conditions are being placed on PDS2014-MUP-14-010. For the final Habitat Loss Permit, the list of conditions will be modified to require satisfaction of all conditions prior to use and reliance on the HLP.

- A. Prior to use and reliance on this Habitat Loss Permit, the following conditions shall be met:
 1. Obtain approval from the County of San Diego of a Grading Permit, Clearing Permit, or Improvement Plan that authorizes the clearing and/or grading of the area addressed by this Habitat Loss Permit.
 2. **OFFSITE MITIGATION [PDS, FEE X2]**
INTENT: In order to mitigate for impacts to sensitive vegetation/habitat communities and species, which are sensitive biological resources pursuant to [Resource Protection Ordinance \(RPO\)](#) and the [California Environmental Quality Act \(CEQA\)](#), offsite mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 1.8 acres of Diegan coastal sage scrub and 0.4 acres of non-native grassland (total 2.2 acres), located in unincorporated San Diego County within an area designated as Pre-Approved Mitigation Area (PAMA) of the draft Multiple Species Conservation Program (MSCP) North County Plan area and, to the maximum extent feasible, within the Northern Valley ecoregion as indicated below.
 - a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Wildlife and the U.S. Fish and Wildlife Service. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in unincorporated San Diego County within an area designated as Pre-Approved Mitigation Area (PAMA) of the draft North County Multiple Species Conservation Program (MSCP) and, to the maximum extent feasible, within the Northern Valley ecoregion as indicated below:
1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS], the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service.
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
 5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

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

B. Prior to use and reliance on this permit the following conditions shall be placed on the face of all future grading permits or improvement plans:

1. **BREEDING SEASON AVOIDANCE (AVIAN SPECIES) [PDS, FEE X2]**

INTENT: In order to avoid direct impacts to sensitive avian species (e.g. California gnatcatchers (CAGN), raptors, and migratory birds), which are sensitive biological resources pursuant to RPO, CEQA, and Migratory Bird Treaty Act (MBTA), avian breeding avoidance measures shall be implemented and a Resource Avoidance Area (RAA) implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing, and/or grading during the avian breeding season (February 1 to September 15) except as allowed by this condition. All grading permits, improvement plans, and the final map shall state the same. If vegetation must be removed during the avian breeding season, a qualified biologist must conduct a nesting bird survey of potentially suitable nesting vegetation prior to removal. Surveys will be conducted no more than three (3) days prior to scheduled removals. If active nests are identified, the biologist will establish a RAA of 300 feet (500 feet for raptors) around the vegetation containing the active nest(s). The vegetation containing the active nest will not be removed, and no brushing, clearing, and/or grading will occur within the established RAA until a qualified biologist has determined that the nest is no longer active (i.e., the juveniles are surviving independent from the nest). If clearing is not conducted within three days of a negative survey, the nesting survey must be repeated to confirm the absence of nesting birds. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (the "Wildlife Agencies"), provided that no sensitive avian species are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition; although, NO brushing, clearing, or grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter."

2. **CALIFORNIA GNATCATCHER AVOIDANCE [PDS, FEE X2]**

INTENT: In order to avoid impacts to California gnatcatchers (CAGN), which is a sensitive biological resource pursuant to RPO, CEQA and MBTA, avian breeding avoidance measures shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** To mitigate for potential impacts to the California gnatcatcher during construction, the following measures shall be required: No clearing, grubbing, grading, or other construction activities shall occur within 500 feet of Diegan coastal sage scrub habitat between March 1 and August 15 (CAGN breeding season) until the following requirements have been met:

- a. A qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (Diegan coastal sage scrub) areas within 500 feet of the project footprint and would be subject to construction noise levels exceeding 60 dB hourly average for the presence of the CAGN. If no appropriate habitat is present then the surveys will not be required. If appropriate habitat is present, gnatcatcher surveys shall be conducted pursuant to USFWS protocol survey guidelines within the breeding season prior to commencement of any construction. If gnatcatchers are present the following conditions must be met:

1. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the prior to the commencement of construction activities. Prior to commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under supervision of a qualified biologist; or
 2. At least two weeks prior to commencement of construction activities and under direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB hourly average at the edge of habitat occupied by the CAGN. Concurrent with commencement of construction activities and construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of occupied habitat area to ensure that noise levels do not exceed 60 dB hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).
* Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity to verify that noise levels at the edge of occupied habitat are maintained below 60 dB hourly average or to the ambient noise level if it already exceeds 60 dB hourly average. If not, other measures shall be implemented in consultation with the biologist, as necessary, to reduce noise levels within occupied habitat to below 60 dB hourly average or to the ambient noise level if it already exceeds 60 dB hourly average. Such measures may include but are not limited to limitations on the placement of construction equipment and the simultaneous use of equipment.
- b. If CAGN are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the County and Wildlife Agencies, and no mitigation would be required. NO brushing, clearing and/or grading shall occur until concurrence is received from the County and the Wildlife Agencies.
- DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition; although, NO clearing or grading shall occur until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

ENVIRONMENTAL FINDINGS:

A. CEQA Findings

TO BE PROVIDED - This project complies with the California Environmental Quality Act (CEQA) and state and County CEQA guidelines. A Negative Declaration for 2.8 acres in the western portion of the site was approved on May 27, 2004 and is on file with the Planning & Development Services as Environmental Review No. P 01-022, Log No. 01-08-051.

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

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

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

The proposed project would impact a total of 1.2 acres of coastal sage scrub, plus 0.6 acres of non-permitted clearing of coastal sage scrub for a total of 1.8 acres and zero pairs of California gnatcatcher (*Polioptila californica*). Approved coastal sage scrub losses as of the date of January 22, 2019 and including this approval, for the entire unincorporated County, outside the boundaries of the Multiple Species Conservation Program (MSCP), are presented in the following table:

Unincorporated Area Coastal Sage Scrub Cumulative Losses	
Total loss allowed under five percent guideline:	2953.30 acres
Cumulative loss of Coastal sage scrub to date:	1,297.10 acres
Net loss due to this project:	1.80 acres
Total cumulative loss:	1,298.90 acres
Remaining loss under five percent guideline:	1,654.40 acres

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

The existing coastal sage scrub habitat on site is fragmented and has been previously disturbed. The habitat is considered to be of intermediate quality as defined by the NCCP Conservation Guidelines. Roads border the project site to the north and east, creating a barrier to wildlife movement. The habitat evaluation map (see Exhibit D) identifies the project site as predominantly agricultural and surrounded by developed and agricultural lands. An area of moderate and high value habitat exists in the northeastern portion of the property, which extends to the north and northeast in an isolated patch surrounded by land that has been developed or cultivated. Aerial imagery indicates that there is development and agricultural uses within these areas identified as having moderate and high habitat value. The removal of coastal sage scrub on site will not preclude connectivity between areas of high habitat values because the coastal sage scrub on site is isolated from other areas of coastal sage scrub and is not situated between areas of high and very high quality habitat.

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

The habitat loss will not preclude or prevent the preparation of the subregional NCCP because the impact area is not designated as Preapproved Mitigation Area (PAMA) and the existing coastal sage scrub exists as an isolated patch of habitat surrounded by land uses that include development, agriculture, and/or other existing disturbance. Further, the project is not within or adjacent to any local or regional wildlife corridors. No sensitive plant or animal species were observed or detected on site during biological field assessments. Habitat loss will be mitigated off-site through purchase of 1.8 acres of coastal sage scrub and 0.4 acres of non-native grassland in an approved mitigation bank within the draft MSCP North County Plan area.

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

The proposed development footprint would be situated in the northeast portion of the property, bordered on the west side by existing development and on the north and east sides by existing roads. An existing parking area is located onsite to the south of the proposed project. Habitat loss would be mitigated off-site through purchase of 1.8 acres of coastal sage scrub and 0.4 acres of non-native grassland in an approved mitigation bank within the draft MSCP North County Plan area.

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

The habitat loss will not appreciably reduce the likelihood of survival and recovery of listed species in the wild because no listed species were observed or detected onsite during biological field assessments. Habitat loss will be mitigated off-site through purchase of 1.8 acres of coastal sage scrub (including 0.6 acres for non-permitted clearing) and 0.4 acres of non-native grassland in an approved mitigation bank within the draft MSCP North County Plan area. The site has a low potential to support the California gnatcatcher due to the small patch size and disturbed nature of habitat on site. In addition, the off-site preservation of 1.8 acres of coastal sage scrub and 0.4 acres of non-native grassland provides mitigation for impacts to sensitive vegetation/habitat communities and potential raptor foraging habitat. Breeding season avoidance measures would be implemented to mitigate for potential impacts to nesting birds.

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

The project requires Grading Plans for a Major Use Permit. The issuance of a Habitat Loss Permit by the County of San Diego, with the concurrence of the Department of Fish and Wildlife and U.S. Fish and Wildlife Service and approval by the County of San Diego of a Grading Permit, Clearing Permit, or Improvement Plan is required prior to the clearing of any coastal sage scrub supported on the project site. No state or federal permits are identified as being required at this time.

Approval by the County of San Diego of a Grading Permit, Clearing Permit, or Improvement Plan with appropriate mitigation for impacts to sensitive habitats is required to permit the loss of coastal sage scrub habitat that was previously cleared, graded or removed without a valid permit and to allow for conformance with Sections 86.102 and 86.104 of the San Diego County Code. Issuance of, and concurrence with Department of Fish and Wildlife and U.S. Fish and Wildlife Service, a Habitat Loss Permit is also required to authorize further clearing of any coastal sage scrub supported on the project site. Construction and/or further land use modification will not commence until all appropriate permits have been issued. As such, the anticipated loss will be incidental to "otherwise lawful activities".

NCCP FLOWCHART

1. Is natural vegetation present? **Yes.**
2. Is Coastal sage scrub present? **Yes.**
3. Is Coastal sage scrub the most dense in the subregion? **No.**
4. Is the land close to high value district. **Yes.**
5. Is the land located in a corridor between higher value districts. **No.**
6. Does the land support high density of target species? **No.**

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

MITIGATION MONITORING AND REPORTING PROGRAM:

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

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

The mitigation monitoring program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored, method and frequency, who is responsible, and required time frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism which will be used to ensure compliance during project implementation.

- Subsequent Project Permits

Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until the conditions have been satisfied:

Conditions A.1 and A.2

- Enforcement

Compliance with the following conditions is assured because complaints of non-compliance may be provided by the public to the County which may then investigate the status of compliance and pursue enforcement:

Conditions B.1 and B.2

- 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:

N/A

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

NOTIFICATION TO APPLICANT: Because your project has an effect on native biological resources, State law requires the payment of a \$2,216.25 fee to the California Department of Fish and Wildlife for their review of the Mitigated Negative Declaration (Fish and Wildlife Code §711.4) and a \$50 administrative fee to the County (\$2,266.25 total). If you made this payment at the time of public review of the environmental document pursuant to Administrative Code Section 362, Article XX, effective August 27, 1992, you have met this obligation. If the fee has not been paid, to comply with State law, the applicant should remit to the County Planning & Development Services, within two (2) working days of the effective date of this approval (the “effective date” being the end of the appeal period, if applicable). **The payment must be by certified check or cashier’s check payable to the “County of San Diego” and can be submitted to the cashier at the PDS office or directly to the County Clerk.** The fees

(excluding the administrative fee) may be waived for projects that are found by the Planning & Development Services and the California Department of Fish and Wildlife to have a no effect impact on fish and wildlife resources. Failure to remit the required fee in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation Code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Wildlife Code, provide that no project shall be operative, vested, or final until the required filing fee is paid.

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

The foregoing decision was approved by the Director of Planning & Development Services on **date of decision**. A copy of this decision, and the documentation supporting the decision, is on file in the Planning & Development Services office at 5510 Overland Avenue, Suite 110, San Diego, California.

PLANNING & DEVELOPMENT SERVICES
MARK WARDLAW, DIRECTOR

BY:

MARK SLOVIC, Group Planning Manager
Project Planning Division

Attachments

- A. Habitat Loss Exhibit A: 2004 Vegetation Mapping
Habitat Loss Exhibit B: Current Vegetation Mapping
Exhibit C: USGS Map
Exhibit D: Habitat Evaluation Map
- B. Biological Technical Report, Alden Environmental, Inc., August 15, 2017

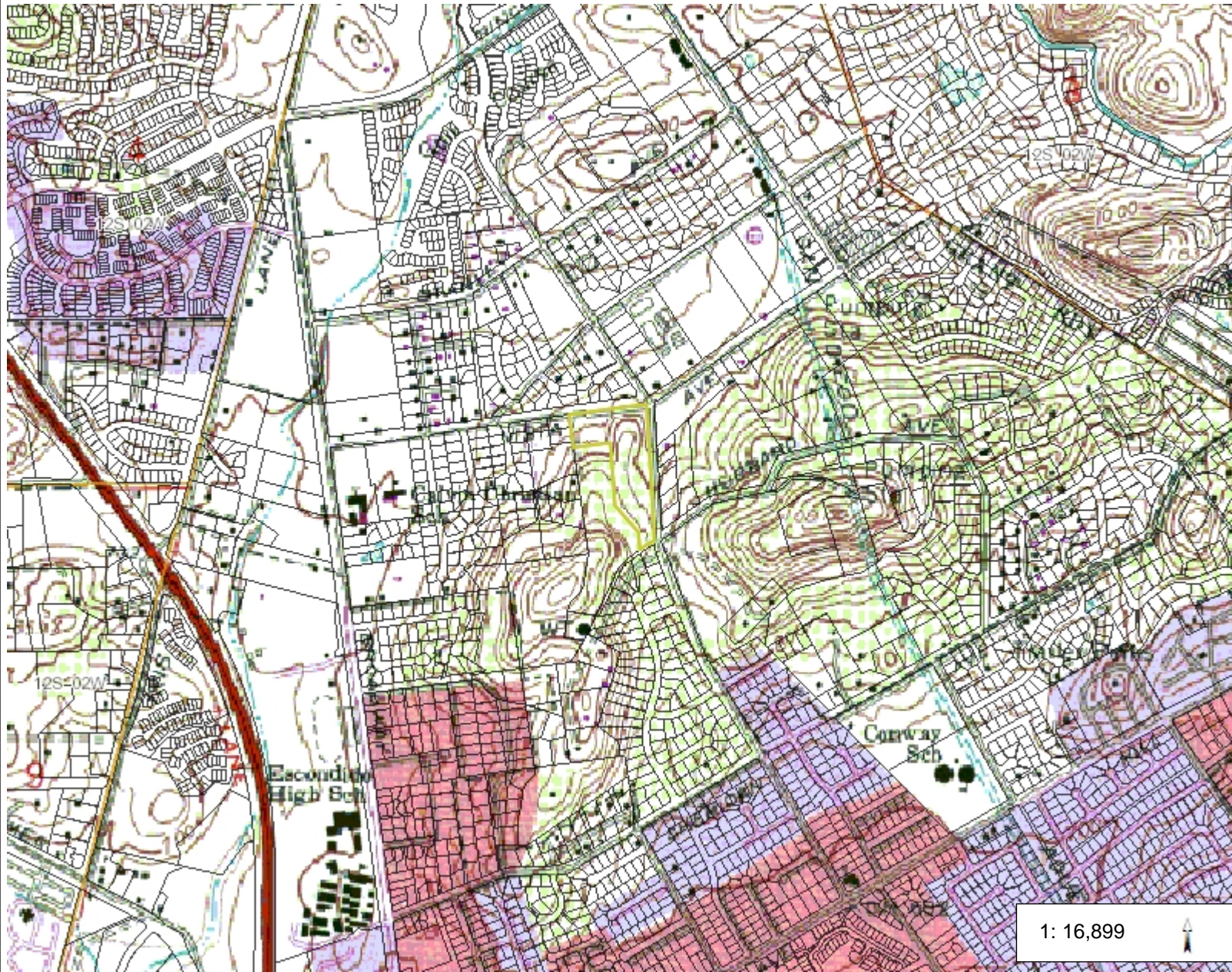
cc: **To be provided at issuance of Habitat Loss Permit**

email cc:

Jeffrey Smyser, Project Manager, Project Planning, Planning & Development Services
Ken Brazell, Team Leader, Land Development, Planning & Development Services
Zoubir Ouadah, Department of Public Works
David Sibbet, Planning Manager, Project Planning, Planning & Development Services
Anna Prowant, HLP Coordinator, Project Planning, Planning & Development Services

Attachment A

Exhibit A: USGS Map



1: 16,899



Legend

- Parcels
- Public Land Survey
- County Boundary

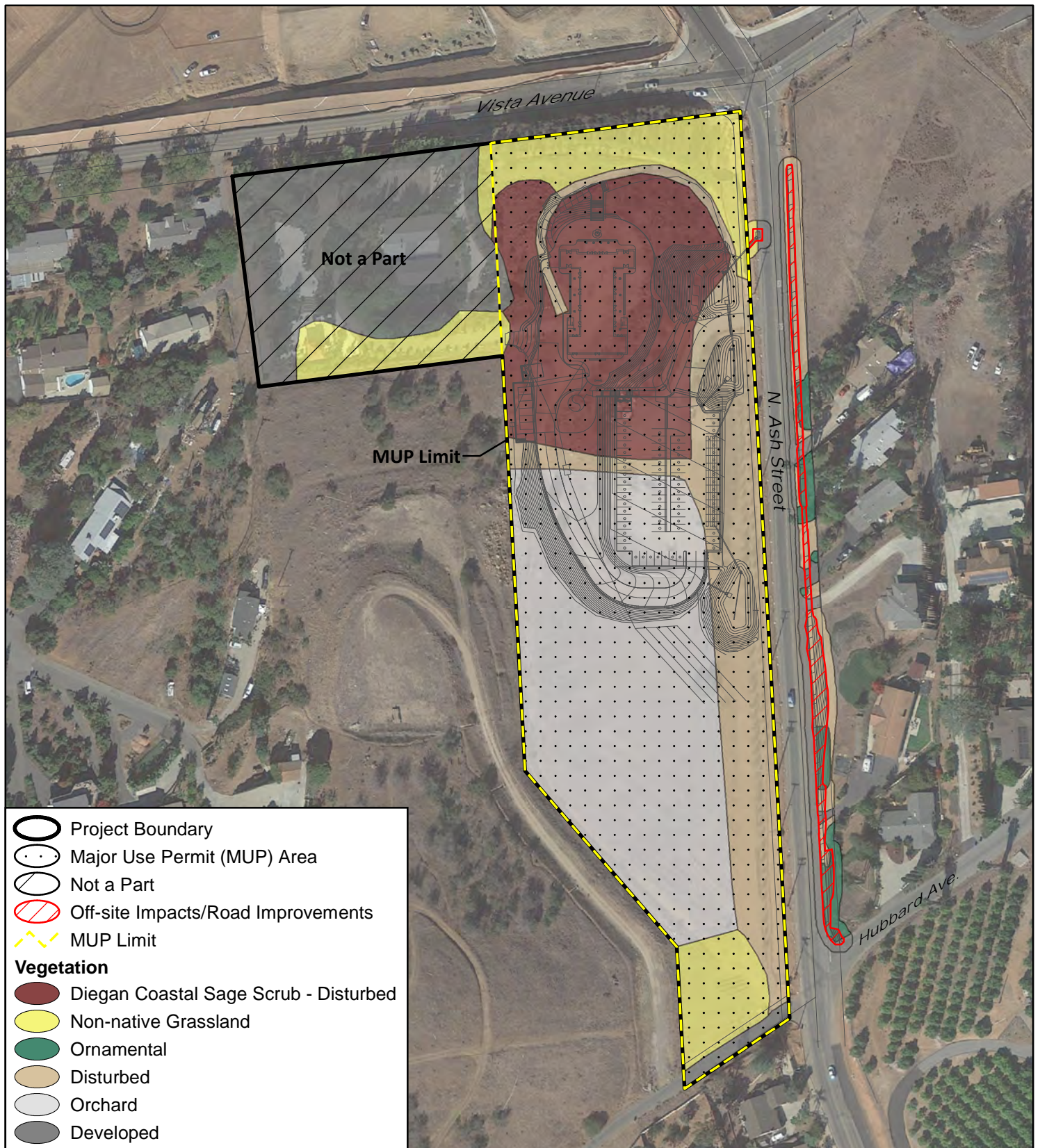
Notes

Tran (Phap Vuong) Monastery
PDS-2014-MUP-14-010
Parcel 227-010-57-00

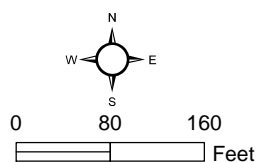
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Planning and Development Services

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



August 15, 2017

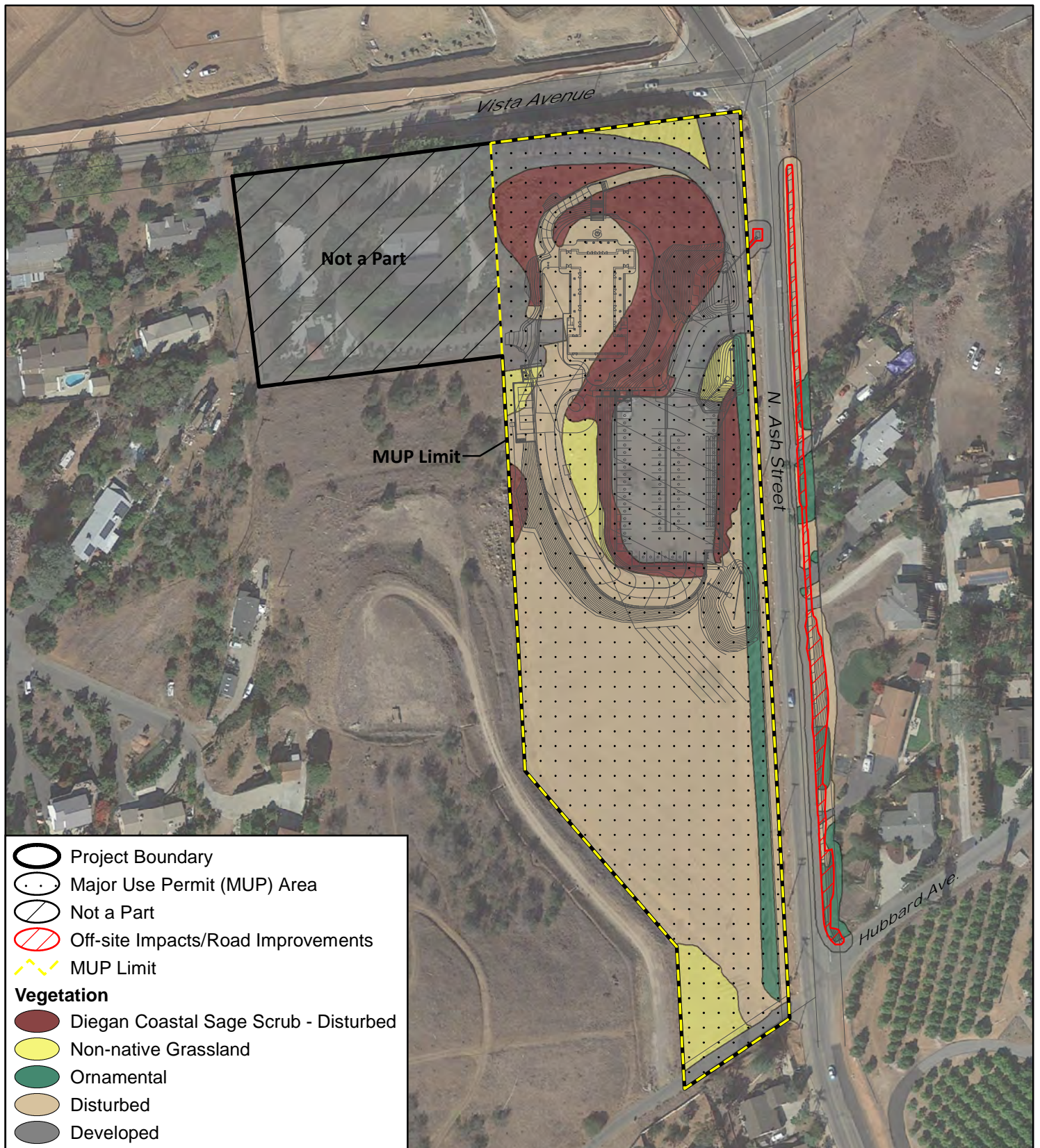


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ENVIRONMENTAL, INC.

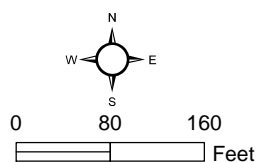
Figure 3

**Habitat Loss Exhibit B
2004 Vegetation Mapping**

TRAN MONASTERY PROJECT



August 15, 2017



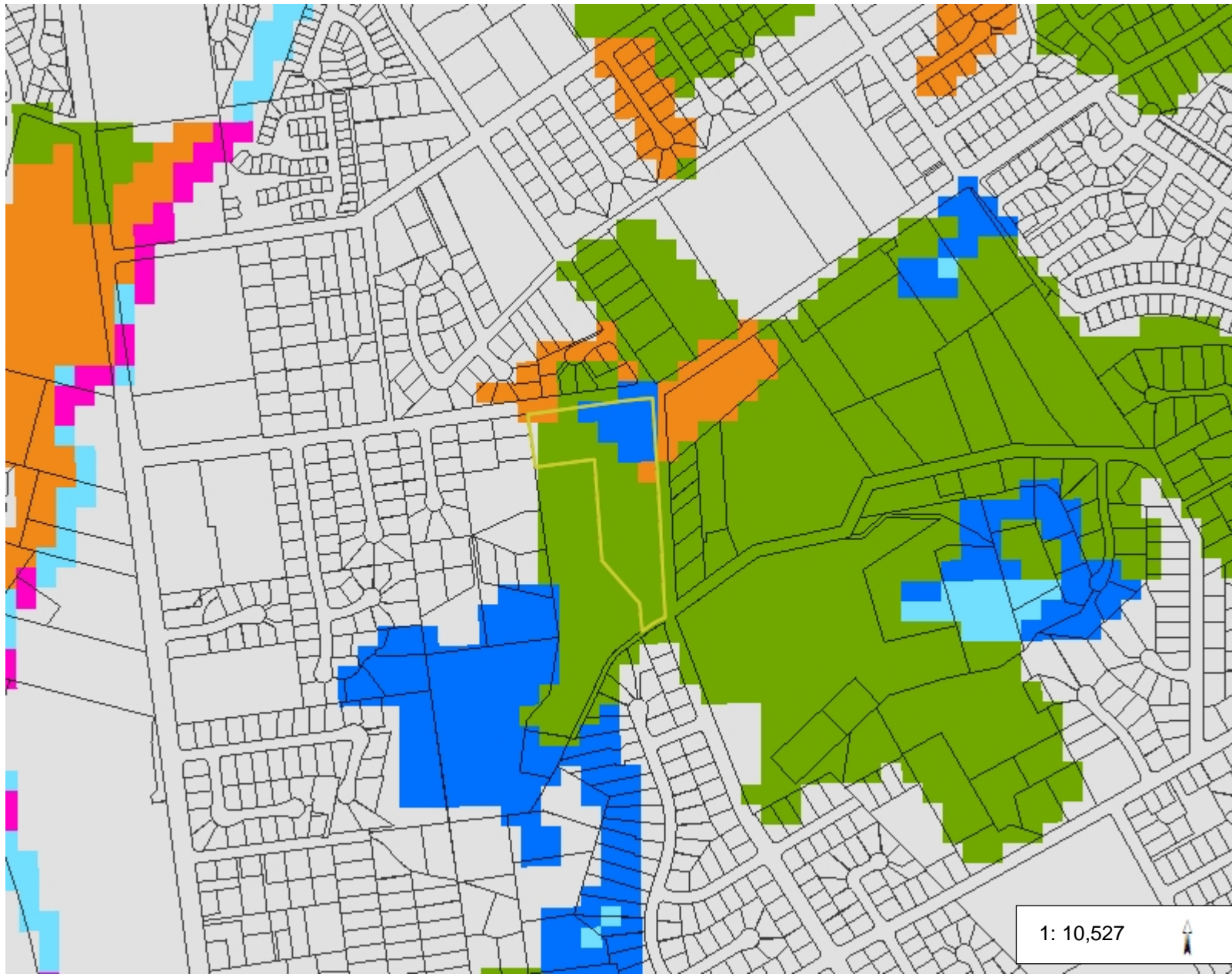
ALDEN
ENVIRONMENTAL, INC.

Figure 4

**Habitat Loss Exhibit C
Current Vegetation Mapping**

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Exhibit D: Habitat Evaluation Map



Legend

- Parcels
- Habitat Evaluation Model**
 - Very High
 - High
 - Moderate
 - Low
 - Agriculture
 - Developed

1: 10,527



0.3 0 0.17 0.3 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
Planning and Development Services

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Habitat Evaluation Map
Tran Monastery
PDS2014-MUP-14-010

Attachment B
