



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

July 9, 2019

4030 Goldfinch Investments, LLC
Attn: Phil Pace
15635 Paseo Penasco
Escondido, CA 92025
(619) 814-0050

PROJECT NAME: RESQUE RANCH MAJOR GRADING PLAN AND ADMINISTRATIVE PERMIT
RECORD ID: PDS2016-LDGRMJ-30067, PDS2015-AD-15-019
PROJECT ADDRESS: HIGHLAND VALLEY ROAD, RAMONA COMMUNITY PLAN AREA, WITHIN UNINCORPORATED SAN DIEGO COUNTY
TRUST ACCOUNT NO.: 2071977-D-04692
APN: 276-030-61

RE: APPLICATION AMENDMENT FORM AND FEES/DOCUMENT REQUEST

Dear Mr. Pace:

Planning & Development Services (PDS) staff has completed the review of your Application for Environmental Initial Study (AEIS) for the subject project and have found it to be adequate. However, before the AEIS is determined to be "complete" pursuant to the California Environmental Quality Act (CEQA), we request your concurrence with the environmental mitigation measures for the project. Your concurrence is being requested so that the CEQA findings can be made which will allow us to move forward with the processing of a Mitigated Negative Declaration. Please review the attached Application Amendment Form and, if you concur with the measures, sign and return the original as soon as possible so that we can proceed with the public review of the Draft Mitigated Negative Declaration.

NOTE: We strongly suggest that you review these measures carefully because changing them later may result in substantial costs and delays in the processing of your project.

DEPARTMENT RECOMMENDATION

Comments and information in this letter, or lack thereof, should not be construed as the Department implying an overall recommendation on your project. Planning & Development Services generally makes a final recommendation on a project when all planning analysis and environmental documentation is complete.

NOTICE: To comply with State law, the applicant/owner must file the NOD and remit required fees to the County Recorder's Office **within five (5) working days** of the date of the project approval. 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. The filing of a Notice of Determination (NOD) reduces the time period the CEQA document can be challenged to 35 days. However, if the NOD is not filed within five (5) days, this period is extended to 180 days.

The CDFW adjusts fees annually based on inflation. You must pay the amount effective January 1 of the year of the project decision. Because your project has an effect on native biological resources, State law requires the payment of a \$2,354.75 (2019 fees) 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 (\$2,404.75 total). Payment of these fees is required regardless of whether or not the effects on native biological resources are considered to be significant or clearly mitigated. The fee is assessed and due upon filing of the NOD after the final decision for the project. The applicant/Owner is responsible for filing the NOD. The payment must be payable to the "County of San Diego Recorder" and must be submitted to the Recorder at the time of filing the NOD. The fee will be forwarded to the Department of Fish and Wildlife (Administrative Code Section 362, Article XX). For further guidance refer to the Fish & Wildlife Fee Frequently Asked Questions Sheet at:

<http://www.sdcounty.ca.gov/luegdocs/PDS%20PROCEDURES/REGULATORY%20PLANNING/REFERENCE%20DOCUMENTS/Fish%20and%20Game%20Fee%20FAQs.pdf>

PDS requires copies of documents and studies for distribution for public review. The documents needed and the numbers of copies/exhibits required are listed in the "SUBMITTAL REQUIREMENTS" section, below.

If you have any specific questions regarding the above or want to request any modifications to the mitigation requirements, please contact Don Kraft, at (858) 694-3856 or e-mail at donald.kraft@sdcounty.ca.gov.

SUBMITTAL REQUIREMENTS

Unless other agreements have been made with County staff, you must submit all of the following items concurrently and by the submittal date listed below in order to make adequate progress and to minimize the time and costs in the processing of your application. The submittal must be made to the **PDS Zoning Counter** at 5510 Overland Avenue, Suite 110, San Diego, CA 92123. For fastest service when submitting information requested in this letter, arrive at the PDS Land Development Counter between 8:00 a.m. and 10:00 a.m. Please note that all PDS Counters are closed daily from 11:45 a.m. through 12:30 p.m. Expect longer wait times before and after the lunchtime closure.

The submittal must include the following items:

1. A copy of this letter.

2. Deposits:

TRUST ACCOUNT ID#: 2050871-D-03995	
DEPARTMENT	DEPOSIT AMOUNT
PDS	\$7,000.00
TOTAL:	\$7,000.00

3. The following information and/or documents with the requested number of copies as specified. All copies must be the latest version of the document and clean with all ~~strike-out~~/underline text removed. Any maps or figures associated with a study must not exceed 11" x 17" (maximum). **The Project Number must be clearly and visibly labeled on all submitted documents.**

Information/Document	# of Copies	Electronic Copies on USB (Thumb Drive)	Lead Review/Section or Dept <i>(For Admin Purposes Only)</i>
Note: All PDF files have to be unlocked.			
Grading Plan Exhibit (11 x 17" max.) Including any proposed open space easements.	5	1 - PDF	Don Kraft <small>Business Rule: Grading Plan</small>
AD-15-019 Plan Set (11 x 17" max. with Supporting Information)	5	1 - PDF	Don Kraft <small>Business Rule: AD Plans</small>
Regional USGS Exhibit (8.5" x 11").	1	1 - PDF	Don Kraft <small>Business Rule: USGS</small>
Application Amendment Form signed and dated.	1	PDF	Don Kraft <small>Business Rule: Application Amendment Form</small>
Biological Letter Report dated October 9, 2018.	5	1 - PDF	Don Kraft <small>Business Rule: Biological-Resource-Report</small>
Cultural Resource Report (confidential appendix removed) Dated December, 2016	5	1 - PDF	Don Kraft <small>Business Rule: Cultural-Resource-Report</small>

Information/Document	# of Copies	Electronic Copies on USB (Thumb Drive)	Lead Review/Section or Dept <i>(For Admin Purposes Only)</i>
Stormwater Management Plan dated April 6, 2018.	5	1 - PDF	Don Kraft Business Rule: Major -SWMP
Hydrology/Hydraulics Study dated April 8, 2018	5	1 - PDF	Don Kraft Business Rule: Hydromod Study
Fire Protection Plan dated November 29, 2018	5	1 - PDF	Don Kraft Business Rule: Fire Protection Plan
Vector Control Plan dated November, 2018	5	1 - PDF	Don Kraft Business Rule: Vector Plan
Geotechnical Slope Stability Evaluation dated October 5, 2016	5	1 - PDF	Don Kraft Business Rule: Geotech study
Traffic Sight Distance Certification dated July 10, 2018	5	1 - PDF	Don Kraft Business Rule: Sight Distance study
Preliminary Geotechnical Recommendations, CTE dated April 9, 2018	5	1 - PDF	Don Kraft Business Rule: Geotechnical Study
CD's containing all requested studies and plans	20	PDF	Don Kraft

SUBMITTAL DUE DATE: The Department requires that the Application Amendment Form and documents requested in this letter be submitted by **July 26, 2019**.

If you have any questions or need additional information, please contact me at (858) 694-3856 or by e-mail at donald.kraft@sdcounty.ca.gov.

Sincerely,



Gary Smith, Project Manager
PDS Land Development Division

GS:DS:dk

cc: Spear & Associates, Inc., Attn: Josh Zeigler, 475 Production Street, San Marcos, CA 92078

Cosbie, Gilner, Schiffman, Southard & Swanson, LLP, Attn: Evelyn Heidelberg, 12750 High Bluff Drive, San Diego, CA 92130

Gary Seward, 234 Venture Street, Suite 100, San Marcos, CA 92078

email cc:

Gary Smith, Team Leader, Land Development Engineering, PDS
Sean McLean, Project Engineer, PDS
Chris Calatrello, PDS Land Development Engineer
David Sibbet, Planning Manager, PDS
Souphie Sakdarak, Project Manager, PDS

APPLICATION AMENDMENT FORM

PROJECT NAME: RESCUE RANCH MAJOR GRADING PLAN AND ADMINISTRATIVE PERMIT

CASE NUMBERS: PDS2016-LDGRMJ-30067, PDS2015-AD-15-019

I would like to amend my application for the above-listed project to include as part of the project proposal the following conditions of approval:

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

1. GEN#1–COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

2. GEN#2–RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

3. GEN#3–FILING OF NOD/NOE:

INTENT: In order to comply with CEQA and State law, the permit NOD/NOE shall be filed at the County Recorder's Office. **DESCRIPTION OF REQUIREMENT:** The applicant shall take the original NOD/NOE and required fees to the San Diego County Recorder's Office and file the document within five (5) days of permit approval and return a copy of the filed document to PDS. **DOCUMENTATION:** The filed NOD/NOE form. **TIMING:** Within the first five (5) days of the appeal period,

the applicant/owner shall take the original NOD/NOE form and required filing fees to the San Diego County Recorder's Office and file the document. **MONITORING:** The PDS Zoning Counter shall verify that the NOD/NOE was filed and that a copy of the document is on file at PDS.

4. LNDSCP#1–LANDSCAPE DOCUMENTATION PACKAGE

INTENT: In order to provide adequate Landscaping, a landscape plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Parking Design Manual](#), the COSD Grading Ordinance, and the requirements of the D Designator. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.

- h. Parking areas shall be landscaped and designed pursuant to the [Parking Design Manual](#) and the County Zoning Ordinance Section 6793.b

DOCUMENTATION: The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

5. CULT#1 ARCHAEOLOGICAL MONITORING [PDS, FEE X 2]

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Kumeyaay Native American has been contracted to perform Native American Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** [PDS, PPD] shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, PPD] for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

6. **CULT#2 MITIGATION FOR UNMITIGABLE IMPACTS: [PDS, PPD] [GP, IP, UO, BP] [PDS, FEEX1]**

INTENT: In order to mitigate for unmitigable impacts to cultural resources, a payment to the San Diego Archaeological Center in the amount of \$1,000 shall be made. **DESCRIPTION OF REQUIREMENT:** A payment in the amount of \$1,000 shall be made to the San Diego Archaeological Center for impacts to cultural resources. **Documentation:** The applicant shall submit a letter from the San Diego Archaeological Center stating that the payment has been received to the [PDS, PPD] for review and approval. **Timing:** Prior to approval of the grading plan, the payment to the San Diego Archaeological Center shall be completed. **Monitoring:** The [PDS, PPD] shall review the letter from the San Diego Archaeological Center for compliance.

7. **BIO#1-WETLAND PERMITS: [PDS, FEE X2]**

INTENT: In order to comply with the State and Federal Regulations for jurisdictional waters and wetland impacts, the following agency permits, or verification that they are not required shall be obtained.

DESCRIPTION OF REQUIREMENT: The following permit(s) and agreement(s) shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of PDS that such an agreement or permit is not required:

- a. A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers, respectively, for all project related disturbances of waters of the U.S. and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Wildlife for all project related disturbances of any streambed.

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)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [PDS, PCC] for compliance. **TIMING:** Prior to the approval of any plan,

issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit, any required permits shall be obtained. **MONITORING:** The [PDS, PCC] shall review the permit(s)/agreement(s), if any, for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans

8. BIO#2-OFFSITE MITIGATION (COAST LIVE OAK WOODLAND – NCMSCP) [PDS, FEE X2]

INTENT: In order to mitigate for impacts to 0.1 acres of coast live oak woodland within draft North County Multiple Species Conservation Program (MSCP) area, which is a sensitive biological resource pursuant to Resource Protection Ordinance (RPO) and 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 0.4 acres of coast live oak woodland or oak riparian forest (4:1 mitigation ratio), located in an approved off-site mitigation bank or other parcel approved by the County. The site shall be located within Biological Resource Core Area (BRCA) within the Central Valley ecoregion (or adjacent ecoregion if credits in the Central Valley cannot be obtained, such as, Red Mountain Mitigation Bank for coast live oak woodland mitigation) of the draft North County MSCP or as otherwise approved by the County and as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in located within the Central Valley ecoregion of the draft North County Multiple Species Conservation Program (MSCP) as indicated below:

1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the 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 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.

9. BIO#3—OFFSITE MITIGATION (DIEGAN COASTAL SAGE SCRUB - SCMSCP) [PDS, FEE X2]

INTENT: In order to mitigate for impacts to 0.1 acres of Diegan coastal sage scrub located within South County MSCP area, which is a sensitive biological resource pursuant to Biological Mitigation Ordinance (BMO) and CEQA, offsite mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of 0.2 acres of Tier II or better habitat credits (2:1 mitigation ratio), located in an approved mitigation bank or within a Biological Resource Core Area (BRCA) within the South County MSCP as approved by the County and as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in Biological Resource Core Area (BRCA) within the Multiple Species Conservation Program (MSCP) and within South County MSCP as indicated below:
 1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.

4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the 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 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.

10. **BIO#4—OFFSITE MITIGATION (NON-NATIVE GRASSLAND - SCMSCP) [PDS, FEE X2]**

INTENT: In order to mitigate for impacts to 2.9 acres of non-native grassland and raptor foraging habitat located within South County MSCP area, which is a sensitive biological resource pursuant to BMO and CEQA, offsite mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit or provide for the conservation of habitat of 1.5 acres of Tier III or better habitat credits (0.5:1 mitigation ratio), located in an approved mitigation bank or within a Biological Resource Core Area (BRCA) within the South County MSCP as approved by the County and as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

2. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 3. 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.
 4. 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.
 5. 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 Biological Resource Core Area (BRCA) within the Multiple Species Conservation Program (MSCP) and within San Diego County as indicated below:
1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
 5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the 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 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.

11. BIO#5-OFFSITE MITIGATION (NON-NATIVE GRASSLAND - NCMSCP) [PDS, FEE X2]

INTENT: In order to mitigate for impacts to 1.7 acres of non-native grassland and raptor foraging habitat located within draft North County MSCP area, which is a sensitive biological resource pursuant to RPO and CEQA, offsite mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit or provide for the conservation of habitat of 0.9 acres of non-native grassland (0.5:1 mitigation ratio), located in an approved off-site mitigation bank or other parcel approved by the County. The mitigation site shall be located within Biological Resource Core Area (BRCA) within the Central Valley ecoregion (or adjacent ecoregion if credits in the Central Valley cannot be obtained, such as, Brook Forest Mitigation Bank for non-native grassland mitigation) of the draft North County MSCP or as otherwise approved by the County and as indicated below.

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

- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located within the Central Valley ecoregion of the draft North County Multiple Species Conservation Program (MSCP) as indicated below:
1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
 5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the 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 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.

12. STRMWTR#1–STORMWATER MAINTENANCE DOCUMENTATION

In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed.

DESCRIPTION OF REQUIREMENT:

- a. Process a Maintenance Notification Agreement to assure maintenance of the Category 1 Structural BMPs to the satisfaction of the Director of DPW and/or PDS. The Maintenance Notification Agreement shall be signed, notarized and recorded by the applicant.

DOCUMENTATION: The applicant shall process the agreement forms with [PDS, LDR] and pay any deposit and applicable review fees. **TIMING:** Prior to approval of any grading or improvement plan, construction permit, or prior to use of the property in reliance of this permit; execution and recordation of the agreements with securities shall be completed. **MONITORING:** The [PDS, LDR] shall review the agreements/mechanisms for consistency with the condition and County Standards.

13. STRMWTR#2–EROSION CONTROL

INTENT: In order to comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [State Construction General Permit, Order No. 2009-00090-DWQ](#), or subsequent order and the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), and all other applicable ordinances and standards for this priority project.

DESCRIPTION OF REQUIREMENT: The applicant shall maintain the appropriate on-site and off-site Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the [County of San Diego Grading Ordinance Section 87.304](#). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] authorizing the use of this deposit for emergency measures.

- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

DOCUMENTATION: The applicant shall process an Erosion Control Plan and provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR]. **TIMING:** Prior to approval of any grading or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the Erosion Control Plan shall be approved, and the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the Erosion Control Plan adequately satisfies the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDC] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

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

14. **PLN#1–SITE PLAN IMPLEMENTATION**

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Administrative Permit plot plans and the building plans. This includes, but is not limited to: improving parking areas and driveways, installing all required design features, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

15. **ROADS#2–PRIVATE ROAD MAINTENANCE**

INTENT: In order to ensure that the on-site and off-site private easement roads are maintained and not damaged during construction and use of the property in reliance on this Administrative Permit, the applicant shall assume responsibility. **DESCRIPTION OF REQUIREMENT:** The applicant is responsible for maintenance and repair of damages caused by this Project to the on-site and off-site private easement roads that serve the property during either construction or

subsequent operations. **DOCUMENTATION:** The applicant shall assume responsibility pursuant to this condition. **TIMING:** Upon establishment of use, this condition shall apply during the term of this permit. **MONITORING:** *The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.*

16. DRNG#1- LINES OF INUNDATION COMPLIANCE

INTENT: In order to provide protection from flood damage for the structures and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11 Sec 501.\(c\)\(2\)\) No.9998 \(Amended by Ord. No.10091\), County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), all on-site structures located within the inundation area shall be elevated one foot above the 100-year base flood elevation (BFE). **DESCRIPTION OF REQUIREMENT:** The building plans shall indicate that all proposed on-site structures located within the inundation area, will be raised one-foot above the 100-year base flood elevation. **DOCUMENTATION:** The applicant shall indicate on the building plans that the requirement above has been met. **TIMING:** Prior to approval of any building plan and the issuance of any building permit associated with the structures referenced above, compliance with this condition is required. **MONITORING:** The [PDS, BPPR] shall review the building plans for consistency with this condition.

17. STRMWTR#3-VERIFICATION OF STRUCTURAL BMPs

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), verification of Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Complete a Structural BMP Verification Form as shown in Attachment 4 of the PDP SWQMP. **DOCUMENTATION:** The applicant shall process the Structural BMP Verification Forms *with [DPW, PDC] or [PDS, BLDG]*. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; execution of the Structural BMP Verification Form shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the Structural BMP Verification Forms for consistency with the condition and County Standards.

18. STRMWTR#4-PROVISION OF STORMWATER DOCUMENTATION TO PROPERTY OWNER

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), stormwater documentation shall be provided to property owner. **DESCRIPTION OF REQUIREMENT:** Demonstrate that copies of the following documents are provided to the property owner and initial occupants:

- a. A copy of the project's approved SWQMP (with attached Operation & Maintenance Plan).
- b. A copy of project's recorded Maintenance Notification Agreement and/or Stormwater Facilities Maintenance Agreement and/or Private Road Maintenance Agreement showing the Structural BMPs pertaining to the property.
- c. Sample copies of the following:
 - 1) A Letter for Privately Owned Stormwater Treatment Control Best Management Practices Operation and Maintenance Verification.
 - 2) One Operation and Maintenance Verification Form for each type of Private Treatment Control BMP.

DOCUMENTATION: The applicant shall submit a letter stating that the above documentation has been submitted to the property owner and initial occupants.

TIMING: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; provision of stormwater documents shall be completed.

MONITORING: The [PDS, LDR] and [DPW, WPP] shall review the letter provided by the applicant for consistency with the condition and County Standards.

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

19. CULT#7 CULTURAL RESOURCES REPORT [PDS, FEE X2]

INTENT: In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared. **DESCRIPTION OF**

REQUIREMENT: A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been curated and/or repatriated as follows:
 - (1). All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from

the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

OR

Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2). Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC), the Viejas Band of Mission Indians, and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

20. GEN#4-INSPECTION FEE

Intent: In order to comply with Zoning Ordinance Section 7362.e the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZC] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid

along with updated contact information [PDS, PCC]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

21. LNDSCP#2–CERTIFICATION OF INSTALLATION

INTENT: In order to provide adequate Landscaping, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Parking Design Manual](#), the COSD Grading ordinance, and the requirements of the D Designator, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [PDS LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

ONGOING: *(Upon establishment of use the following conditions shall apply during the term of this permit).*

22. PLN#3–SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved building plans, and plot plans. This includes but is not limited to maintaining the following: all parking, driveways areas, and watering all landscaping at all times. Failure to conform to the approved plot plans; is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the

approved plot plan. 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. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

23. PLN#4-ACCESSORY USES

INTENT: A Minor Deviation or Modification to a Site Plan is not required for any building, structure or projection listed in Section 4835 or any use listed in the Accessory Use Regulations, section 6150-6199 (or as otherwise referenced), provided the building, structure, or projection or use meets the specific accessory use setbacks in the Site Plan and meets all other conditions and restriction in the Site Plan. This condition is intended to comply with Zoning Ordinance Section 7175, ensuring the ability to allow for structures as detailed in this section without Minor Deviation or Modification. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plan(s), building plans, and plot plan(s); should any accessory uses be proposed that do not meet the requirements as detailed in the Zoning Ordinance sections listed above, the property owner shall be responsible for obtaining all necessary permits. **DOCUMENTATION:** None. The property owner and permittee shall conform to the Zoning Ordinance requirements for Accessory Uses as detailed above and within the County Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

24. STRMWTR#3-SELF-VERIFICATION OPERATION AND MAINTENANCE LETTER

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), an operation and maintenance verification form for each Structural BMPs shall be completed.

DESCRIPTION OF REQUIREMENT: Every year the property owner shall receive from the County a BMP Verification Form to be completed for each privately owned Structural BMP. **DOCUMENTATION:** Every year the property owner shall file with the County the completed Structural BMP Verification Form stating the maintenance performed during the reporting period for each privately owned Structural BMP with [DPW, WPP]. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [DPW, WPP] is responsible for compliance of this permit.

GRADING PLAN NOTES

PRE-CONSTRUCTION GRADING AND/OR IMPROVEMENTS: *(Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

BIO#5-RESOURCE AVOIDANCE [PDS, FEE X2]

INTENT: In order to avoid impacts to avian species, including raptors, coastal California gnatcatcher, and migratory birds, during the breeding season, which are sensitive biological resources pursuant to BMO, Migratory Bird Treaty Act (MBTA), and California Fish and Game Code, avian breeding avoidance measures shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** No future brushing, grading, and/or clearing shall occur during the raptor and migratory bird breeding season (**January 15 – August 31**). All grading permits, improvement plans, and the Site Plan shall state the same. If future clearing or grading must occur during the breeding season, a pre-construction survey shall be conducted within seven days prior to starting work to determine whether breeding birds occur in or within 500 feet of the impact area(s). If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, clearing, grubbing, and grading shall be allowed to proceed with written concurrence from the County and Wildlife Agencies. If active nests or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall avoid active nests until nesting behavior has ceased, nests have failed, or young have fledged. Construction near an active nest (within 300 feet for passerines, 500 feet for raptors, or as otherwise determined by a qualified biologist) shall either: (1) be postponed until a qualified biologist determines the nest(s) is no longer active or until after the respective breeding season; or (2) not occur until a temporary noise barrier or berm is constructed at the edge of the development footprint and/or around the piece of equipment to ensure that noise levels are reduced to below 60 dBA or ambient, as confirmed by a County-approved noise specialist. Intermittent monitoring by a qualified biologist would be required for construction near an active nest. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no raptors, sensitive avian species, or migratory birds are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall place this note on the grading plan: If construction is to occur during the breeding season, the applicant shall submit a written request to grade during the breeding season based on preconstruction surveys. No 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 during the

specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

**CULT#GR-1 ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING
[PDS, FEE X2]**

INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist and Kumeyaay Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to ensure that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Kumeyaay Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.

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

CULT#GR-2 ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION [PDS, FEEX2]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Kumeyaay Native

American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.

- b. In the event that previously unidentified potentially significant cultural resources are discovered:
 1. The Project Archaeologist or the Kumeyaay Native American monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.
 2. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American Monitor, shall determine the significance of the discovered resources.
 3. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
 4. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
 5. A Research Design and Data Recovery Program (Program) is required to mitigate impacts to identified significant cultural resources. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
 6. The Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in coordination with the Kumeyaay Native American Monitor.
 7. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods.
- c. If any human remains are discovered:
 1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
 2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin.
 3. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.

4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
5. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

DOCUMENTATION: The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Archeologist or applicant fails to comply with this condition.

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

CULT#GR-3 ARCHAEOLOGICAL MONITORING – ROUGH GRADING [PDS, FEE]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring and communicate with local tribes as required below:

- a. If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed, and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Kumeyaay Native American Monitor must be included in the Negative Monitoring Report.
- b. If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring Report to the [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center, the Viejas Band of Mission Indians, and any culturally affiliated tribe that requests a copy of the report. **TIMING:** Upon

completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** The [PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

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

CULT#GR-4 ARCHAEOLOGICAL MONITORING – FINAL GRADING [PDS, FEE]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report and communications shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that the disposition of all cultural materials has been completed as follows:
 - (1) Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

OR

Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC), the Viejas Band of Mission Indians, and any culturally affiliated tribe that requests a copy of the report. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete, and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

NOTICE: This subject property is known to contain Coastal sage scrub plant community. Such plant community is habitat for the coastal California gnatcatcher. The Federal government recently 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 United States Fish and Wildlife Service to determine the applicability of the prohibitions under the Act to each applicant's property.

NOTICE: A portion of this project is located within the San Diego County Multiple Species Conservation Program Subarea Plan Area. This portion of the site has been found to conform to the San Diego County Multiple Species Conservation Program Subarea Plan, Biological Mitigation Ordinance and Implementing Agreement. Upon fulfillment of the requirements for permanent mitigation and management of preserved areas as outlined in Section 17.1 (A) of the County's Implementing Agreement for the Multiple Species Conservation Program (MSCP) Plan, Third Party Beneficiary Status can be attained for the project. Third party beneficiary status allows the property owner to perform "incidental

take” under the State and Federal Endangered Species Acts, of species covered by the MSCP Plan while undertaking land development activities in conformance with an approval granted by the County in compliance with the County’s Implementing Agreement.

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 California Department of Fish and Wildlife. 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: **9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340; (858) 467-2952;** <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, brushing or clearing conducted during the migratory bird breeding season, January 15 – August 31, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act and/or the California Fish and Game Code. The applicant may submit evidence that nesting or breeding migratory birds will not be affected by the grading, brushing or clearing to these agencies: California Department of Fish and Wildlife, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201, <http://www.dfg.ca.gov/>; and United States Fish and Wildlife Service, 2177 Salk Avenue, Suite 250, Carlsbad, California 92008, (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.

The undersigned, as the individual(s) with legal authority to fully represent the above-referenced project, concur with the inclusion of the above-listed amendments as conditions of approval of the referenced project.

By:



Date

7/23/19

CHARLES P. PACE MANAGING MEMBER

(Print Name and Title) 4030 GOLDFINCH INVESTMENTS LLC

By:

Date

(Print Name and Title)