

STAFF REPORT

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12/06/19

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Lease 9570.9

R. Collins

**RESCISSION OF APPROVAL AND ISSUANCE OF A
GENERAL LEASE – OTHER**

APPLICANT:

Oak Hills Estate, LLC

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

18.53 acres of sovereign land located in the Burton Mesa Ecological Reserve, near Lompoc, Santa Barbara County.

AUTHORIZED USE:

Installation, use, and maintenance of habitat restoration and mitigation.

LEASE TERM:

10 years, beginning December 6, 2019.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence.

Construction Performance Bond: \$834,000.

Surety Bond: \$446,000, to be held until the endowment is fully funded.

Other:

- Deposit \$250,050 to the Kapiloff Land Bank Fund.
- Establishment of an endowment in the amount of \$446,000 to be held by the National Fish and Wildlife Foundation for long-term management and maintenance of the habitat restoration and mitigation pursuant to the Mitigation Plan and Santa Barbara County FEIR Conditions of Approval.

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BACKGROUND:

The Burton Mesa Ecological Reserve (Reserve) consists of approximately 5,300 acres located north of Lompoc in Santa Barbara County and is held as sovereign land under the jurisdiction of the Commission. The Reserve supports one of the last significant natural stands of Maritime Chaparral on the California central coast. The land in the Reserve was acquired by the State in a series of transactions: 5,125 acres from Union Oil Company of California (UNOCAL) in 1991; 60 acres from UNOCAL in 1995; 47 acres from Santa Barbara County in 1998; and 68 acres from the California Department of Parks and Recreation in 2008. On December 3, 1999, the Commission authorized Lease No. PRC 8129.9 for a 49-year term to the California Department of Fish and Wildlife (CDFW) for management, operation, and maintenance of the Reserve ([Item 22, December 3, 1999](#)).

The Applicant proposes to subdivide a 16.88-acre parcel adjacent to the Reserve and outside of Commission jurisdiction. The proposed Oak Hills Estate subdivision (Oak Hills Project) lies north of the community of Vandenberg Village, which abuts the Reserve. The Oak Hills Project would create 30 lots, consisting of 29 lots for single-family homes and one open space lot. Installation of public infrastructure improvements and site grading for the Oak Hills Project will impact maritime chaparral, federally listed species habitat and rare plants, and coast live oak trees. Impacts to resources that cannot be feasibly mitigated on-site are proposed to be mitigated on the Reserve on a fallow field recently retired from agricultural uses.

Compensatory mitigation, as required by regulatory agencies such as the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, CDFW, and Santa Barbara County, can be accomplished by several methods. The most common method is to purchase corresponding credits from an approved mitigation bank having a service area that encompasses the project site. Another method requires more coordination with the regulatory agencies, but it allows a project sponsor to purchase an environmentally similar property to perform permittee-responsible mitigation including protections from future development, construction of the required habitat, meeting required success criteria, and establishment of an endowment for the long-term maintenance of the newly created preserve. Because there is no recognized mitigation bank with a service area that provides the compensatory mitigation credits required to satisfy the Oak Hills Project, or other more suitable properties available to purchase and perform mitigation, the Applicant is proposing to satisfy Santa Barbara County's mitigation requirement using the land in the Reserve. Since the proposed land is sovereign land and within the Reserve, Santa Barbara County is not requiring a conservation easement or other encumbrance as protection from future development.

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On March 13, 2018, the Santa Barbara County Board of Supervisors (Board) continued the Oak Hills Project to allow the Applicant more time to identify an Off-Site Mitigation Area (OMA) and provide an endowment for the OMA's long-term maintenance and management. In response to the Board's request, the Applicant coordinated with CDFW and Commission staff, identified a portion of a fallow agricultural field in the 5,300-acre Reserve to be restored, and prepared the Off-Site Mitigation Area Restoration and Management Plan (Mitigation Plan), attached as Exhibit C and by reference made a part hereof. The additional information was further considered at the July 17, 2018, Board hearing, when the Final Environmental Impact Report (EIR) was certified and the Oak Hills Project was approved.

The Mitigation Plan proposes to restore a total of 18.53 acres of sovereign land in the OMA including 13.29 acres of maritime chaparral, oaks, and rare plants, 4.54 acres of coast live oak woodland, 0.14 acre of riparian arroyo willow thickets, and an additional 0.55 acre of maritime chaparral required due to unintended impacts that occurred during the project's preliminary planning phase. The unintended impacts occurred on the Reserve when a 6,000 square foot (or approximately 0.14 acre) area of maritime chaparral was damaged by heavy equipment conducting geological testing for the Oak Hills Project. CDFW and Commission staff determined that in order to compensate for the unintended impacts, the Applicant would restore 24,000 square feet (or approximately 0.55 acre) of maritime chaparral in the OMA, which includes replacement for the damaged area and an additional area at a 3:1 replacement ratio. Restoration of maritime chaparral would also incorporate habitat enhancement for El Segundo blue butterfly (ESBB), a federally listed endangered species, through incorporation of plantings of the host plant, coast buckwheat.

On October 24, 2019, the Commission authorized the issuance of Lease 9570.1, a General Lease – Other, to the Applicant for a term of 10 years ([Item C52, October 24, 2019](#)). However, due to a misunderstanding over the size of the land area used to calculate the Applicant's contribution to the Kapiloff Land Bank Fund (Kapiloff Fund) that came to light after the Commission's October 24, 2019, approval, the Applicant requested that staff review the Applicant's concerns and consider new information. After reviewing the new information, staff agrees that utilizing a reduced land area to calculate the Kapiloff Fund contribution is reasonable and appropriate and is now recommending the October 24, 2019 authorization be rescinded, and for the Commission to authorize issuance of a new lease to reflect the correct land area and Kapiloff Fund contribution.

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STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, 8600 et seq.; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

The Applicant is applying for a General Lease – Other to construct habitat restoration as mitigation for the Oak Hills Project. Implementation of the Mitigation Plan would enhance wildlife habitat, a recognized Public Trust use, by the creation of 18.53 acres of maritime chaparral, coast live oak woodland, coast buckwheat, and riparian arroyo willow thickets. The restored areas would also provide habitat for several rare plant species, California red-legged frog (CRLF) upland habitat, and ESBB. The proposed Mitigation Plan would result in net benefits to habitat quality and improved connectivity allowing species to expand their range on the Reserve over its existing condition.

The area selected for restoration has very little native vegetation due to the past history of farming. Invasive species are a major concern in maritime chaparral. The OMA was selected based on soil type, topography, and environmental conditions which are characteristic of central maritime chaparral, coast live oak trees, and target special status mitigation species. CDFW has reviewed the Mitigation Plan and found it to be consistent with management goals and guidelines and that the OMA is an ideal location for restoration of upland habitat for both ESBB and CRLF. CDFW concluded, "The OMA is close to a suitable aquatic site for CRLF, and by restoring the fallow field described in the Mitigation Plan to a mosaic of habitat types, all suitable for use by CRLF as upland dispersal habitat, it has high conservation value."

Access and staging for vehicles and equipment, such as light and heavy-duty pickup trucks, water trucks, a range drill seeder, and an all-terrain vehicle, is anticipated during restoration implementation and maintenance. Additionally, limited vehicle access will be required during the restoration monitoring period. Use of heavy equipment will not be required as part of the restoration implementation or maintenance. Vehicle access routes will be identified to minimize impacts to any adjacent native vegetation during restoration installation, maintenance, and monitoring. Existing unpaved roads within the Reserve will be utilized as practical for vehicle access during mobilization and demobilization associated with all habitat restoration activities. Workers will access the restoration area on foot from the terminus of the vehicle access routes. Foot access routes will be approximately 2 feet wide. Temporary Staging Areas will be used for

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staging vehicles and tools as needed. No materials will be stored overnight. Any fueling of hand tools, maintenance, or temporary storage of equipment will occur within the Temporary Staging Areas.

A Construction Performance Bond in the amount of \$834,000 representing the estimated cost to install and maintain the restoration mitigation will be required to guarantee the installation and establishment of the restored habitat as defined in the Mitigation Plan. Prior to any work commencing, the Applicant will provide staff with a copy of the executed contract for the restoration effort and a new Construction Performance Bond to equal the actual cost of the installation and establishment of the restoration as determined by the contract. The Construction Performance Bond will be released upon successful completion of the installation and monitoring as determined by the Plan.

The Mitigation Plan identifies measurable objectives or performance standards that the habitat restoration and mitigation program must meet to be considered effective. All restoration planting areas are subject to specific success criteria and conditions, evaluated through regular monitoring. At the end of a 5-year maintenance and monitoring period:

- 80 percent of all shrubs and trees from containers must survive, after at least 2 years during which supplemental irrigation is not provided,
- Special status plant mitigation shall have 80 percent survivorship of all planted materials (perennials), after at least 2 years during which supplemental irrigation is not provided, or 60 percent relative cover of all seeded areas (annuals), or the number required to exceed mitigation replacement ratios, after at least 2 years during which supplemental irrigation is not provided,
- Maritime chaparral habitat mitigation shall have 80 percent survivorship of all planted shrub and tree material, after at least 2 years during which supplemental irrigation is not provided,
- Coast buckwheat/ESBB mitigation shall have 60 percent relative cover of all seeded areas, after at least 2 years during which supplemental irrigation is not provided, and
- All non-native invasive weed species targeted for eradication will be no more than approximately 10 percent relative cover within restored areas.

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During the 5-year maintenance and monitoring period, the Applicant is required to document the condition or status of the restoration effort, including but not limited to preparing an as-built report, qualitative monitoring memos, annual monitoring reports, photographic monitoring, and the final monitoring report. Copies of all reports will be provided to Santa Barbara County, CDFW, and the Commission.

- The Applicant's requirement for monitoring, maintenance, and reporting will not terminate until all performance criteria have been met or exceeded. The habitat restoration and mitigation shall only be considered complete when Santa Barbara County, with concurrence from CDFW and the Commission, provides written verification of mitigation success. After the 5-year maintenance and monitoring period is complete and the mitigation is determined to be successful, CDFW will take over long-term maintenance and management of the OMA.
- The Applicant worked closely with staff and CDFW to finalize details of the funding mechanism that will be required for long-term maintenance and management. The Applicant will be required to establish an endowment for long-term maintenance and management of the OMA. The amount of the endowment has been determined through the preparation of a Property Analysis Record (PAR). The PAR is a software package developed by the Center for Natural Lands Management and is an industry-standard for determining maintenance and management funding needs for preserves. The PAR was prepared by the Applicant and reviewed and approved by CDFW. CDFW has determined through the PAR that long-term maintenance and management of the OMA will require an endowment of \$446,000. The endowment is to be held by the National Fish and Wildlife Foundation and must be fully funded before CDFW assumes responsibility for maintenance and management of the OMA. CDFW will take over long-term maintenance and management of the OMA pursuant to the terms of the Mitigation Plan, Santa Barbara County FEIR Conditions of Approval, PAR analysis, and the terms of this lease. The CDFW shall provide the Commission with an annual report of all activities and expenditures. A condition of the proposed lease requires the Applicant to provide a surety bond within 90 days from the authorization of the lease to guarantee the endowment will be fully funded. Commission staff will release the surety bond upon satisfactory notification that the Applicant has fully funded the endowment.

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As described above, a project sponsor required to perform compensatory mitigation would usually purchase mitigation credits or comparable land on which to perform compensatory mitigation. As part of its development plan, the Applicant prepared a site alternatives analysis of land available for purchase upon which mitigation could reasonably be constructed. The analysis identified several parcels of varying quality for mitigation purposes, including three parcels that were characterized as being the most suitable of the group for this restoration project.

In consultation with CDFW staff who oversee Reserve management, a 167-acre disturbed parcel within the Reserve previously used for farming was identified as a likely candidate for restoration. The Reserve lands, however, are already preserved from development and cannot be bought or sold. To fairly compensate the public for the use of lands already protected from development, the Applicant has agreed to deposit the market value of the land being used for this restoration project into the Kapiloff Fund.

An appraisal was prepared by the Applicant to determine the market value of a suitably sized mitigation parcel, but due to a misunderstanding over the area to be valued, the appraiser determined the land value, and staff based its prior recommended Kapiloff Fund contribution on the entire 167-acre disturbed area, rather than what would be reasonably needed to successfully accomplish the mitigation project. As a means to identify a suitable acreage for mitigation purposes, staff and the Applicant considered the required mitigation acreage combined with the area needed to provide a reasonable buffer, and then reviewed the parcels available in the market for purchase as identified in the Applicant's alternatives analysis. Using this approach staff determined that the average acreage of the top three free-standing mitigation parcels, or 33.34 acres, represented a reasonable area upon which to calculate a revised Kapiloff Fund contribution.

The appraisal was revised to adjust for the reduced area and concluded a market value of \$7,500 per acre, resulting in a Kapiloff Fund contribution value of \$250,050 (rounded) for the 33.34-acre parcel. This one-time payment to the Fund represents the land acquisition cost the Applicant would incur in a private transaction to acquire 33.34 acres. The Applicant has agreed to deposit \$250,050 to the Fund within 90 days of authorization of the proposed lease.

The Kapiloff Land Bank Act (Public Resources Code sections 8600 et seq.) was enacted in 1982 with the Commission designated as the Land

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Bank Fund Trustee (Trustee). Pursuant to Public Resources Code section 8612.5, “[t]he Trustee is authorized to manage and improve real property for purposes of providing open space, habitat for plants and animals, and public access.” Public Resources Code section 8613, subdivision (b) states that moneys deposited in the fund “shall be available for expenditure by the trustee for management and improvement of real property held by the trustee to provide open space, habitat for plants and animals, and public access.” Public Resources Code section 8625, subdivision (c) states that “[a]ny party may deposit moneys into the fund for purposes of specified or unspecified projects to provide for access to or management and improvement of real property held by the Trustee to provide open space, habitat for plants and animals, and public access.”

The proposed lease is limited to a 10-year term and does not grant the lessee exclusive rights to the lease premises. The proposed lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee’s activities thereon.

Climate Change:

The combination of more frequent and longer duration weather patterns contributing to high and unpredictable winds, low humidity, and extreme heat for California’s vegetated wildlands has contributed to an increasingly aggressive wildland fire season as a related product of climate change. This threat can be further elevated through prolonged drought conditions and a lack of forest fuels reduction management for forest land areas. In addition, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms.

The subject property was previously managed as active farmland, and has since transitioned to a fallow field, with an ephemeral drainage and riparian corridor in the central portion of the property. Adjacent to the property, oak woodland, coastal scrub, and chaparral communities are present. The vegetation setting of the subject property and surrounding land is vulnerable to the above weather events and the threat of wildland fires. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to effects of climate change. Conversely, the Applicant is responsible for ensuring that proposed improvements to the lease premises are maintained in a manner that does not contribute to wildland fire hazards. Regular maintenance of vegetation within the lease premises and access to the lease premises will help minimize the threat of fire hazards to the lease premises.

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Conclusion:

For all the reasons above, staff believes the proposed lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant will not be able to use the land in the Burton Mesa Ecological Reserve for implementation of the Mitigation Plan. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction and Key Action 1.2.4 to prioritize the use of sovereign lands where appropriate for open space, wetlands, riparian habitat and habitat preservation, restoration, and enhancement, including through habitat management plans, mitigation agreements with public agencies, private parties and other conservation efforts, consistent with applicable law.
3. Rescission of the previous lease authorization is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

4. **Implementation of the Off-Site Mitigation Area Restoration and Management Plan:** An EIR, State Clearinghouse No. 2015111069, was prepared for the overall Oak Hills Project by Santa Barbara County and certified on July 17, 2018. Staff has reviewed this document and Mitigation Monitoring Program (MMP) prepared pursuant to the provisions of CEQA (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

The OMA has historically been used for farming, which resulted in periodic disturbances of the ground surface. The proposed restoration activities will

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result in similar ground disturbances. Therefore, the potential for restoration activities to impact undisturbed or significant cultural resources is very low. Still, the potential impacts are reduced to a less than significant level by the mitigation measures included in the EIR.

A Mitigation Monitoring Program and Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091 and 15096) are contained in the attached Exhibits D and E.

The EIR evaluated environmental impacts and proposed mitigation measures for the Oak Hills Project in Santa Barbara County adjacent to the Reserve. The EIR requires off-site mitigation for aesthetic and biological impacts from activities occurring within the Oak Hills Project. For aesthetic resources, the EIR identifies that the loss of oak trees within the Oak Hills Project will result in a significant and unavoidable impact to the scenic views from the Reserve towards the Oak Hills Project and will contribute to significant and unavoidable cumulative impacts. For biological resources, the EIR states that impacts from loss of oak trees, maritime chaparral habitat, and special status plant species within the Oak Hills Project will be less than significant with mitigation incorporated. Off-site mitigation for impacts to aesthetic and biological resources would partially occur within the Reserve, consisting of planting and cultivating oak trees, maritime chaparral habitat, and special status plant species. Even with mitigation, the aesthetic impacts remain significant and unavoidable. The County adopted a Statement of Overriding Considerations for these impacts; however, because these aesthetic and biological impacts are caused solely by activities occurring within the Oak Hills Project area and outside the Commission's jurisdiction, the Commission is not required to adopt a Statement of Overriding Considerations for the proposed mitigation area within the Reserve.

5. **Acceptance of Deposit:** Staff recommends that the Commission find that the Commission's acceptance of funds as trustee of the Kapiloff Land Bank Fund is exempt from the requirements of CEQA as a statutorily exempt project. The project is exempt because it involves an action taken pursuant to the Kapiloff Land Bank Act, Public Resources Code section 8600 et seq.

Authority: Public Resources Code section 8631.

6. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands

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are significant by nature of their public ownership (as opposed to environmentally significant). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the Mitigation Plan's consistency with the use classification as required by California Code of Regulations, title 2, section 2954 is not applicable.

APPROVALS OBTAINED:

Santa Barbara County

FURTHER APPROVALS REQUIRED:

California Department of Fish and Wildlife
California Central Coast Regional Water Quality Control Board
U.S. Fish and Wildlife Service

EXHIBITS:

- A-1. Land Description (Area 1)
- A-2. Land Description (Area 2)
- A-3. Land Description (Area 3)
- A-4. Land Description (CDFW Required Mitigation)
- A-5. Land Description (Temporary Staging Areas)
- A-6. Land Description (Area 6)
- A-7. Land Description (Area 7)
- B. Site and Location Map
- C. Off-Site Mitigation Area Restoration and Management Plan
- D. Mitigation Monitoring Program
- E. Findings

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Implementation of the Off-Site Mitigation Area Restoration and Management Plan: Find that an EIR, State Clearinghouse No. 2015111069, was prepared for the Oak Hills Project by the County of Santa Barbara and certified on July 17, 2018, and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit D.

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Adopt the Findings, made in conformance with California Code of Regulations, title 14, sections 15091 and 15096, subdivision (h), as contained in the attached Exhibit E.

Acceptance of Deposit: Find that the acceptance and deposit of \$250,050 into the Kapiloff Land Bank Fund is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a statutorily exempt project pursuant to Public Resources Code section 8631.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease and acceptance of a deposit into the Kapiloff Land Bank Fund will not substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Rescind the previous authorization for Lease 9570.1, a General Lease – Other, authorized by Item C52 on October 24, 2019, to Oak Hills Estate, LLC.
2. As Trustee of the Kapiloff Land Bank Fund, authorize the acceptance and deposit of \$250,050 into the Kapiloff Land Bank Fund to be used for any lawful purpose pursuant to the Kapiloff Land Bank Act, Public Resources Code sections 8600 et seq.
3. Authorize issuance of a General Lease – Other to Oak Hills Estate, LLC, beginning December 6, 2019, for a term of 10 years, for habitat restoration and mitigation, as described in Exhibits A-1 through A-7 and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; construction performance bond: \$834,000 and surety bond: \$446,000; and liability insurance in an amount no less than \$1,000,000 per occurrence.

Legal Description

MARITIME CHAPARRAL, OAKS, AND RARE PLANTS (AREA 1)

Being a portion of that portion of land conveyed by the Union Oil Company of California, a California Corporation to the State of California, acting by and through the State Lands Commission in the Deed recorded June 20, 1991, as Document No. 91-038941, of Official Records in the County of Santa Barbara, more particularly described as follows:

Commencing at 2" Cap Pipe marked "CR & C Co JM Ro No. 15, 1924", being the westerly end of the line Bearing North 63 degrees 50 minutes 00 seconds West, 1813.97 on the Record of Survey recorded in Book 21, pages 153 and 154 of Maps, in the County of Santa Barbara, State of California

Thence, South 65 degrees 54 minutes 44 seconds East, 1982.05 feet to the True Point of Beginning;

Thence, North 82 degrees 17 minutes 06 seconds East, 83.29 feet;

Thence, South 02 degrees 04 minutes 41 seconds East, 14.92 feet;

Thence, South 13 degree 49 minutes 00 seconds West, 33.71 feet;

Thence, South 10 degrees 07 minutes 51 seconds West, 5.53 feet;

Thence, South 43 degrees 19 minutes 13 seconds West, 1.49 feet;

Thence, South 00 degrees 39 minutes 02 seconds East, 14.16 feet;

Thence, South 05 degrees 23 minutes 51 seconds West, 9.83 feet;

Thence, South 00 degrees 40 minutes 46 seconds East, 6.53 feet;

Thence, South 07 degrees 02 minutes 16 seconds West, 7.66 feet;

Thence, South 00 degrees 43 minutes 29 seconds West, 3.26 feet;

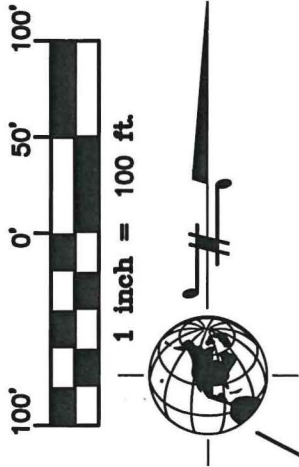
Thence, South 08 degrees 49 minutes 03 seconds West, 30.69 feet;

Thence, South 00 degrees 40 minutes 56 seconds East, 5.42 feet;

Thence, South 12 degrees 14 minutes 48 seconds West, 32.02 feet;

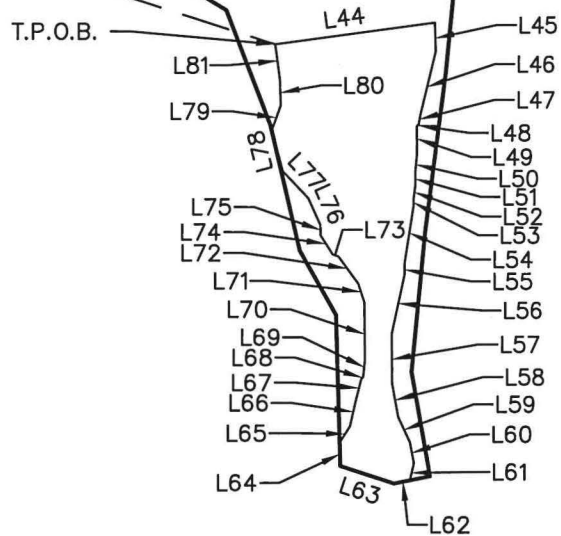
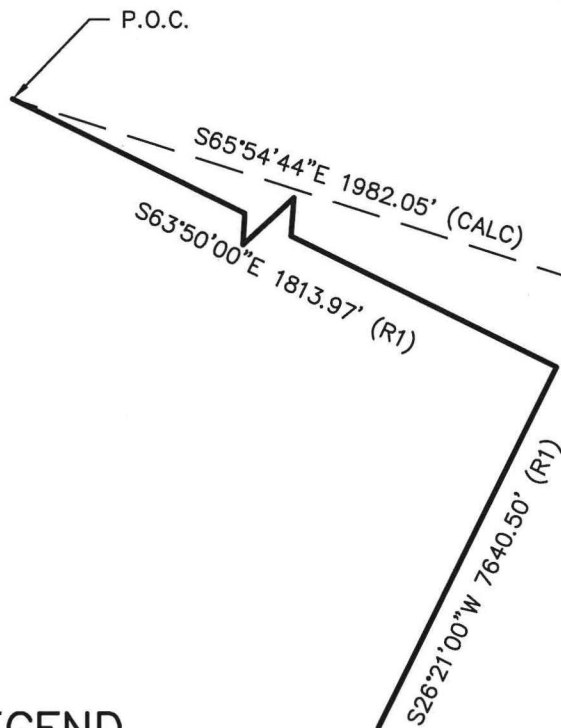
Thence, South 00 degrees 30 minutes 59 seconds East, 25.99 feet;
Thence, South 10 degrees 23 minutes 02 seconds East, 17.70 feet;
Thence, South 25 degrees 06 minutes 04 seconds East, 14.58 feet;
Thence, South 10 degrees 52 minutes 42 seconds East, 11.12 feet;
Thence, South 13 degrees 04 minutes 23 seconds West, 8.85 feet;
Thence, South 76 degrees 38 minutes 14 seconds West, 8.55 feet;
Thence, North 72 degrees 00 minutes 43 seconds West, 29.80 feet;
Thence, North 01 degrees 44 minutes 33 seconds West, 12.12 feet;
Thence, North 31 degrees 52 minutes 52 seconds East, 10.28 feet;
Thence, North 12 degrees 51 minutes 19 seconds East, 13.20 feet;
Thence, North 13 degrees 58 minutes 42 seconds East, 12.16 feet;
Thence, North 43 degrees 34 minutes 23 seconds East, 1.46 feet;
Thence, North 06 degrees 09 minutes 26 seconds East, 8.66 feet;
Thence, North 00 degrees 38 minutes 09 seconds West, 30.25 feet;
Thence, North 18 degrees 10 minutes 17 seconds West, 10.28 feet;
Thence, North 36 degrees 25 minutes 29 seconds West, 17.60 feet;
Thence, North 70 degrees 00 minutes 08 seconds West, 3.27 feet;
Thence, North 32 degrees 43 minutes 42 seconds West, 11.62 feet;
Thence, North 01 degrees 06 minutes 02 seconds West, 5.39 feet;
Thence, North, 24 degrees 16 minutes 05 seconds West, 15.44 feet;
Thence, North 43 degrees 35 minutes 37 seconds West, 19.48 feet;
Thence, North 14 degrees 55 minutes 37 seconds West, 22.29 feet;
Thence, North 19 degrees 39 minutes 42 seconds East, 13.72 feet;

EXHIBIT A-1



Line #	Length	Direction
L64	12.12	N1°44'33"W
L65	10.28	N31°52'52"E
L66	13.20	N12°51'19"E
L67	12.16	N13°58'42"E
L68	1.46	N43°34'23"E
L69	8.66	N6°09'26"E
L70	30.25	N0°38'09"W
L71	10.28	N18°10'17"W
L72	17.60	N36°25'29"W
L73	3.27	N70°00'08"W
L74	11.62	N32°43'42"W
L75	5.39	N1°06'02"W
L76	15.44	N24°16'05"W
L77	19.48	N43°35'37"W
L78	22.29	N14°55'37"W
L79	13.72	N19°39'24"E
L80	12.97	N1°52'30"W
L81	19.05	N7°31'15"W

Line #	Length	Direction
L44	83.29	N82°17'06"E
L45	14.92	S2°04'41"E
L46	33.71	S13°49'00"W
L47	5.53	S10°07'51"W
L48	1.49	S43°19'13"W
L49	14.16	S0°39'02"E
L50	9.83	S5°23'51"W
L51	6.53	S0°40'46"E
L52	7.66	S7°02'16"W
L53	3.26	S0°43'29"E
L54	30.69	S8°49'03"W
L55	5.42	S0°40'56"E
L56	32.02	S12°14'48"W
L57	25.99	S0°30'59"E
L58	17.70	S10°23'02"E
L59	14.58	S25°06'04"E
L60	11.12	S10°52'42"E
L61	8.85	S13°04'23"W
L62	8.55	S76°38'14"W
L63	29.80	N72°00'43"W



LEGEND

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- (R1) DENOTES RECORD DATA PER RS BOOK 21, PAGE 153 TO 154
- (CALC) DENOTES CALCULATED DATA



2624 AIRPARK DRIVE
 SANTA MARIA, CA 93455
 PHONE: 805-934-5727
 FAX: 805-934-3448
 DATE: MAY 2019

MARITIMECHAPARALAREA1.DWG

EXHIBIT MAP

A PORTION OF THAT PORTION OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED JUNE 20, 1991 AS DOCUMENT NO. 91-038941 OF OFFICIAL RECORDS OF SANTA BARBARA COUNTY, STATE OF CALIFORNIA.

SHEET 1 OF 1

Legal Description**MARITIME CHAPARRAL, OAKS, AND RARE PLANTS (AREA 2)**

Being a portion of that portion of land conveyed by the Union Oil Company of California, a California Corporation to the State of California, acting by and through the State Lands Commission in the Deed recorded June 20, 1991, as Document No. 91-038941, of Official Records in the County of Santa Barbara, more particularly described as follows:

Commencing at 2" Cap Pipe marked "CR & C Co JM Ro No. 15, 1924", being the westerly end of the line Bearing North 63 degrees 50 minutes 00 seconds West, 1813.97 on the Record of Survey recorded in Book 21, pages 153 and 154 of Maps, in the County of Santa Barbara, State of California

Thence, South 69 degrees 52 minutes 45 seconds East, 2,195.93 feet to the True Point of Beginning;

Thence, North 83 degrees 41 minutes 05 seconds East, 883.26 feet;

Thence, North 86 degrees 22 minutes 58 seconds East, 134.43 feet;

Thence, South 22 degrees 04 minutes 04 seconds East, 37.66 feet;

Thence, South 10 degrees 18 minutes 17 seconds East, 31.64 feet;

Thence, South 03 degrees 10 minutes 47 seconds East, 34.01 feet;

Thence, South 11 degrees 49 minutes 17 seconds West, 41.44 feet;

Thence, South 26 degrees 03 minutes 53 seconds West, 96.60 feet;

Thence, South 48 degrees 55 minutes 06 seconds West, 48.80 feet;

Thence, South 66 degrees 36 minutes 53 seconds West, 38.02 feet;

Thence, South 79 degrees 50 minutes 45 seconds West, 128.40 feet;

Thence, South 66 degrees 34 minutes 17 seconds West, 61.68 feet;

Thence, South 56 degrees 18 minutes 36 seconds West, 23.81 feet;

Thence, South 42 degrees 08 minutes 15 seconds West, 53.42 feet;

Thence, South 29 degrees 03 minutes 17 seconds West, 67.98 feet;
Thence, South 12 degrees 45 minutes 48 seconds West, 37.41 feet;
Thence, North 46 degrees 19 minutes 56 seconds West, 89.67 feet;
Thence, North 48 degrees 46 minutes 20 seconds West, 126.76 feet;
Thence, North 74 degrees 30 minutes 05 seconds West, 58.13 feet;
Thence, North 47 degrees 51 minutes 45 seconds West, 80.13 feet;
Thence, North 60 degrees 09 minutes 52 seconds West, 79.94 feet;
Thence, North 76 degrees 17 minutes 35 seconds West, 39.81 feet;
Thence, North 69 degrees 32 minutes 49 seconds West, 245.63 feet;
Thence, North 51 degrees 37 minutes 57 seconds West, 28.87 to the True Point of Beginning.

Said area contains 5.23 acres, or 228,077 square feet.

(See attached exhibit map made a part hereof)



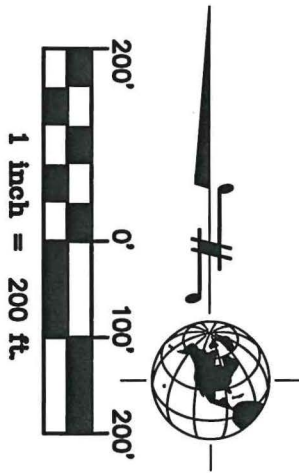
Marshall D. Fargen L.S. 8962 12-2-19 date



Surveyors statement

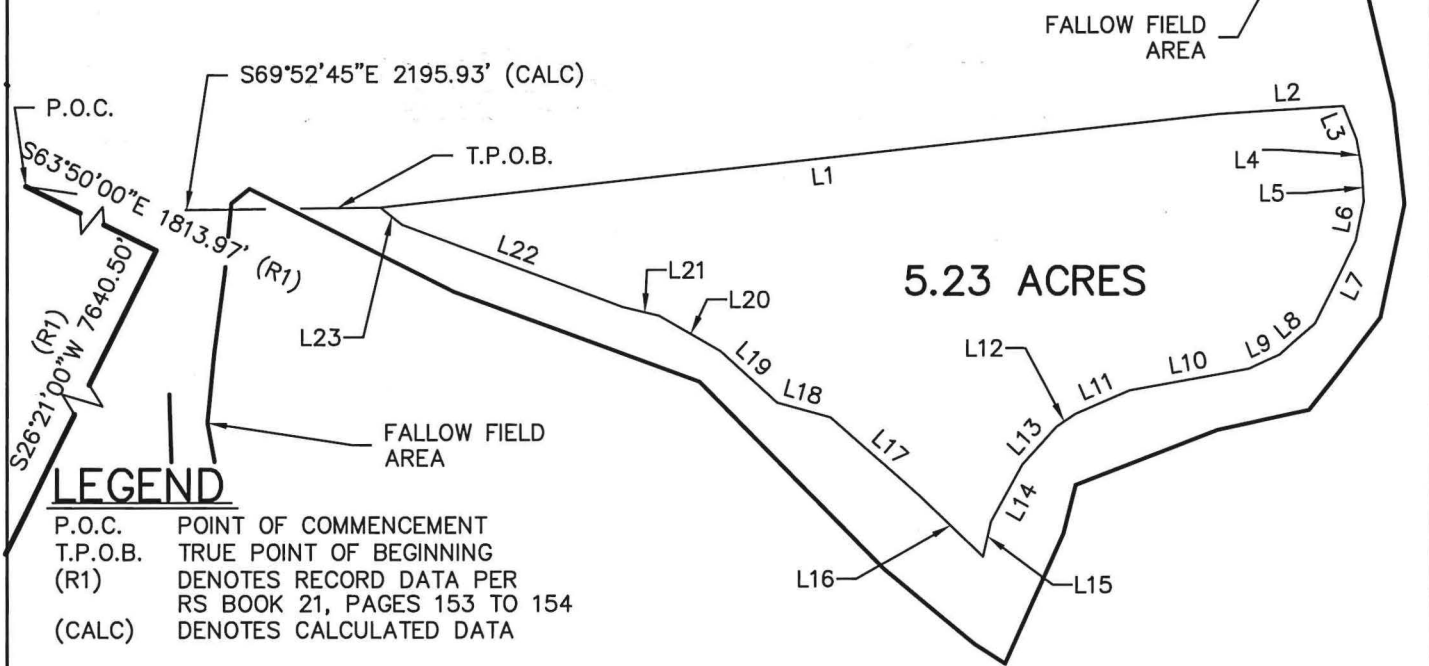
"This legal description was prepared as a convenience and is not intended for use in the division and/or conveyance of real property as governed by the Subdivision Map Act of the State of California".

EXHIBIT A-2



Line Table		
Line #	Length	Direction
L1	883.26	N83°41'05"E
L2	134.43	N86°22'58"E
L3	37.66	S22°04'04"E
L4	31.64	S10°18'17"E
L5	34.01	S3°10'47"E
L6	41.44	S11°49'17"W
L7	96.60	S26°03'53"W
L8	48.80	S48°55'06"W
L9	38.02	S66°36'53"W
L10	128.40	S79°50'45"W
L11	61.68	S66°34'17"W
L12	23.81	S56°18'36"W

Line Table		
Line #	Length	Direction
L13	53.42	S42°08'15"W
L14	67.98	S29°03'17"W
L15	37.41	S12°45'48"W
L16	89.67	N46°19'56"W
L17	126.76	N48°46'20"W
L18	58.13	N74°30'05"W
L19	80.13	N47°51'45"W
L20	73.94	N60°09'52"W
L21	39.81	N76°17'35"W
L22	245.63	N69°32'49"W
L23	28.87	N51°37'57"W



LEGEND

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- (R1) DENOTES RECORD DATA PER RS BOOK 21, PAGES 153 TO 154
- (CALC) DENOTES CALCULATED DATA



2624 AIRPARK DRIVE
 SANTA MARIA, CA 93455
 PHONE: 805-934-5727
 FAX: 805-934-3448
 DATE: MAY 2019

MARITIMECHAPARRALAREA2.DWG

EXHIBIT MAP

A PORTION OF THAT PORTION OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED JUNE 20, 1991 AS DOCUMENT NO. 91-038941 OF OFFICIAL RECORDS OF SANTA BARBARA COUNTY, STATE OF CALIFORNIA.

Legal Description**MARITIME CHAPARRAL, OAKS, AND RARE PLANTS (AREA 3)**

Being a portion of that portion of land conveyed by the Union Oil Company of California, a California Corporation to the State of California, acting by and through the State Lands Commission in the Deed recorded June 20, 1991, as Document No. 91-038941, of Official Records in the County of Santa Barbara, more particularly described as follows:

Commencing at 2" Cap Pipe marked "CR & C Co JM Ro No. 15, 1924", being the westerly end of the line Bearing North 63 degrees 50 minutes 00 seconds West, 1813.97 on the Record of Survey recorded in Book 21, pages 153 and 154 of Maps, in the County of Santa Barbara, State of California

Thence, South 86 degrees 00 minutes 34 seconds East, 2,975.24 feet to the True Point of Beginning;

Thence, North 37 degrees 46 minutes 43 seconds East, 1,238.31 feet;

Thence, South 56 degrees 59 minutes 53 seconds East, 56.28 feet;

Thence, South 37 degrees 46 minutes 43 seconds West, 227.97 feet;

Thence, South 44 degrees 44 minutes 20 seconds East, 193.34 feet;

Thence, South 15 degrees 55 minutes 05 seconds West, 336.76 feet;

Thence, South 22 degrees 06 minutes 00 seconds West, 214.32 feet;

Thence, South 47 degrees 34 minutes 17 seconds West, 84.67 feet;

Thence, South 62 degrees 08 minutes 39 seconds West, 85.18 feet;

Thence, South 74 degrees 14 minutes 20 seconds West, 116.15 feet;

Thence, South 82 degrees 29 minutes 00 seconds West, 100.36 feet;

Thence, South 88 degrees 42 minutes 33 seconds West, 79.82 feet;

Thence, North 84 degrees 46 minutes 16 seconds West, 63.90 feet;

Thence, South 67 degrees 32 minutes 52 seconds West, 60.30 feet;


Thence, South 46 degrees 35 minutes 04 seconds West, 36.05 feet;

Thence, North 53 degrees 14 minutes 38 seconds West, 62.45 feet;

Thence, North 06 degrees 48 minutes 07 seconds West, 40.14 feet to the True Point of Beginning.

Said area contains 7.8 acres, or 339,697 square feet.

(See attached exhibit map made a part hereof)



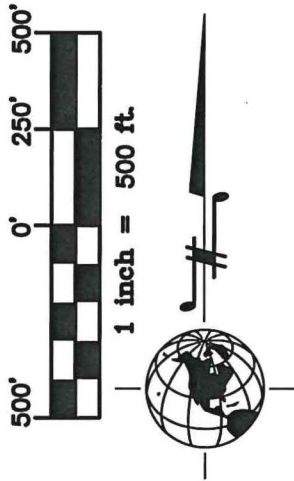
Marshall D. Fargen L.S. 8962 12-2-19 date



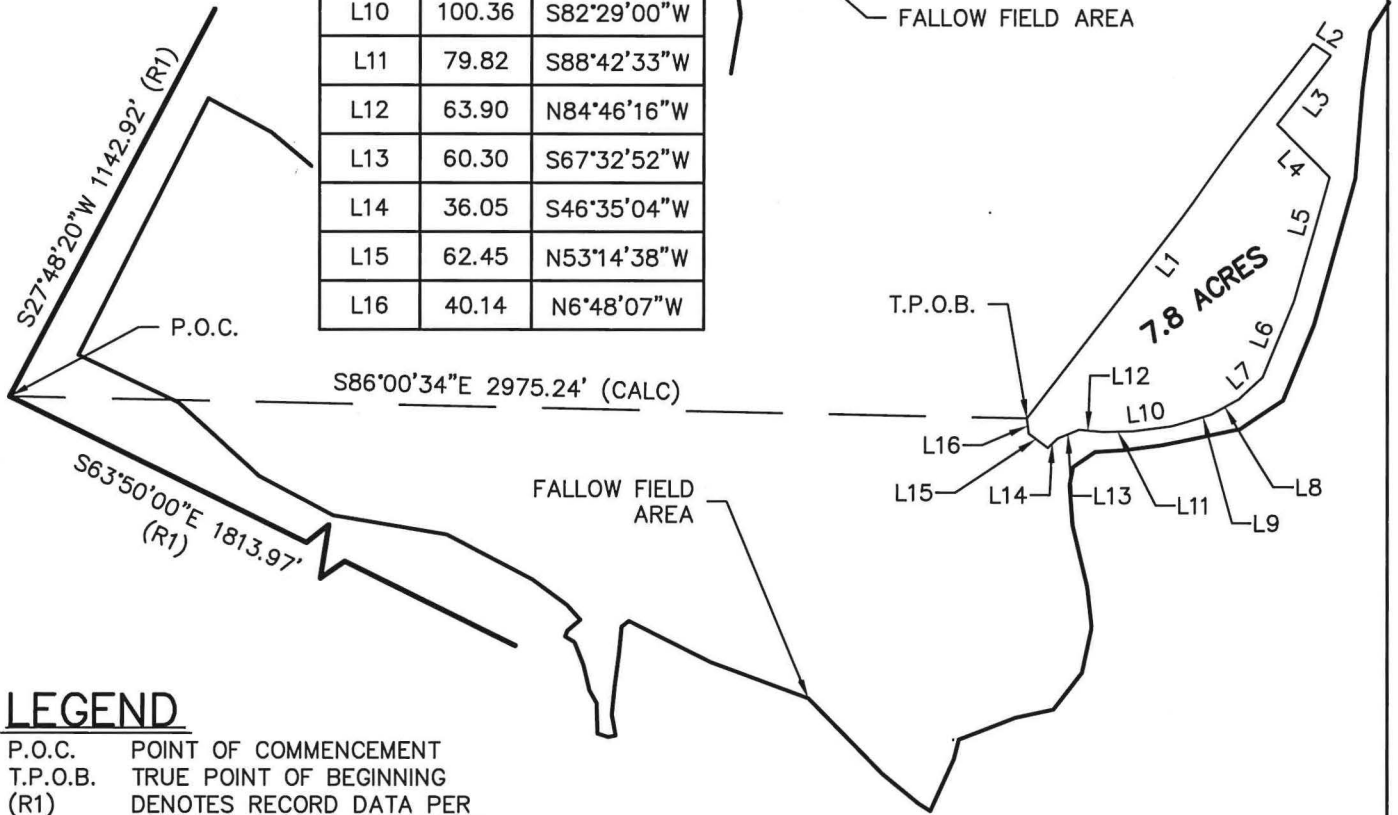
Surveyors statement

"This legal description was prepared as a convenience and is not intended for use in the division and/or conveyance of real property as governed by the Subdivision Map Act of the State of California".

EXHIBIT A-3



Line Table		
Line #	Length	Direction
L1	1238.31	S37°46'43"W
L2	56.28	S56°59'53"E
L3	227.97	S37°46'43"W
L4	193.34	S44°44'20"E
L5	336.76	S15°55'05"W
L6	214.32	S22°06'00"W
L7	84.67	S47°34'17"W
L8	85.18	S62°08'39"W
L9	116.15	S74°14'20"W
L10	100.36	S82°29'00"W
L11	79.82	S88°42'33"W
L12	63.90	N84°46'16"W
L13	60.30	S67°32'52"W
L14	36.05	S46°35'04"W
L15	62.45	N53°14'38"W
L16	40.14	N6°48'07"W



LEGEND

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- (R1) DENOTES RECORD DATA PER RS BOOK 21 PAGE 153 TO 154
- (CALC) DENOTES CALCULATED DATA



2624 AIRPARK DRIVE
 SANTA MARIA, CA 93455
 PHONE: 805-934-5727
 FAX: 805-934-3448
 DATE: MAY 2019

MARITIMECHAPARRALAREA3.DWG

EXHIBIT MAP

A PORTION OF THAT PORTION OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED JUNE 20, 1991 AS DOCUMENT NO. 91-038941 OF OFFICIAL RECORDS OF SANTA BARBARA COUNTY, STATE OF CALIFORNIA.

Legal Description

MARITIME CHAPARRAL (CDFW Required Mitigation)

Being a portion of that portion of land conveyed by the Union Oil Company of California, a California Corporation to the State of California, acting by and through the State Lands Commission in the Deed recorded June 20, 1991, as Document No. 91-038941, of Official Records in the County of Santa Barbara, more particularly described as follows:

Commencing at 2" Cap Pipe marked "CR & C Co JM Ro No. 15, 1924", being the westerly end of the line Bearing North 63 degrees 50 minutes 00 seconds West, 1813.97 on the Record of Survey recorded in Book 21, pages 153 and 154 of Maps, in the County of Santa Barbara, State of California

Thence, North 81 degrees 28 minutes 04 seconds East, 3,662.58 feet to the True Point of Beginning;

Thence, North 37 degrees 46 minutes 43 seconds East, 214.37 feet;

Thence, South 07 degrees 25 minutes 46 seconds East, 226.77 feet;

Thence, South 13 degrees 43 minutes 28 seconds West, 79.91 feet;

Thence, North 46 degrees 47 minutes 52 seconds West, 194.38 feet to the True Point of Beginning.

Said area contains 0.55 acres, or 24,011 square feet.

(See attached exhibit map made a part hereof)

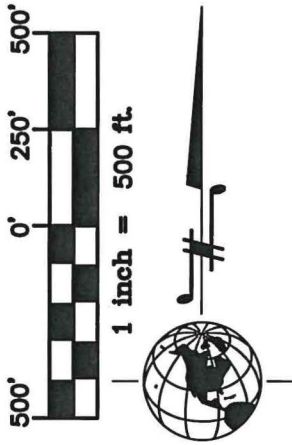
Marshall D. Fargen L.S. 8962 12-2-19
date



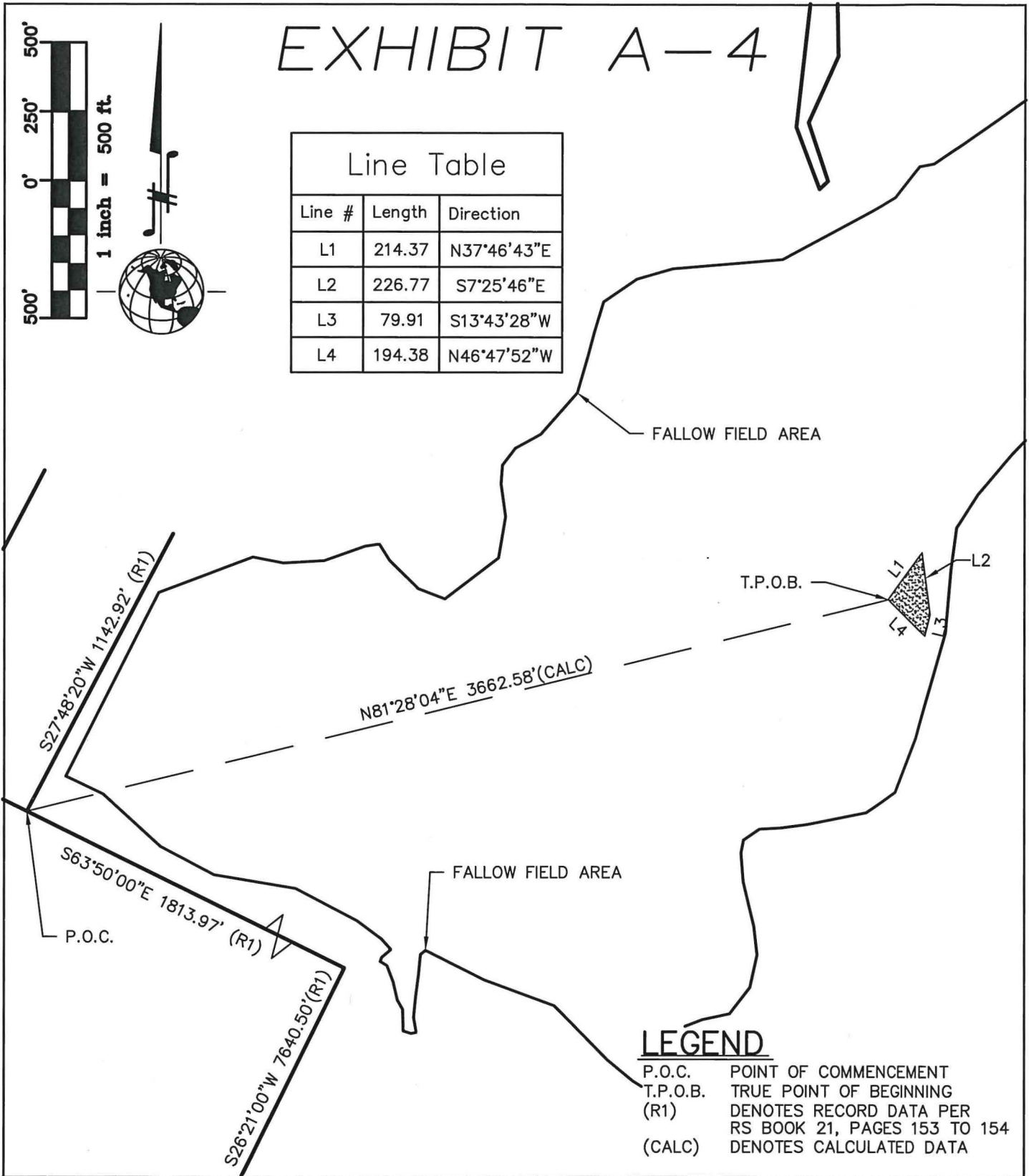
Surveyors statement

"This legal description was prepared as a convenience and is not intended for use in the division and/or conveyance of real property as governed by the Subdivision Map Act of the State of California".

EXHIBIT A-4



Line Table		
Line #	Length	Direction
L1	214.37	N37°46'43"E
L2	226.77	S7°25'46"E
L3	79.91	S13°43'28"W
L4	194.38	N46°47'52"W



LEGEND
 P.O.C. POINT OF COMMENCEMENT
 T.P.O.B. TRUE POINT OF BEGINNING
 (R1) DENOTES RECORD DATA PER RS BOOK 21, PAGES 153 TO 154
 (CALC) DENOTES CALCULATED DATA



2624 AIRPARK DRIVE
 SANTA MARIA, CA 93455
 PHONE: 805-934-5727
 FAX: 805-934-3448
 DATE: MAY 2019

MARITIME CHAPARAL.DWG

EXHIBIT MAP

A PORTION OF THAT PORTION OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED JUNE 20, 1991 AS DOCUMENT NO. 91-038941 OF OFFICIAL RECORDS OF SANTA BARBARA COUNTY, STATE OF CALIFORNIA.

Legal Description

TEMPORARY STAGING AREAS

AREA 5A

Being a portion of that portion of land conveyed by the Union Oil Company of California, a California Corporation to the State of California, acting by and through the State Lands Commission in the Deed recorded June 20, 1991, as Document No. 91-038941, of Official Records in the County of Santa Barbara, more particularly described as follows:

Commencing at 2" Cap Pipe marked "CR & C Co JM Ro No. 15, 1924", being the westerly end of the line Bearing North 63 degrees 50 minutes 00 seconds West, 1813.97 on the Record of Survey recorded in Book 21, pages 153 and 154 of Maps, in the County of Santa Barbara, State of California.

Thence, South 77 degrees 23 minutes 01 seconds East, 3,007.53 to the True Point of Beginning;

Thence, North 08 degrees 56 minutes 07 seconds West, 109.81 feet;

Thence, North 85 degrees 10 minutes 33 seconds East, 182.52 feet;

Thence, South 13 degrees 31 minutes 19 seconds East, 109.55 feet;

Thence, South 84 degrees 48 minutes 15 seconds West, 191.22 feet to the True Point of Beginning.

Said area contains 0.47 acres, or 20,359 square feet.

AREA 5B

Being a portion of that portion of land conveyed by the Union Oil Company of California, a California Corporation to the State of California, acting by and through the State Lands Commission in the Deed recorded June 20, 1991, as Document No. 91-038941, of Official Records in the County of Santa Barbara, more particularly described as follows:

Commencing at 2" Cap Pipe marked "CR & C Co JM Ro No. 15, 1924", being the westerly end of the line Bearing North 63 degrees 50 minutes 00 seconds West, 1813.97 on the Record of Survey recorded in Book 21, pages 153 and 154 of Maps, in the County of Santa Barbara, State of California.

Thence, South 82 degrees 48 minutes 50 seconds East, 2,820.77 feet to the True Point of Beginning;

Thence, North 25 degrees 35 minutes 55 seconds East, 136.20 feet;

Thence, South 74 degrees 15 minutes 47 seconds East, 154.19 feet;

Thence, South 05 degrees 23 minutes 27 seconds East, 36.68 feet;

Thence, South 48 degrees 18 minutes 02 seconds East, 64.25 feet;

Thence, South 39 degrees 58 minutes 41 seconds East, 35.26 feet;

Thence, South 04 degrees 28 minutes 29 seconds West, 287.28 feet to the True Point of Beginning;

Said area contains 0.61 acres, or 26,389 square feet.

AREA 5C

Being a portion of that portion of land conveyed by the Union Oil Company of California, a California Corporation to the State of California, acting by and through the State Lands Commission in the Deed recorded June 20, 1991, as Document No. 91-038941, of Official Records in the County of Santa Barbara, more particularly described as follows:

Commencing at 2" Cap Pipe marked "CR & C Co JM Ro No. 15, 1924", being the westerly end of the line Bearing North 63 degrees 50 minutes 00 seconds West, 1813.97 on the Record of Survey recorded in Book 21, pages 153 and 154 of Maps, in the County of Santa Barbara, State of California.

Thence, North 79 degrees 39 minutes 34 seconds East, 3,844.42 feet to the True Point of Beginning;

Thence, North 02 degrees 55 minutes 01 seconds East, 260.96 feet;

Thence, South 59 degrees 41 minutes 11 seconds East, 149.31 feet;

Thence, South 32 degrees 55 minutes 37 seconds West, 85.04 feet;

Thence, South 07 degrees 25 minutes 41 seconds West, 154.03 feet;

Thence, South 04 degrees 47 minutes 37 seconds West, 11.09 feet;

Thence, North 56 degrees 23 minutes 37 seconds West, 90.18 feet to the True Point of Beginning;

Said area contains 0.57 acres, or 24,720 square feet.

(See attached exhibit map made a part hereof)



Marshall D. Fargen L.S. 8962 12-2-19 date

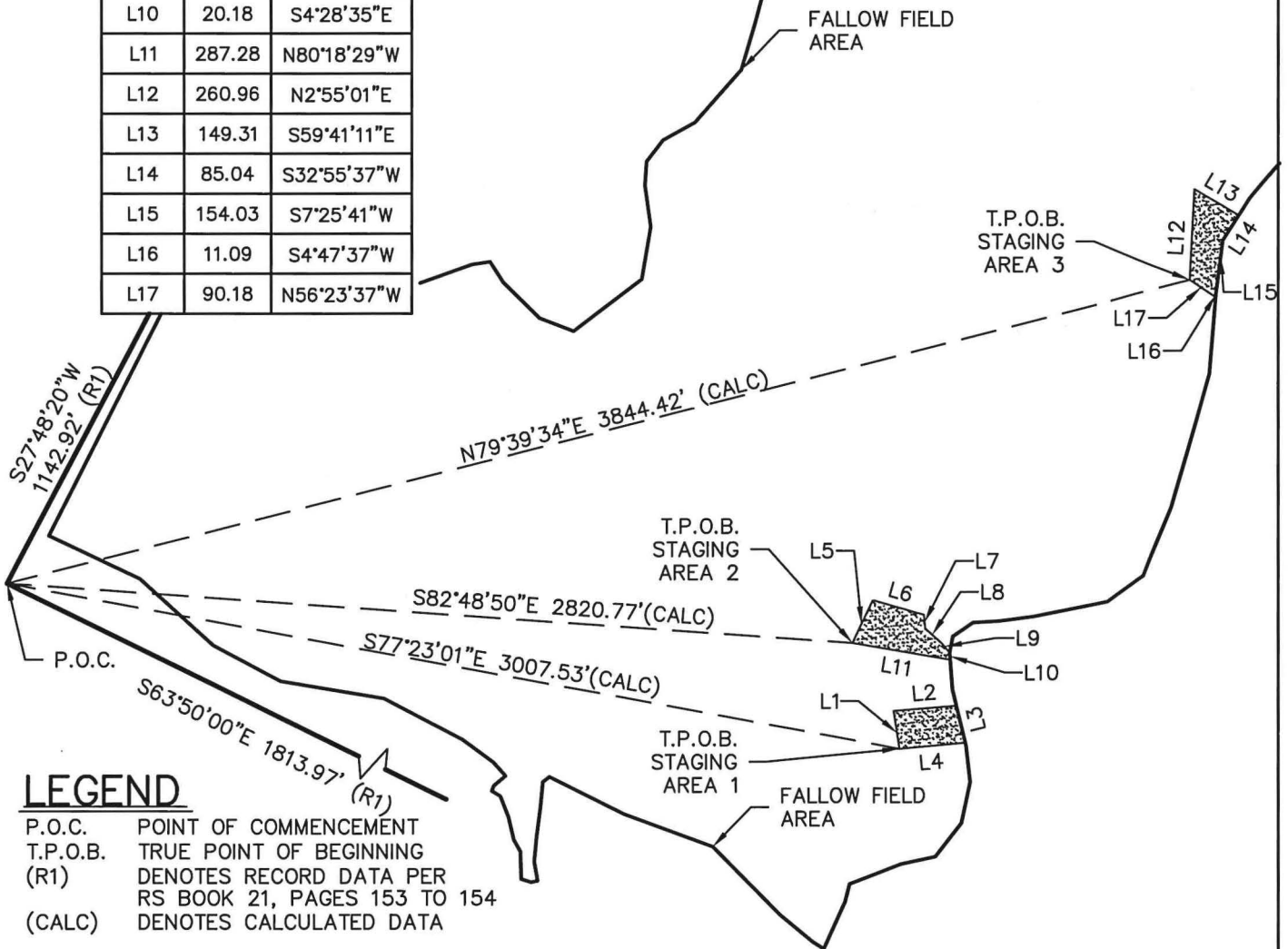
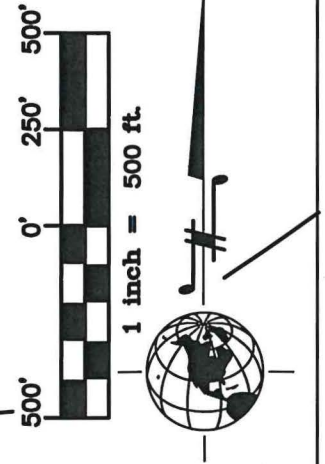


Surveyors statement

"This legal description was prepared as a convenience and is not intended for use in the division and/or conveyance of real property as governed by the Subdivision Map Act of the State of California".

EXHIBIT A-5

Line Table		
Line #	Length	Direction
L1	109.81	N8°56'07"W
L2	182.52	N85°10'33"E
L3	109.55	S13°31'19"E
L4	191.22	S84°48'15"W
L5	136.20	N25°35'55"E
L6	154.19	S74°15'47"E
L7	39.68	S5°23'27"E
L8	64.25	S48°18'02"E
L9	35.26	S39°58'41"E
L10	20.18	S4°28'35"E
L11	287.28	N80°18'29"W
L12	260.96	N2°55'01"E
L13	149.31	S59°41'11"E
L14	85.04	S32°55'37"W
L15	154.03	S7°25'41"W
L16	11.09	S4°47'37"W
L17	90.18	N56°23'37"W



LEGEND

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- (R1) DENOTES RECORD DATA PER RS BOOK 21, PAGES 153 TO 154
- (CALC) DENOTES CALCULATED DATA



2624 AIRPARK DRIVE
SANTA MARIA, CA 93455
PHONE: 805-934-5727
FAX: 805-934-3448
DATE: MAY 2019

STAGINGAREAS.DWG

EXHIBIT MAP

A PORTION OF THAT PORTION OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED JUNE 20, 1991 AS DOCUMENT NO. 91-038941 OF OFFICIAL RECORDS OF SANTA BARBARA COUNTY, STATE OF CALIFORNIA.

SHEET 1 OF 1

Legal Description

COAST LIVE OAK WOODLAND (AREA 6)

Being a portion of that portion of land conveyed by the Union Oil Company of California, a California Corporation to the State of California, acting by and through the State Lands Commission in the Deed recorded June 20, 1991, as Document No. 91-038941, of Official Records in the County of Santa Barbara, more particularly described as follows:

Commencing at 2" Cap Pipe marked "CR & C Co JM Ro No. 15, 1924", being the westerly end of the line Bearing North 63 degrees 50 minutes 00 seconds West, 1813.97 on the Record of Survey recorded in Book 21, pages 153 and 154 of Maps, in the County of Santa Barbara, State of California

Thence, South 85 degrees 38 minutes 56 seconds East, 2,849.36 feet to the True Point of Beginning;

Thence, North 36 degrees 44 minutes 43 seconds East, 1,507.82 feet;

Thence, South 01 degrees 12 minutes 11 seconds West, 260.96 feet;

Thence, South 37 degrees 11 minutes 04 seconds West, 1,235.96 feet;

Thence, North 75 degrees 58 minutes 37 seconds West, 154.19 feet to the True Point of Beginning.

Said area contains 4.64 acres, or 201,970 square feet.

(See attached exhibit map made a part hereof)

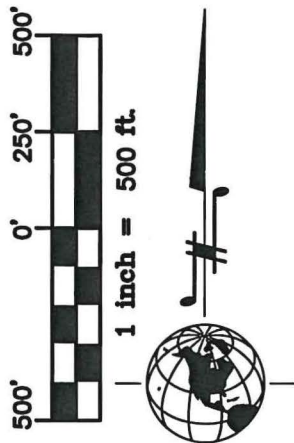
Marshall D. Fargen 12-2-19
Marshall D. Fargen L.S. 8962 date



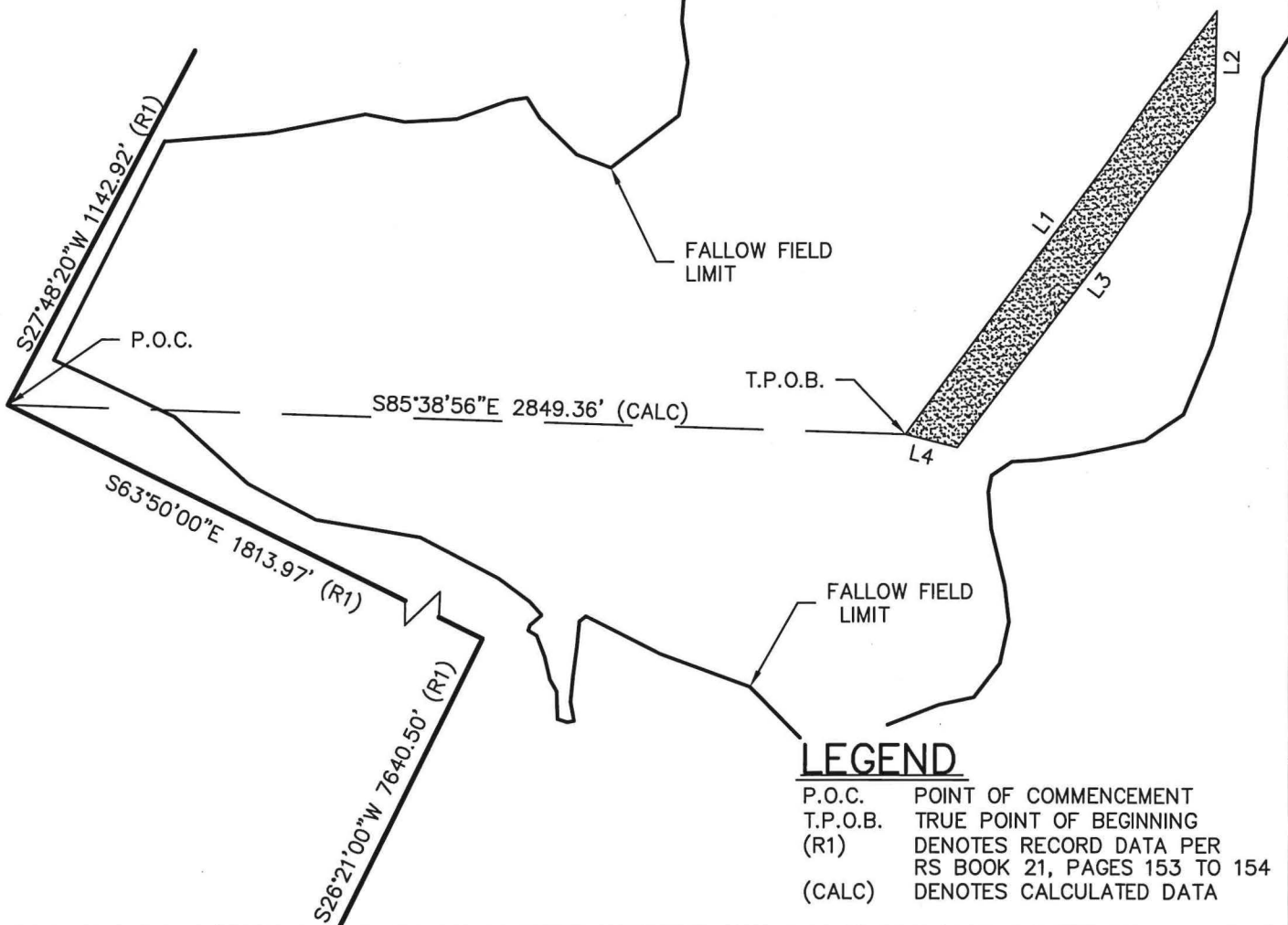
Surveyors statement

"This legal description was prepared as a convenience and is not intended for use in the division and/or conveyance of real property as governed by the Subdivision Map Act of the State of California".

EXHIBIT A-6



Line Table		
Line #	Length	Direction
L1	1507.82	N36°44'43"E
L2	260.96	S1°12'11"W
L3	1235.96	S37°11'04"W
L4	154.19	N75°58'37"W



LEGEND

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- (R1) DENOTES RECORD DATA PER RS BOOK 21, PAGES 153 TO 154
- (CALC) DENOTES CALCULATED DATA



2624 AIRPARK DRIVE
 SANTA MARIA, CA 93455
 PHONE: 805-934-5727
 FAX: 805-934-3448
 DATE: MAY 2019

COASTLIVEOAKWOODLAND.DWG

EXHIBIT MAP

A PORTION OF THAT PORTION OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED JUNE 20, 1991 AS DOCUMENT NO. 91-038941 OF OFFICIAL RECORDS OF SANTA BARBARA COUNTY, STATE OF CALIFORNIA.

SHEET 1 OF 1

Legal Description

RIPARIAN ARROYO WILLOW THICKETS

Being a portion of that portion of land conveyed by the Union Oil Company of California, a California Corporation to the State of California, acting by and through the State Lands Commission in the Deed recorded June 20, 1991, as Document No. 91-038941, of Official Records in the County of Santa Barbara, more particularly described as follows:

Commencing at 2" Cap Pipe marked "CR & C Co JM Ro No. 15, 1924", being the westerly end of the line Bearing North 63 degrees 50 minutes 00 seconds West, 1813.97 on the Record of Survey recorded in Book 21, pages 153 and 154 of Maps, in the County of Santa Barbara, State of California.

Thence, South 68 degrees 06 minutes 44 seconds East, 2,678.68 feet to the True Point of Beginning;

Thence, South 48 degrees 25 minutes 39 seconds East, 171.33 feet;

Thence, South 50 degrees 56 minutes 14 seconds East, 70.92 feet;

Thence, South 52 degrees 49 minutes 17 seconds East, 15.64 feet;

Thence, South 68 degrees 20 minutes 48 seconds East, 26.30 feet;

Thence, North 66 degrees 55 minutes 34 seconds East, 17.65 feet;

Thence, South 25 degrees 52 minutes 55 seconds East, 10.36 feet;

Thence, South 18 degrees 36 minutes 50 seconds East, 51.97 feet;

Thence, North 40 degrees 59 minutes 32 seconds West, 35.19 feet;

Thence, North 47 degrees 15 minutes 48 seconds West, 36.59 feet;

Thence, North 53 degrees 57 minutes 44 seconds West, 105.84 feet;

Thence, North 25 degrees 24 minutes 29 seconds West, 48.54 feet;

Thence, North 43 degrees 27 minutes 58 seconds West, 98.76 feet to the True Point of Beginning.

Said area contains 0.14 acres, or 6,261 square feet.

(See attached exhibit map made a part hereof)



Marshall D. Fargen L.S. 8962

12-2-19
date



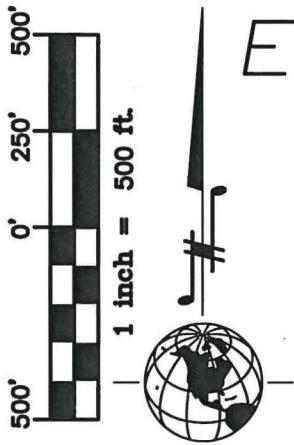
Surveyors statement

"This legal description was prepared as a convenience and is not intended for use in the division and/or conveyance of real property as governed by the Subdivision Map Act of the State of California".

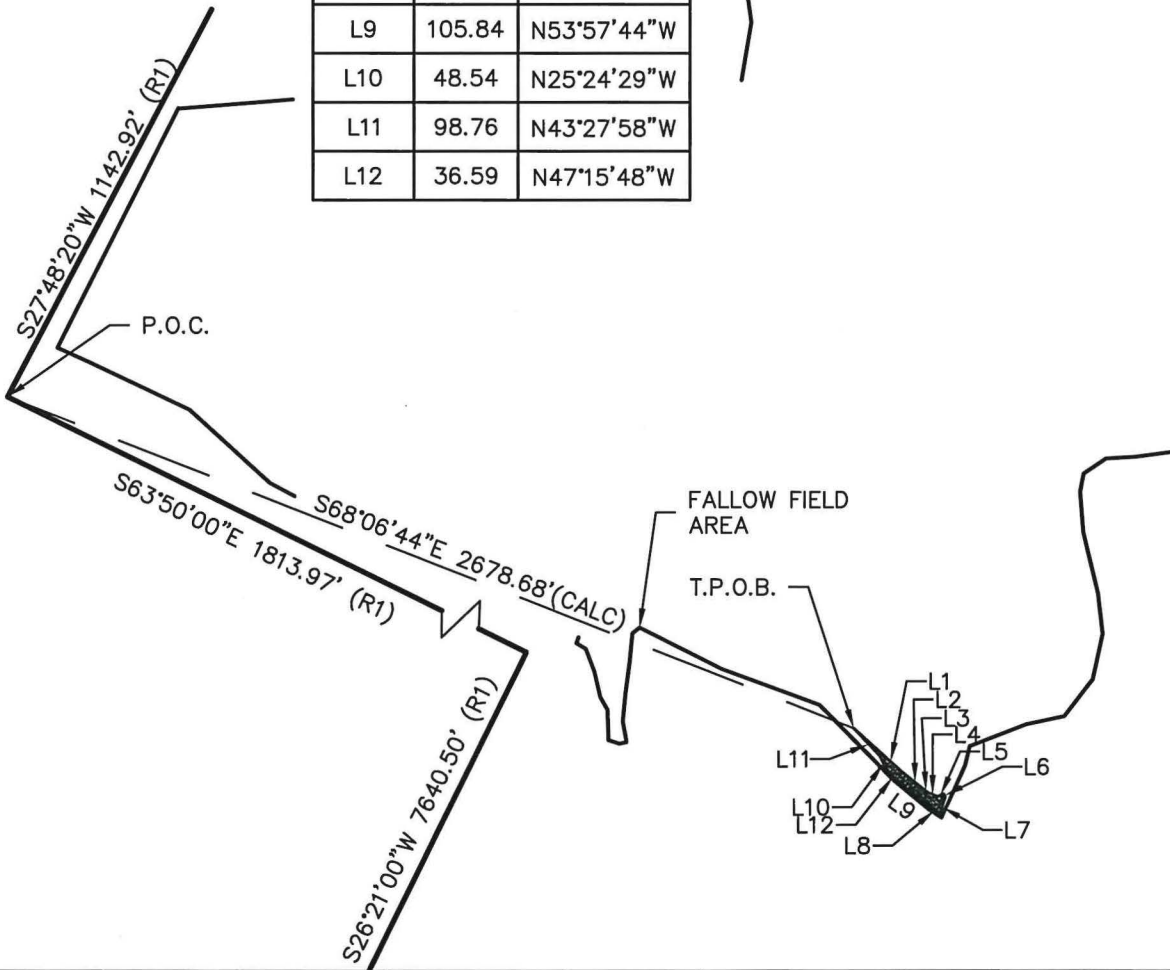
EXHIBIT A-7

LEGEND

P.O.C. POINT OF COMMENCEMENT
 T.P.O.B. TRUE POINT OF BEGINNING
 (R1) DENOTES RECORD DATA PER
 RS BOOK 21, PAGES 153 TO 154
 (CALC) DENOTES CALCULATED DATA



Line Table		
Line #	Length	Direction
L1	171.33	S48°25'39"E
L2	70.92	S50°56'14"E
L3	15.64	S52°49'17"E
L4	26.30	S68°20'48"E
L5	17.65	N66°55'34"E
L6	10.36	S25°52'55"E
L7	51.97	S18°36'50"W
L8	35.19	N40°59'32"W
L9	105.84	N53°57'44"W
L10	48.54	N25°24'29"W
L11	98.76	N43°27'58"W
L12	36.59	N47°15'48"W



2624 AIRPARK DRIVE
 SANTA MARIA, CA 93455
 PHONE: 805-934-5727
 FAX: 805-934-3448
 DATE: MAY 2019

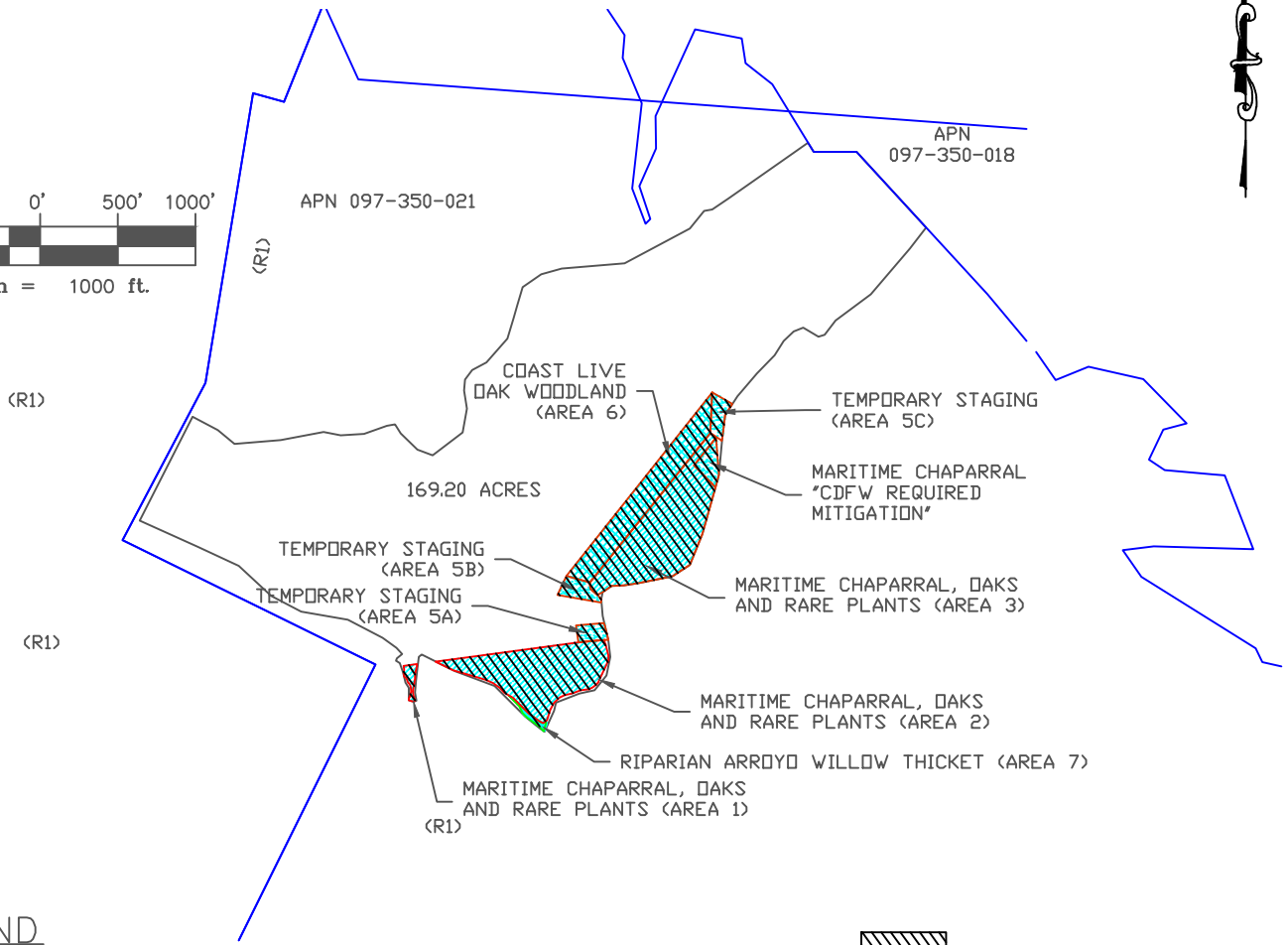
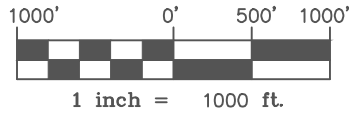
RIPARIANARROYOWILLOW.DWG

EXHIBIT MAP

A PORTION OF THAT PORTION OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED JUNE 20, 1991 AS DOCUMENT NO. 91-038941 OF OFFICIAL RECORDS OF SANTA BARBARA COUNTY, STATE OF CALIFORNIA.

NO SCALE

SITE



LEGEND

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- (R1) DENOTES RECORD DATA PER RS BOOK 21, PAGE 153 TO 154
- (CALC) DENOTES CALCULATED DATA

LEASE AREAS

HABITAT RESTORATION & MITIGATION BURTON MESA

NO SCALE

LOCATION

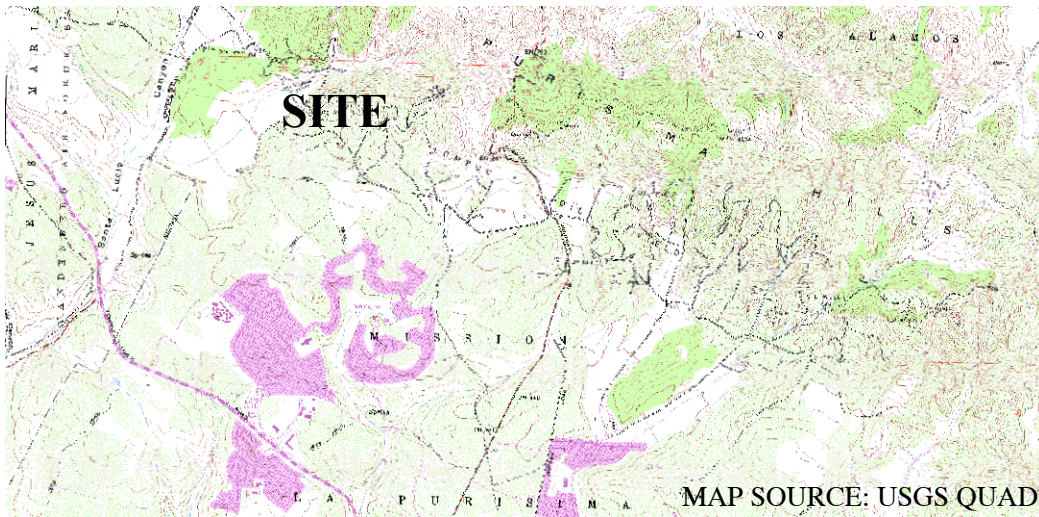


EXHIBIT B

LEASE 9570.9
 OAK HILLS ESTATE, LLC
 APN 097-350-021
 GENERAL LEASE -
 OTHER USE
 SANTA BARBARA COUNTY



THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

JAK 8/19

EXHIBIT C



Oak Hills Estate Project

Off-site Mitigation Area Restoration and Management Plan

prepared by

Oak Hills Estate, LLC 2075
North Refugio Road Santa
Ynez, California 93460
Contact: Gary Blake

prepared with the assistance of

Rincon Consultants, Inc.
1530 Monterey Street, Suite D
San Luis Obispo, California 93401

June 2019

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1.2	Project Description.....	2
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1 Introduction

Rincon Consultants, Inc. (Rincon) prepared this Off-site Mitigation Area Restoration and Management Plan (plan) to outline the approach to off-site mitigation for the Oak Hills Estate project (project) in Vandenberg Village. Most of the off-site mitigation for the project will occur on the off-site mitigation area (OMA) and will be located on a portion of the Burton Mesa Ecological Reserve (BMER) that is located approximately one mile west-northwest of the project site (Figure 1). A portion of the coast live oak (*Quercus agrifolia*) tree mitigation plantings will be located on another off-site parcel (50 trees), at a location designated as “Lot 54”. The installation methodology and 5-year performance criteria outlined in this plan will be applied to oak plantings at Lot 54; however, the long-term management strategy described in Section 5 of this plan strictly applies to the OMA.

Attachment 8.1 to the Final Environmental Impact Report (FEIR; County 2017) contains all the Conditions of Approval (COAs) issued by the County of Santa Barbara (County) relevant to the Oak Hills Estate Vesting Tentative Tract Map (Case Number 15TRM-00000-00001), and includes COA 31 detailing measures to be included in an off-site habitat mitigation plan for the project (see Appendix A). In addition to the County COAs, this plan also incorporates the compensatory mitigation requirements of the project’s draft Habitat Conservation Plan (HCP). Off-site mitigation was necessary because there was insufficient acreage within the designated on-site open space area of the project site. This plan also contains details on restoration activities that the California Department of Fish and Wildlife (CDFW) and California State Lands Commission (SLC) are requiring as part of the lease agreement to compensate for unintended project impacts to a portion of the BMER that occurred immediately adjacent to the project site.

An Open Space Management Plan (OSMP; Rincon 2018) was prepared to address all of the restoration and management tasks associated with the compensatory mitigation located within the open space area of the project site. The OSMP outlines the on-site approach to mitigation, as well as describes in detail all of the project impacts and the total required compensatory mitigation.

The OMA is located within the BMER and was ultimately selected as the location for off-site mitigation and restoration efforts (except for the Lot 54 oak trees), after discussions with the County, CDFW, and U.S. Fish and Wildlife Service (USFWS). The BMER is a property owned by SLC and leased to CDFW.

On November 15, 2017, representatives from Oak Hills Estate, Rincon, CDFW, and USFWS met at the BMER to review potential restoration areas. In December 2017, Rincon prepared and submitted a conceptual restoration proposal for CDFW and the SLC to consider. CDFW and SLC conferred internally over the next few months, and on April 4, 2018, representatives from SLC, CDFW, Oak Hills Estate and Rincon met to review the proposal. At that time CDFW and SLC confirmed that the proposal for mitigation at BMER was acceptable and the group outlined the next steps to finalize the plan. These steps include finalizing specific restoration areas to ensure all existing easements are avoided, finalize the restoration, monitoring and long-term management plan, develop a memorandum of understanding, secure a lease from SLC for the restoration activities, and develop long-term funding for management of the OMA.

This plan provides information regarding the BMER OMA, explains the rationale for site selection and expected success of proposed restoration efforts, and demonstrates that the anticipated mitigation requirements for the project can be met. Any potential adverse impacts to existing or baseline biological resources would be avoided and/or minimized upon implementation of restoration activities.

This plan outlines the approach to restoration, installation methodology, performance criteria, maintenance, monitoring, reporting, scheduling, and adaptive management strategies for off-site mitigation, including an agreement outlining long-term funding for management of the OMA after restoration is complete.

Required mitigation includes the following:

- Habitat restoration
- Oak tree restoration
- Sensitive and rare plant restoration
- Weed control
- Compensatory mitigation for impacts to federally listed species habitat
 - California red-legged frog (*Rana draytonii*)
 - El Segundo blue butterfly (ESBB; *Euphilotes battoides allyni*)

This plan identifies specific areas of the OMA that have been prioritized for restoration as mitigation for impacts resulting from the project. This plan explains how the restoration effort would be designed to avoid adverse impacts to existing biological resources currently present at the OMA, while replacing functions and values lost at the project site.

1.1 Project and Off-site Mitigation Area Location

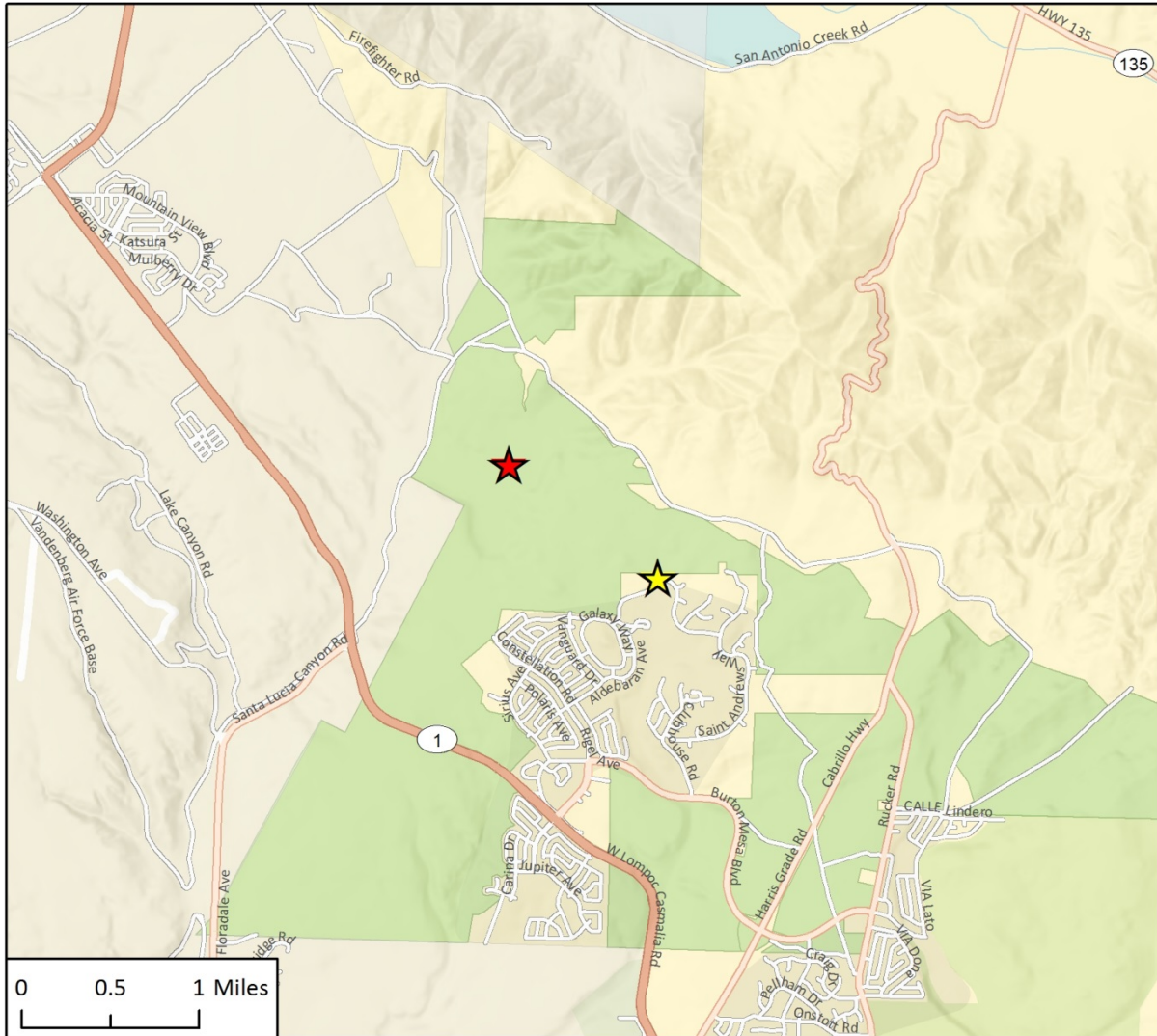
The project is generally located within an undeveloped area in the community of Vandenberg Village, Santa Barbara County, California (Figure 1). Specifically, the approximately 16.88-acre project site is adjacent to Oak Hill Drive between Stanford Circle and Doral Drive. The OMA is within and immediately adjacent to a fallow field on the BMER, approximately one mile west-northwest of the project site (Figure 1).

The OMA is a portion of Assessor's Parcel Number 097-350-021, occupying approximately 18.53 acres of the approximately 1,187-acre parcel owned by the State of California (i.e., SLC) and managed by CDFW. The approximate center of the OMA occurs at latitude 34°43'32.09"N and longitude 120°28'25.22"W (WGS-84 datum) and is depicted on the Lompoc, California United States Geological Survey (USGS) 7.5-minute topographic quadrangle. The OMA is in the middle section of the BMER, just east of Vandenberg Air Force Base. It is accessed from a private road behind a locked gate off Harris Grade approximately two miles east of the OMA, and access for any purpose other than recreational hiking uses of existing trails requires an agreement with CDFW and SLC. The general location is depicted on Figure 1 and in more detail on Figure 2.

1.2 Project Description

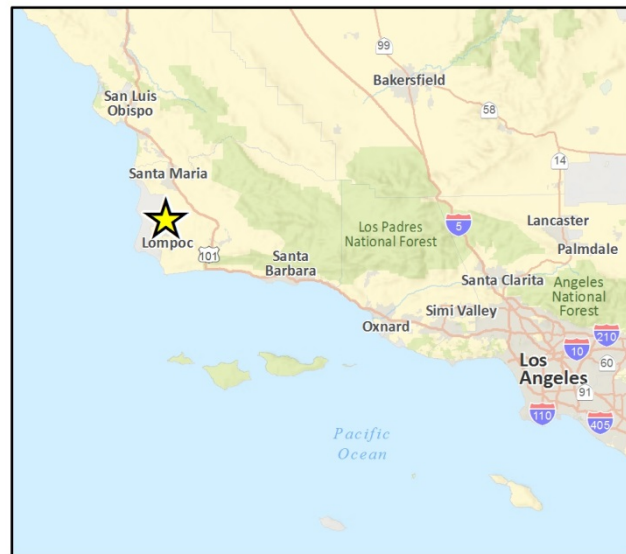
The proposed Oak Hills Estate project consists of a subdivision for 29 single-family housing units, with lot sizes ranging between 9,269 and 14,837 square feet in size. A two-way road loop,

Figure 1 Project Vicinity



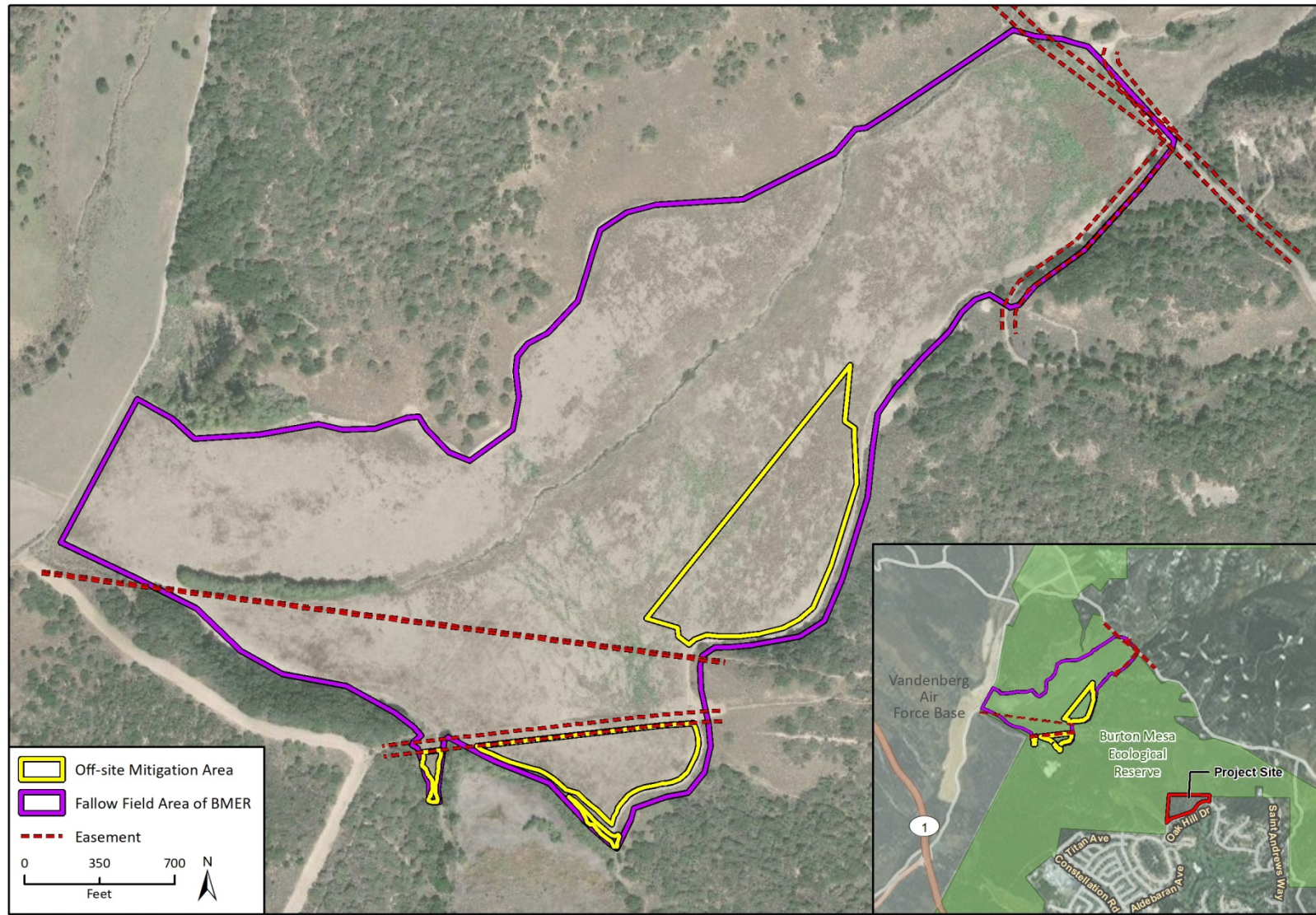
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- ★ Project Site
- ★ Offsite Mitigation Area



HRP Fig. 1 Project Vicinity

Figure 2 Project Vicinity

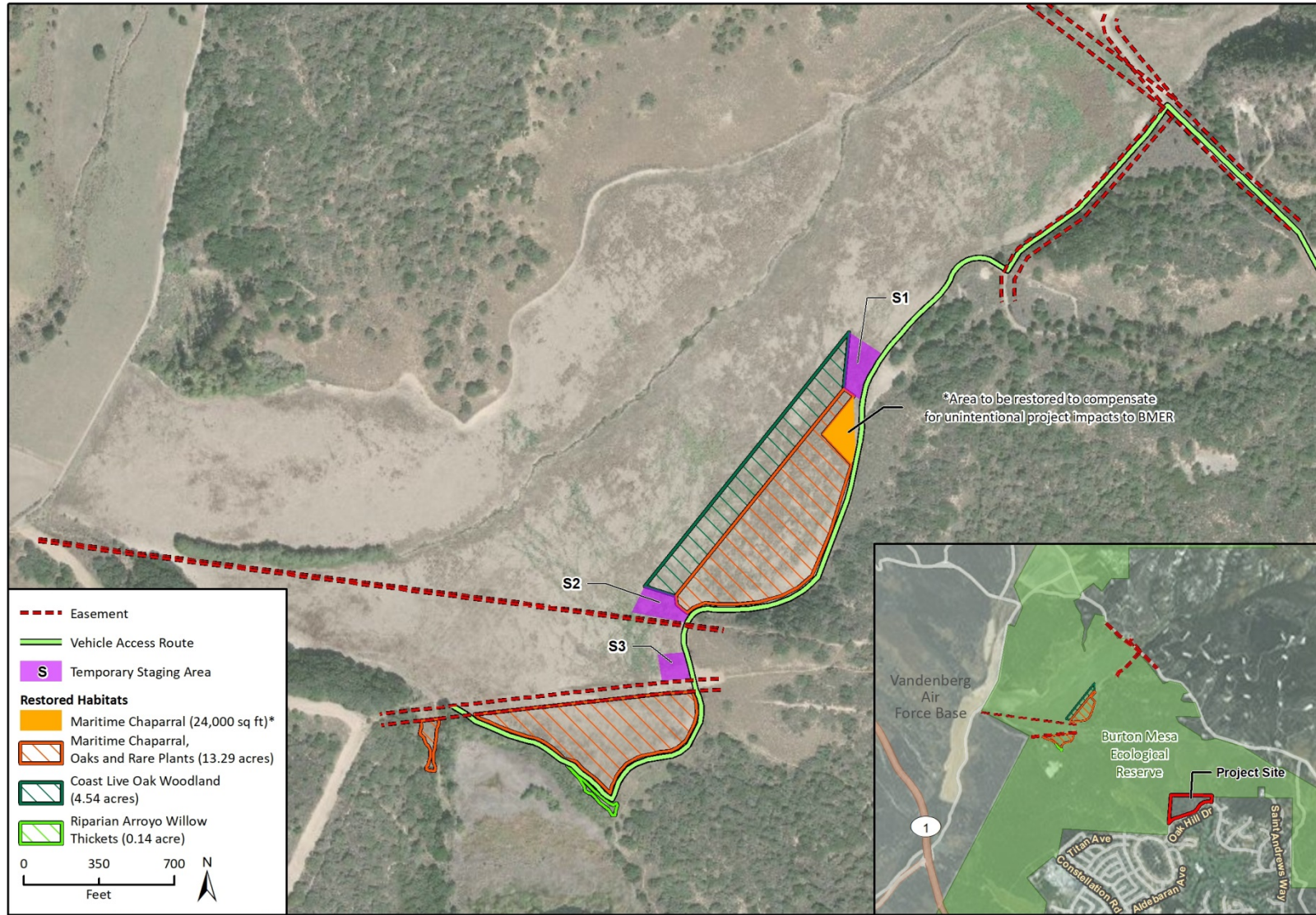


emergency access road, and a cul-de-sac would be constructed to provide access to lots. The project includes stormwater facilities, including basins. The project also includes a 0- to 30-foot fuel management zone from the building envelopes, where moderately intensive fuel management activities, such as selective pruning and thinning of dead vegetation will occur. These project components were used to determine the “Development Footprint” of the Oak Hills Estate project. An additional 30-100 foot fuel management zone would occur within the open space area of the project, where lower intensity fuel management would occur. In both fuel management zones, all management would be in accordance with *General Guidelines for Creating Defensible Space* (California Department of Forestry and Fire Protection, 2006). The proposed project would include an open space area within a 100-foot buffer inside the north and west edges of the property, as well as open space associated with a drainage setback near the center of the site. The open space area outside of the 30-100 foot fuel management zone is the area designated for on-site compensatory mitigation.

The project would impact maritime chaparral, federally listed species habitat, and rare plants, and will require both on and off-site mitigation for impacts to biological resources. Impacts to these resources that cannot be feasibly mitigated on-site will be mitigated at the 18.53-acre OMA, which is a fallow farm field recently retired from agricultural uses. The project would also impact coast live oak trees that will be mitigated through plantings on-site, at the OMA, and on Lot 54.

In addition to the compensatory mitigation required by the project’s COAs and HCP, the project must compensate for unintended impacts to a portion of the BMER that occurred immediately adjacent to the project site. CDFW and SLC have determined that in order to compensate for 6,000 square feet of unintended project impacts to maritime chaparral habitat just off the northern border of the project site, the project is required, as a condition of the lease agreement with SLC, to restore 24,000 square feet of additional maritime chaparral on the OMA (Figure 3).

Figure 3 Off-site Mitigation Area – Restoration Layout



Imagery provided by Microsoft Bing, Esri, and their licensors © 2019.

HRP Fig 3 Habitat Restoration Plan

2 Off-site Mitigation Context and Approach

The project has the potential to result in adverse effects to several biological resources including: sensitive habitats, oak trees, and special status species. A portion of the mitigation will occur within the open space area on the project site, and some off-site oak tree plantings at Lot 54. The remainder will be mitigated through restoration on the OMA as shown on Figure 2, which has been deemed feasible through evaluation of site conditions, observations of natural recruitment, and a review of similar projects undertaken in the Burton Mesa. This section explains in greater detail the area that would be enhanced to mitigate for the project-related impacts to sensitive habitats, coast live oak trees, and special status species, and outlines the mitigation recommendations that are associated with implementation of the project.

2.1 Land Use, Ownership, and Responsible Parties

The party responsible for implementation of the mitigation and monitoring components of the mitigation effort is Oak Hills Estate, LLC or their successor in interest (Responsible Party). The OMA is owned by the State of California (SLC), and is managed by CDFW. Restoration efforts on the site would be governed by an agreement with CDFW and SLC. Formal agreements with these agencies are currently being processed. Final designation of responsible parties should be confirmed with the County prior to initiation of restoration activities. Funding assurance for all long-term maintenance and monitoring activities (after OMA has met performance criteria as outline in Section 4.2 of this plan) on the OMA will be a part of the final agreement between Oak Hills Estate, CDFW, and SLC.

2.2 Summary of Mitigation Requirements

A detailed discussion of the resources present in the Oak Hills Estate project area and the regulatory framework for requiring mitigation is presented in the Biological Resources Assessment (BRA; Rincon 2017), HCP, and FEIR (County 2017). These documents determined the project would impact the following biological resources:

- Maritime chaparral
- Coast live oak trees with diameter at breast height (DBH) greater than or equal to 6 inches
- La Purisima manzanita (*Arctostaphylos purissima*, California Rare Plant Rank [CRPR] 1B.1)
- Mesa horkelia (*Horkelia cuneata* ssp. *puberula*, CRPR 1B.1)
- Sand mesa manzanita (*Arctostaphylos rudis*, CRPR 1B.2)
- Southern curly-leaved dune mint (*Monardella sinuata* ssp. *sinuata*, CRPR 1B.2)
- Lompoc ceanothus (*Ceanothus cuneatus* var. *fasciculatus*, CRPR 4.2)
- Paniculate tarplant (*Deinandra paniculata*, CRPR 4.2)
- Lompoc wallflower (*Erysimum capitatum* var. *lompocense*, CRPR 4.2)
- California spineflower (*Mucronea californica*, CRPR 4.2)
- Blochman's ragwort (*Senecio blochmaniae*, CRPR 4.2)

- An unnamed, artificial ephemeral drainage
- California red-legged frog (federal Threatened and state Species of Special Concern) upland dispersal habitat
- ESBB (federally Endangered) habitat

The FEIR for the project identified required mitigation for rare plant species, oak trees, and habitat types. The HCP specifics compensatory mitigation required for California red-legged frog and ESBB. Table 1 summarizes compensatory mitigation requirements for the project, and identifies the portion of each requirement that will be met on the project's on-site open space area versus in the OMA (and for oak trees Lot 54).

The CDFW identifies habitat types that it considers to be sensitive. One sensitive habitat type occurs within the project site: maritime chaparral. The FEIR determined that the project would permanently impact approximately 6.92 acres of maritime chaparral. See Table 1 for required mitigation ratio, and breakdown of where compensatory mitigation would take place. Additionally, a portion of the OMA will be used to compensate CDFW for the unintentional trespass onto the BMER, when approximately 6,000 square feet of maritime chaparral was impacted. CDFW is requiring compensation for this event to occur at the OMA rather than at the location of the trespass incident. See Table 2 for a summary.

Restoration of maritime chaparral would also incorporate habitat enhancement for ESBB, a federally listed endangered species, through incorporation of plantings of the host plant, coast buckwheat (*Eriogonum parvifolium*). See Table 1 for required mitigation ratio, and breakdown of where compensatory mitigation would take place.

Implementation of the project would require removal of approximately seventy-four (74) coast live oak trees with DBH of 6 inches or greater. Oak tree protection and preservation is established by the County. See Table 1 for required mitigation ratio, and breakdown of where compensatory mitigation would take place. Note that a portion of the oak tree plantings would occur on Lot 54, and will not be the responsibility of CDFW to maintain as part of the long term management of the OMA.

La Purisima manzanita, sand mesa manzanita, southern curly-leaved dune mint, and mesa horkelia are CRPR 1B special status plant species that would be impacted by implementation of the project. The remaining special status plant species found on the project site are CRPR 4 species. Since these species are neither formally state or federally listed Rare, Threatened, or Endangered, the County as the lead California Environmental Quality Act (CEQA) agency, rather than the regulatory agencies, is responsible for implementing appropriate mitigation measures so that less than significant levels of impacts are achieved for these CRPR 1B plant species through the CEQA process. CRPR 4 species have limited distribution globally but are fairly common within their range. Suitable mitigation for these CRPR 1B and 4 plant species was established in the FEIR. Vandenberg monkeyflower (*Diplacus vanderbergensis*), a species recently listed as federally endangered has some potential to occur at the project site, but was not detected during the botanical surveys of the project site. However, this species is known to be present in the vicinity of the OMA, and occupied habitat would be avoided during mitigation planting work.

Per COA 31, propagules shall be collected from special status plant populations on the project site or from other local populations. Sensitive habitat mitigation shall be initiated by initiating plant propagation and seed salvage before any project-related impacts to sensitive habitats occur, or as the various construction schedules and other seasonal requirements permit. Collection of propagules will follow the requirements set forth in COA 20c, which requires an herbarium

specimen be prepared to represent onsite conditions for each species from which seeds and propagules are collected. All specimens shall be created and submitted not later than one year following initiation of propagule collection.

Table 1 Summary of Project Mitigation Requirements and Compensatory Mitigation Provided

Species and Communities	Approximate Acreage/Individuals Impacted	Replacement Ratio ¹	Total Acreage/Individuals Required for Restoration	Acreage/Individuals to be planted within on-site open space area	Acreage/Individuals to be planted within OMA	Explanation
Purisima manzanita	19 plants	2:1	38 plants	-	38 plants	Area or individuals restored/created/enhanced: Impacted occupied area or individuals.
sand mesa manzanita	27 plants	2:1	54 plants	-	54 plants	
mesa horkelia	6.92 ac	2:1	13.84 ac	0.55 ac, density to be determined	13.29 ac, density to be determined ¹	Note: Additional plants beyond the minimum required will be planted as a contingency factor.
curly-leaved dune mint	50 plants	2:1	100 plants	-	100 plants	
Lompoc ceanothus	7 plants	1:1	7 plants	-	7 plants	
paniculate tarplant	0 plants	1:1	0 plants	-	0 plants	¹ Mesa horkelia mitigation will be co-terminus with the maritime chaparral mitigation; density and therefore number of plantings required will be determined based on density within project impact areas.
Lompoc wallflower	35 plants	1:1	35 plants	-	35 plants	
California spineflower	25 plants	1:1	25 plants	-	25 plants	
Blochman's ragwort	10 plants	1:1	10 plants	10 plants	-	
coast live oak trees	74 trees	10:1	740 trees	29 trees	661 trees	Replaced: removed; 50 trees to be planted at the off-site Lot 54 (not on the OMA or BMER). 40% (265) of the 661 plantings on the OMA shall be container stock
maritime chaparral	6.92 ac	2:1	13.84 ac	0.55 ac	13.29 ac	Area restored/created/enhanced: Impacted
California Red-legged frog habitat	14.23 ac	1:1	14.23 ac	2.65 ac	11.58 ac	All restored area will be considered upland dispersal habitat only
Coast Buckwheat (El Segundo blue butterfly habitat)	1.5 ac/60 plants	3:1	4.5 acres at 40 plants per acre	0.65 acres at 40 plants per acre	3.85 acres at 40 plants per acre	Restoration as per USFWS HCP. Note: Buckwheat mitigation will be co-terminus with the maritime chaparral mitigation.
	1.6 ac/76 plants	1:1	1.6 acres at 47 plants per acre	N/A	1.6 acres at 47 plants per acre	

Table 2 Summary of Project Mitigation Requirements for Unintentional Trespass on BMER and Compensatory Mitigation Provided

Community	Approximate Acreage Impacted	Replacement Ratio ¹	Total Acreage Required for Restoration	Acreage to be planted within OMA	Explanation
maritime chaparral	6,000 square feet (SF)	3:1	24,000 SF	24,000 SF	CDFW is requiring total to include both impacted acreage plus the replacement ratio acreage.

Control of invasive species within the OMA would indirectly benefit Vandenberg monkeyflower adjacent to the OMA. Mitigation would occur within the OMA (number individuals per Table 1).

The project would impact approximately 9.72 acres of upland dispersal habitat for California red-legged frog that would be converted to residential uses and associated roads, landscaping, and stormwater facilities (the development footprint). An additional 4.51 acres within the open space area requires management activities associated with fuel modification (the 30-100 foot fuel management zone). The USFWS considers habitat in both of these areas as impacted for this species, and requires 1:1 compensatory mitigation for impacts to 14.23 acres of California red-legged frog upland dispersal habitat. The open space area outside of the 30-100 foot fuel management zone (2.65 acres) will all qualify as suitable compensatory mitigation for the species. The additional 11.58 acres required will be met with the restoration areas of the OMA. Enhanced habitat quality in the OMA will improve cover and potential for movement of the California red-legged frog.

2.3 Mitigation-Site Selection

Off-site mitigation efforts would be conducted within a portion of the BMER (the OMA), and Lot 54 (oak trees only). Specifically, up to 18.53 acres of fallow farm field would be targeted for focused mitigation and restoration efforts, and would be sufficient, in combination with on-site and Lot 54 mitigation, to offset project-related impacts to maritime chaparral, special status plants species, coast live oak trees, and federally listed species habitat. The selected areas are locations where seedling germination and/or suitable soils have been noted. The OMA was configured to provide continuity with existing natural habitat areas, to expand the extent of natural vegetation and enhance wildlife corridors. Existing biological resources within and adjacent to the OMA would be retained and enhanced. The selected areas have very little native vegetation due to the past history of farming. Invasive species are a major concern in maritime chaparral, and the proposed restoration would include long-term management provisions that would be funded through an endowment.

2.4 Site Selection Rationale

The OMA was selected based on the soil type, topography, and environmental conditions which are characteristic of central maritime chaparral, coast live oak trees, and target special status mitigation species.

Preliminary sites were selected based on observation of natural recruitment of manzanitas (*Arctostaphylos* spp.) and coast live oak trees associated with maritime chaparral, proximity to

known ESBB observations in the last six years, and avoidance of an access route and utility lines. Portions of these preliminary sites included areas mapped as containing Marina sands, and other areas were directly observed to support young manzanitas and oaks. When possible, the mitigation area was configured to provide continuity with existing natural habitats, to expand the extent of natural vegetation, and to enhance wildlife corridors. The selected areas would help create a wider buffer from existing coast buckwheat plants along the field's margin.

The selected OMA is located in close proximity to the project area. The early seral stage of vegetation within the mitigation area suggests that restoration of maritime chaparral species would establish successfully and would promote more rapid transition to a natural vegetation community. Control of invasive species and restoration to encourage recovery of maritime chaparral is expected to enhance survival of listed and other special status species in the mitigation area and adjacent habitat, and result in benefits for wildlife habitat. For the purposes of this project, supplementing on-site mitigation with off-site mitigation would result in net benefits to habitat quality and connectivity on the BMER over the existing condition.

2.5 Site Protection Instrument and Financial Assurances

After the County's approval of the conceptual approach to off-site mitigation, this plan was developed that addresses the specifics of off-site mitigation, and the Responsible Party continues to coordinate closely with SLC, CDFW, and USFWS to finalize details of the long-term funding that will be required for the future long term management of the OMA (after OMA has met performance criteria as outline in Section 4.2 of this plan). The funding required to establish an endowment for long-term management of the OMA is being determined through a Property Analysis Record (PAR), the Center for Natural Lands Management's software package, an industry- standard for determining management funding needs for preserves. The PAR will be reviewed and approved by the SLC and CDFW prior to construction of the project.

The OMA would be protected with existing easements that have been established over the larger BMER.

3 Existing Baseline Conditions

The OMA was selected as the off-site restoration site due to its recent transition from an active farm field to a fallow field that will no longer be used for farming. The site was also identified independently by USFWS as a high priority for restoration. This section summarizes the existing conditions at the OMA, based on the desktop review and site visit. Discussions regarding the general environmental setting, vegetation communities present, plants and animals observed and documented in previous reports, potential special status species that may occur in the OMA, and other possible constraints regarding the biological resources on site are presented below.

3.1 Topography and Soils

The OMA is located in northern coastal Santa Barbara County in a gently sloped area of the Burton Mesa that slopes approximately west toward Vandenberg Air Force Base. Elevations range from approximately 425 feet above mean sea level in the southwest corner to 490 feet in the northeast corner. The site was previously farmed for several decades, but has recently become fallow.

The Natural Resources Conservation Service (NRCS) Web Soil Survey of Santa Barbara County, California, Northern Santa Barbara Area, delineates seven soil map units in the OMA and immediate vicinity: Elder sandy loam, 2 to 9 percent slopes, eroded; Elder sandy loam, 9 to 15 percent slopes, eroded; Elder loam, 2 to 9 percent slopes, MLRA 14; Elder shaly loam, 0 to 2 percent slopes, eroded; Marina sand, 9 to 30 percent slopes; Botella clay loam, 0 to 2 percent slopes, eroded; Botella clay loam, 2 to 9 percent slopes, MLRA 14; and Terrace escarpments, loamy (NRCS 2018). Site-specific soil observations are generally consistent with those mapped by the NRCS Web Soil Survey; however, some of the NRCS soil map boundaries differ from site conditions. Sandy areas were confirmed to be present in some areas.

3.2 Vegetation Communities

One land cover type, fallow farm field, is associated with the OMA. Adjacent to the OMA are several vegetation communities such as arroyo willow thickets, coast live oak woodland, coastal scrub, and maritime chaparral. Additionally, a perennial pond with emergent wetland vegetation and riparian arroyo willow thickets is present immediately south of the OMA. The fallow farm field habitat type is described in more detail below.

3.2.1 Fallow Farm Field

Agricultural operations have occurred for over a century in the vicinity of the project area, and the OMA is in a field that was managed for crop production. At the time of the site visit the field lay fallow, and had not been cultivated for at least the past two years. The field is now dominated by ruderal herbs such as mustards (*Brassica nigra*; *Hirschfeldia incana*), Russian thistle (*Salsola tragus*), thistles (*Carduus pycnocephalus*; *Cirsium vulgare*), horseweed (*Erigeron canadensis*), and annual grasses such as bromes (*Bromus diandrus*, *B. hordeaceus*, *B. madritensis* subsp. *rubens*). Vegetation in the northeastern portion was very dense, comprised primarily of waist to chest-high herbs and sub-shrubs spaced tightly together. Vegetative cover was considerably lower in the southwestern

portion with patches of bare soil between ruderal species. Some shrub cover was present, including coyote brush (*Baccharis pilularis*). This vegetation community is highly disturbed and is not consistent with any of the Manual of California Vegetation, Second Edition (MCV2) Alliances (Sawyer et al 2009). Further, early successional communities are not all described in the MCV2 classification system. However, young recruits of coast live oak trees, La Purisima manzanita, coyote brush, and annual native herbs are present, indicating the site is in the very early stages of reverting to a natural community.

3.3 Jurisdictional Waters

To the north of the OMA is an ephemeral drainage with a well-developed arroyo willow thicket. Immediately south of the OMA, a perennial pond, emergent wetland, and riparian arroyo willow thicket are present. Restoration efforts for chaparral, oak trees, and rare plants would avoid impacting the drainage to the north and wetland complex to the south. A small area of currently degraded habitat adjacent to the pond and wetland area will be restored to extend the riparian band and reduce cover of noxious weeds currently present there. Mitigation efforts could be implemented without impacting jurisdictional areas.

3.4 Protected Trees

Red and arroyo willows are present in the riparian band within the vicinity of the OMA. Seedling coast live oak trees are also present in low numbers within the vicinity of the OMA. Restoration areas have been sited to avoid impacts to riparian habitat, and to enhance natural recruitment of native seedlings. Impacts to native trees due to implementation of the proposed restoration and enhancement activities would be avoided, and proposed planting would enhance native coast live oak tree cover in the mitigation site.

4 Mitigation Work Plan

The proposed restoration would replace functions and values lost onsite in close proximity to the location of impact and would have additional benefits to wildlife through restoration of the fallow field to native vegetation. The final plan would require County, CDFW, SLC, and USFWS approval prior to implementation.

All activities herein shall be overseen by a qualified Restoration Specialist familiar with habitat restoration implementation, monitoring, and reporting. The Restoration Contractor refers to a qualified native landscape contractor with experience in habitat restoration, who is responsible for site preparation, installation, and maintenance of the OMA.

No heavy equipment is proposed for use in the restoration effort; standard landscaping equipment may be used, including hand-held tools. All activities would be subject to a Right of Entry agreement from CDFW.

4.1 Mitigation Implementation

The following sections detail the mitigation implementation methods, including the restoration approach, source of plant materials, seed storage, plant propagation, non-native plant removal, erosion control, plant installation methods, seed installation methods, and plant protection and fencing.

4.1.1 Restoration Approach

Implementation of the mitigation work plan will result in the creation of 18.53 acres of maritime chaparral, coast live oak woodland, coast buckwheat planted areas, and riparian arroyo willow thickets. The restored areas (Figure 3) will also provide habitat for several rare plant species, California red-legged frog upland habitat, and ESBB and as described further below.

Maritime Chaparral

Maritime chaparral would be created in areas currently vegetated with non-native annual grasses and ruderal species, and would leverage existing natural recruitment of seedlings as much as possible. Coast live oak tree trees would be included as part of the maritime chaparral since they are an integral component of the habitat. Sensitive plant species impacted by the project would also be included as part of the maritime chaparral. Buckwheat will be installed as container plants and/or seed and would be restricted to locations at least 20 feet from the access route to avoid creating access route/ESBB conflicts. Since maritime chaparral species tend to have slow growth and establishment rates, a high density of native grass species will be included in the mix to help establish ground cover quickly. This approach would utilize installation of container stock for the sensitive species and species that are better suited for container stock, seed for other maritime chaparral species, and acorns for coast live oaks. Installation methods are described in Section 4.1.2. Table 3 lists the plant palette for the maritime chaparral habitat type. With the exception of coast live oaks, rare species, and coast buckwheat, these species are general guidelines and are subject to change with availability.

Table 3 Maritime Chaparral Palette

Scientific Name	Common Name	Regulatory Status	Propagation Method
Trees			
<i>Quercus agrifolia</i>	Coast live oak		Acorns
Shrubs			
<i>Arctostaphylos purissima</i>	La Purisima manzanita	CRPR 1B.1	Container stock
<i>Arctostaphylos rudis</i>	sand mesa manzanita	CRPR 1B.2	Container stock
<i>Ceanothus cuneatus</i> var. <i>fasciculatus</i>	Lompoc ceanothus	CRPR 4.2	Container stock
<i>Cercocarpus betuloides</i> var. <i>betuloides</i>	Mountain mahogany		Container stock
<i>Ericameria ericoides</i>	Mock heather		Seed
<i>Eriogonum parvifolium</i>	Coast buckwheat		Container stock and/or seed
<i>Frangula californica</i>	California coffeeberry		Container stock
<i>Heteromeles arbutifolia</i>	toyon		Seed
<i>Rhamnus crocea</i>	Spiny redberry		Seed
<i>Salvia mellifera</i>	Black sage		Seed
<i>Sambucus nigra</i> subsp. <i>caerulea</i>	Blue elderberry		Seed
Groundcover			
<i>Bromus carinatus</i>	California brome		
<i>Deinandra paniculata</i>	paniculate tarplant	CRPR 4.2	Container stock
<i>Erysimum capitatum</i> var. <i>lompocense</i>	Lompoc wallflower	CRPR 4.2	Container stock
<i>Horkelia cuneata</i> var. <i>puberula</i>	mesa horkelia	CRPR 1B.1	Container stock
<i>Mimulus aurantiacus</i> (<i>lompocensis</i>) ¹	Lompoc sticky monkeyflower		Seed
<i>Monardella sinuata</i> ssp. <i>sinuata</i>	curly-leaved dune mint	CRPR 1B.2	Container stock
<i>Mucronea californica</i>	California spineflower	CRPR 4.2	Container stock
<i>Senecio blochmaniae</i>	Blochman's ragwort	CRPR 4.2	Container stock
<i>Stipa lepida</i>	Foothill needlegrass		Seed
<i>Stipa pulchra</i>	Purple needlegrass		Seed

¹ Variety *lompocensis* is not currently recognized in Jepson but stock would be from local plants with the variety *lompocensis* traits

Coast Live Oak Woodland

Coast live oak woodland would be created adjacent to maritime chaparral. Since coast live oaks have slow growth and establishment rates, a high density of native grass species will be included in the mix to help establish ground cover quickly. This approach would utilize installation of acorns and container stock for coast live oaks and seed for understory species. Installation methods are described in Section 4.1.2. Table 4 lists the plant palette for the maritime chaparral habitat type. With the exception of coast live oaks, these species are general guidelines and are subject to change with availability.

Table 4 Coast Live Oak Woodland Palette

Scientific Name	Common Name	Propagation Method

Scientific Name	Common Name	Propagation Method
<i>Quercus agrifolia</i>	coast live oak	Container stock and acorns
Shrubs		
<i>Cercocarpus betuloides</i> var. <i>betuloides</i>	mountain mahogany	Container stock
<i>Frangula californica</i>	California coffeeberry	Container stock
<i>Heteromeles arbutifolia</i>	toyon	Seed
<i>Phacelia ramosissima</i>	branching phacelia	Seed
<i>Rhamnus crocea</i>	spiny redberry	Seed
<i>Sambucus nigra</i> subsp. <i>caerulea</i>	blue elderberry	Seed
Groundcover		
<i>Artemisia douglasiana</i>	mugwort	Seed
<i>Bromus carinatus</i>	California brome	Seed
<i>Elymus condensatus</i>	giant wild rye	Seed
<i>Rosa californica</i>	California rose	Seed
<i>Salvia spathacea</i>	hummingbird sage	Seed
<i>Stipa lepida</i>	foothill needlegrass	Seed
<i>Stipa pulchra</i>	purple needlegrass	Seed
<i>Verbena lasiostachys</i>	verbena	Seed

Riparian Arroyo Willow Thickets

As noted above, immediately south of the OMA, a perennial pond, wetland, and riparian arroyo willow thicket is present. A small area of currently degraded habitat adjacent to the area will be restored with arroyo willow thicket species. This approach would utilize installation of cuttings for arroyo willows and select shrubs and seed for understory species. Installation methods are described in Section 4.1.2. Table 5 lists the plant palette for the riparian arroyo willow thicket habitat type. With the exception of arroyo willow and rare species, these species are general guidelines and are subject to change with availability.

Table 5 Riparian Arroyo Willow Thicket Palette

Scientific Name	Common Name	Propagation Method
Trees		
<i>Salix lasiolepis</i>	arroyo willow	Cuttings
Shrubs		
<i>Baccharis salicifolia</i>	mule fat	Cuttings, seed
<i>Euthamia occidentalis</i>	western goldenrod	Cuttings, seed
<i>Sambucus nigra</i> subsp. <i>caerulea</i>	blue elderberry	Cuttings, seed
Groundcover		
<i>Artemisia douglasiana</i>	mugwort	Seed
<i>Bromus carinatus</i>	California brome	Seed
<i>Clematis ligusticifolia</i>	creek clematis	Seed
<i>Distichlis spicata</i>	saltgrass	Seed
<i>Elymus triticoides</i>	alkali ryegrass	Seed

Scientific Name	Common Name	Propagation Method
<i>Hordeum brachyantherum</i>	California barley	Seed
<i>Juncus patens</i>	common California rush	Seed
<i>Rosa californica</i>	California rose	Seed

4.1.2 Installation Methods

To ensure no impacts are made to existing sensitive biological resources in the OMA, and to maximize the chance of mitigation success, the following implementation measures will be employed:

- Prior to implementation of the mitigation efforts, sensitive biological resources such as existing seedlings of rare plants, coast buckwheat plants, and oak trees would be flagged for avoidance.
- A qualified restoration ecologist would be present during installation to ensure that sensitive biological resources are avoided and plants are positioned in appropriate areas and configurations.
- Mitigation areas will be clearly demarcated.
- All planting and maintenance staff should be trained to recognize sensitive biological resources including all potential rare plants and coast buckwheat in the OMA and immediate surroundings. Staff should also be trained to recognize all target weed species.
- Any seed collected during the adult flight season for ESBB (June 1 – September 15) will only occur by a qualified biologist approved by the USFWS under the terms of the project Incidental Take Permit (ITP), or by someone that holds a current section 10(a)1(A) permit for ESBB.
- All activities would be subject to a Right of Entry agreement from CDFW.

As described in Section 4.1.1, several sources of plant stock will be used throughout the restoration treatments including installation of container stock, acorns, cuttings, and seeds; the installation techniques are dependent upon the species. The installation techniques for each restoration treatment is summarized in Table 6 and further described below.

Plant stock will be installed by the Restoration Contractor with oversight by the Restoration Specialist. Plant stock will be installed to coincide with the first major winter storm (approximately October to December), as feasible, when soil conditions are moist. Installation locations will be determined in the field by the Restoration Specialist and be flagged by species.

Plant Installation

Sensitive species and species that are better suited for container stock will be installed as container stock in the maritime chaparral restoration treatment area. Approximately 443 sensitive plants will be installed as displayed on Table 6. Plants will be installed at approximately 10-foot spacing, but final spacing will be determined upon each species preferred spacing, species and quantities available from the nursery, and the existing native species colonizing the site. Approximately 275

Table 6 Installation Techniques by Restoration Treatment

Restoration Treatment	Acreage	Plants		Acorns			Cuttings		Seeds	
		Approximate Spacing (ft)	Number of Individuals	Approximate Spacing (ft)	Number of Acorn Holes	Total Number of Acorns at 3 Acorns per Hole	Approximate Spacing (ft)	Number of Cuttings	Approximate Seeding Rate (pounds/ac)	Pounds of Seed
Maritime Chaparral	13.29	5-10	sensitive plants ¹ = 443	45	286	858	–	–	40	532
		28-30	coast buckwheat ¹ = 275							
Coast Live Oak Woodland ³	4.54	20	265	20	229	687	–	–	40	182
Riparian Arroyo Willow Woodland	0.14	–	–	–	–	–	10	61	20	3
Total	17.97	–	983	–	515	1,545	–	61	–	716

¹ The number of individual sensitive species installed as container plants will be distributed approximately as shown in Table 1; additional individuals beyond the minimum required will be installed. Mesa horkelia mitigation will be co-terminus with the maritime chaparral mitigation; final density and therefore number of plantings needed will be determined based on the density of the species within impact areas (Currently assumes 100 plants will be needed). The number of individuals and acreage of coast buckwheat installed as container plants will be distributed approximately as shown in Table 1.

² Additional acorns beyond the minimum required on the OMA (661) will be installed to account for mortality known to occur with this planting methodology.

³ Of the 661 replacement trees required on the OMA, 40% (265) shall be planted as container stock.

coast buckwheat plants will be installed as displayed on Table 6. Plants will be installed at approximately 30-foot spacing within 3.85 acres to achieve 40 plants per acre and at 28-foot spacing within 1.6 acres to achieve 47 plants per acre per Table 1. Installation of buckwheat would be restricted to locations at least 20 feet from the access route to avoid creating access route/ESBB conflicts. Plants will be installed as 1-gallon or D43 containers, or equivalent. Container plants will be installed before or after seeding efforts, depending on the restoration contractor's preference.

Care will be taken not to disturb the root ball, stems, or branches when installing container plants. Planting pits will be backfilled with native soil so as not to leave air spaces around the plant's soil and roots, so that the soil surface of the container plant is approximately ¼ to ½ inch above grade. After installation, wood mulch will be placed around each plant. Container plants will be irrigated immediately after installation to ensure retention.

Oak Tree Acorn and Container Installation

Coast live oaks will be installed as acorns in the maritime chaparral and both acorns and container plants in the coast live oak woodland restoration treatments. Approximately 515 acorn holes will be installed as displayed on Table 6. Within the maritime chaparral restoration treatment type, acorns will be installed at approximately 45-foot spacing as oaks are typically spaced farther apart in this habitat type. Within the coast live oak woodland restoration treatment type, acorns and container plantings will be installed at approximately 20-foot spacing as oaks are typically spaced closer together in this habitat type. Acorns will be installed in the maritime chaparral restoration treatment before or after seeding efforts and co-terminously with container stock installation. Acorns and container plantings will be installed in the coast live oak woodland restoration treatment before or after seeding efforts. Acorns would be planted in excess of the goal due to the known lower survival rate in the first year after installation.

Acorns will be installed at three per hole, for a total of 1,545 acorns. Each hole will be 1-inch deep. If feasible, acorns will be harvested from the field, floated to determine those that are not viable, and then installed immediately. If timing doesn't allow for this methodology, then acorns will be harvested from the field, floated to determine those that are not viable, then stored in a cool environment until they can be installed. Acorns will be irrigated immediately after installation to ensure retention.

For the oak tree container plantings, plants will be installed as 1-gallon containers or equivalent. Care will be taken not to disturb the root ball, stems, or branches when installing container plants. Planting pits will be backfilled with native soil so as not to leave air spaces around the plant's soil and roots, so that the soil surface of the container plant is approximately ¼ to ½ inch above grade. After installation, wood mulch will be placed around each plant. Container plants will be irrigated immediately after installation to ensure retention.

Cutting Installation

Arroyo willows and select shrubs will be installed as cuttings in the riparian arroyo willow thicket restoration treatment. Approximately 61 cuttings will be installed as displayed on Table 6. Cuttings will be installed at approximately 10-foot spacing. Cuttings will be installed before or after seeding efforts.

Cuttings will be approximately 2 feet long, and approximately 0.5 inch in diameter. Approximately 50 percent (1 foot) of the cutting must be buried. Cuttings will be irrigated immediately after installation to ensure retention.

Seed Installation

Understory shrub and groundcover species will be installed as seed in the maritime chaparral, coast live oak woodland, and riparian arroyo willow thicket restoration treatments. Approximately 716 pounds of seed will be installed as displayed on Table 6. Within the maritime chaparral and coast live oak woodland restoration treatment type, seeds will be applied at an approximate 40 pounds per acre rate. Since maritime chaparral and coast live oak woodland species tend to have slow growth and establishment rates, a high seeding rate and high density of native grass species will be included in the mix to help establish ground cover quickly. Within the riparian arroyo willow thicket restoration treatment type, seeds will be applied at an approximate 20 pounds per acre rate.

Seeds will be installed using a range drill seeder pulled by an all-terrain vehicle (ATV). The range drill seeder will be clean and free of seeds to help prevent introduction of unwanted plant species. To minimize fugitive dust and prevent loss of seed material, seeding will only occur during low wind conditions. Seeded areas will be irrigated immediately after installation to ensure seed retain proper contact with the ground.

4.1.3 Source of Plant Materials

To preserve the integrity of local gene pools, facilitate adaptation to site-specific conditions, and avoid inadvertent introduction of inappropriate species or pathogens, plant material used for restoration effort will be collected from the project site to the extent feasible. If sufficient plant material cannot be obtained, seed will be collected from the Vandenberg area, preferably from the area surrounding the OMA.

Seed and Plant Cutting Collection Guidelines

In order to prevent over-harvesting of the local seed supply at BMER the following guidelines will be adopted for seed and cutting collection. These guidelines were adapted from California Native Plant Society, San Luis Obispo Chapter guidelines on seed collection (CNPS 2016).

- No more than approximately 10% of the seeds and/or cuttings, will be collected per plant population.
- For each target local population, seed and cutting collection will not occur in more than 10% of the collection years.

4.1.4 Seed Storage and Plant Propagation

Plant stock will be stored and propagated by a qualified native nursery contractor with oversight by the Restoration Specialist and approved by CDFW. Seeds will be stored in a proper container in a cool, dry place. If necessary to eradicate insects, seeds will be treated with freezing temperatures by putting seeds in the freezer for 2 or 3 days; this technique will only be conducted for those species that would not be negatively affected by freezing. If excess moisture is present, seeds will be treated with low heat or a de-humidifier. All seed containers will be labeled with the scientific name, date, and location of collection. Any seed collected during the adult flight season for ESBB (June 1 – September 15) will only occur by a qualified biologist approved by the USFWS under the terms of the ITP, or by someone that holds a current section 10(a)1(A) permit for ESBB.

Seeds will be sown or cuttings will be used to establish container plants. In turn, these container plants can either be planted in the field or used to create additional seeds or cuttings in the nursery.

The qualified Restoration Contractor will either directly transplant salvaged plants or take them to the nursery and maintain them for later transplanting. Nursery plants must be maintained in a healthy condition until delivery.

4.1.5 Non-native Plant Removal

Prior to plant and seed installation, non-native plants will be removed throughout the entirety of the mitigation site by the Restoration Contractor with oversight by the Restoration Specialist. Perennial and problematic non-natives will be targeted as a priority. Non-native plants will be removed primarily using hand removal methods, e.g., hand-held weed whips, loppers, and hoes.

If hand removal is not feasible due to the characteristics of the species, such as resistance to hand removal methods, the size of the plants, or the number of plants, perennial invasive non-native species may be treated with herbicides. Herbicide application will be limited to the smallest extent possible while maintaining effectiveness. Only individual plants will be treated; no blanket spraying efforts will be allowed. If herbicide is applied, it will be applied during dry and low wind conditions in order to prevent conveyance of herbicide into drainages or other non-targeted areas. Herbicide application must be performed by a licensed applicator that can identify the species to be treated and is experienced in the handling and application of herbicides. Herbicides must be approved for use by the County and allowed under permit and property conditions.

Non-native plant removal will be conducted during the 5-year maintenance and monitoring period as described in Section 4.1.5.

4.1.6 Erosion Control

Since the restoration site is relatively flat, erosional issues are not anticipated. However, if erosional issues are observed, the Restoration Contractor shall repair minor erosional issues with hand tools, as needed and specified by the Restoration Specialist, in order to adequately maintain the restoration area. Any BMPs installed in the restoration area shall be inspected and maintained by the Restoration Contractor to ensure that BMPs are being implemented correctly.

4.1.7 Plant Protection and Fencing

The restoration area will be delineated through fencing and signage to inform people to stay out of the restoration area to minimize trampling of native plants. Signs will clearly identify ownership, allowed uses, and prohibited uses for that particular area. Signage will be installed (at minimum) at all main entry points. Fencing will allow movement of wildlife, including large predators. If fencing is to remain for an extended period of time, periodic monitoring and maintenance of the signs and fencing will be required.

Individual container plantings will not have any specific protection. If herbivory becomes substantially problematic, wire cages would be placed around container plants where feasible as described in Section 4.1.8.

4.1.8 Pest Control

All container plants obtained from the native plant nursery will be free of Argentine ants (*Linepithema humile*).

Various methodologies can be implemented in order to prevent sudden oak death (SOD) caused by *Phytophthora ramorum* from entering the site. Exclusion of infested plant material such as nursery

stock, leaves, plant debris, and firewood can help prevent SOD. Fresh cut firewood with bark still attached is a particularly high risk for SOD. Exclusion and/or sanitation can also be a useful preventative measure for SOD. Monitoring track out of soil on tires, shoes, and equipment (especially in wet conditions) can help prevent the spreading of SOD. It is recommended that all visible organic residue, plant tissue, or soil be removed with a plastic or wire brush to remove 99% of spores. Cleaning agents such as 70% ethanol, diluted bleach, and Lysol, are all effective at removing infectious propagules as well. Streams within site boundaries that drain infested areas can also be tracked and monitored for infestation. Non-infected oaks near drainages with potential for SOD should be more heavily monitored. Localized or area-wide removal of California Bay Laurel is another helpful way to prevent the SOD from entering the site because SOD-susceptible oaks are commonly infected by spores produced on California Bay leaves.

Individual container plantings will not have any specific protection. If herbivory becomes substantially problematic, wire cages would be placed around container plants where feasible to limit browsing from mammals such as California ground squirrel (*Otospermophilus beecheyi*), cottontail rabbits (*Sylvilagus* spp.), and mule deer (*Odocoileus hemionus*). Underground cages for pocket gopher (*Thomomys* sp.) may also need to be employed. See *Regenerating Rangeland Oaks in California* (McCreary 2009) for a discussion of different techniques for oak caging. The caging technique should be targeted to the specific pest that is problematic at that specific location, as certain techniques, such as below ground caging, may impede some plant root growth (McCreary 2009). Any caging that is installed will be carefully inspected and monitored during each monitoring visit to ensure they are not restricting plant growth. All caging shall be removed at the point where tree or plant growth exceeds the capacity of the cage, or is restricting growth or abrading plants. Care should be taken on the removal of all cages to not damage plants on removal.

4.1.9 Access Routes and Staging Areas

Access and staging for vehicles and equipment, such as light and heavy duty pickup trucks, water trucks, and a range drill seeder and ATV, is anticipated during restoration implementation and maintenance. Additionally, limited vehicle access will be required during the restoration monitoring period. Use of heavy equipment will not be required as part of the restoration implementation or maintenance.

Vehicle access routes were selected to minimize impacts to any adjacent native vegetation during restoration implementation, maintenance, and monitoring (see Figure 3). Existing unpaved roads within the parcel will be utilized as practical for vehicle access during mobilization and demobilization associated with all habitat restoration activities.

Workers will access the restoration area on foot from the terminus of the vehicle access routes. Foot access routes will be approximately 2 feet wide.

Temporary staging areas will be used for staging vehicles and tools as needed, as well as a temporary above-ground water tank (see Figure 3). No materials will be stored overnight. Any fueling of hand tools, maintenance, or temporary storage of equipment will occur within the designated staging areas.

4.1.10 Establishment of Reference Sites

Ecologically intact reference sites for each habitat being restored will be established within publicly accessible areas in the Project vicinity by the Restoration Specialist to be used as a guide for measuring restoration success as described in Section 4.2. Reference sites will be established to help

guide revegetation/enhancement and will aid in measuring success; however, it is not expected that the Project site will achieve the same level of ecological quality as the reference sites. Each reference site will be a minimum of 400 square meters, per the plot size recommended in the CDFW-CNPS Protocol for the Combined Vegetation Rapid Assessment and Relevé Field Form (CDFW-CNPS 2018). Reference sites will be qualitatively assessed to ascertain percent cover for native and non-native plants. Soil analysis, such as composition and nutrient levels, may also be conducted to determine if on-site soils are similar to those observed within the reference site.

4.2 Performance Criteria

The performance criteria for the mitigation efforts associated with the project are the measurable objectives or performance standards that the mitigation program must meet in order to be considered effective. The performance criteria are typically comprised of several defined variables that can be quantified or otherwise measured that must achieve a certain established metric or critical threshold. In addition, performance criteria usually have a designated timeframe within which the objectives must be met. All restoration planting areas are subject to specific success criteria and conditions, evaluated through regular monitoring, as outlined in the draft HCP and COA 31 (Appendix A), and are summarized herein.

- At the end of a 5-year maintenance and monitoring period, 80% of all shrubs and trees from containers must survive, after at least two years during which supplemental irrigation is not provided.
- Planted trees shall be without any signs of health decline which cannot be remedied by arboriculture intervention, such as an insect or fungal infestation.
- At the end of a 5-year maintenance and monitoring period, the special status plant mitigation shall have 80 percent survivorship of all planted materials (perennials), after at least two years during which supplemental irrigation is not provided, or 60% relative cover of all seeded areas (annuals), or the number required to exceed mitigation replacement ratios, after at least two years during which supplemental irrigation is not provided.
- At the end of a 5-year maintenance and monitoring period, the maritime chaparral habitat mitigation shall have 80 percent survivorship of all planted shrub and tree material, after at least two years during which supplemental irrigation is not provided,.
- At the end of a 5-year maintenance and monitoring period, the coast buckwheat/ESBB blue butterfly mitigation shall have 60% relative cover of all seeded areas, where the total density of surviving plants would meet the minimum as shown in Table 1, after at least two years during which supplemental irrigation is not provided. Other stipulations regarding the El Segundo blue butterfly habitat mitigation component of this OSMP include:
 - Coast buckwheat restoration areas must be maintained in perpetuity.
 - Seeds shall be collected from locally sourced populations.
- All non-native invasive weed species listed in Table 8 of the OSMP and targeted for eradication will be no more than approximately 10 percent relative cover within restored areas.

The Restoration Specialist will monitor to determine if performance criteria are being achieved as described in Section 4.4.1 . If the survival, cover and other requirements have not been met, the Responsible Party is responsible for replacement planting/seeding to achieve these requirements. Monitoring period will be extended past the required 5 years and replacement plants/seeds shall be monitored with the same survival and growth requirements as above. Monitoring and maintenance

by the Responsible party shall not terminate until all performance criteria has been met or exceeded, as determined by the Restoration Specialist and approved by CDFW, the County, and SLC.

4.3 Maintenance

The following section details the maintenance program for the 5-year maintenance period, which is defined as the five years after installation is complete. During this time the Responsible Party will maintain the OMA. After the 5-year maintenance and monitoring period is complete, CDFW will take over the management and maintenance of the OMA as further described in Section 5.

4.3.1 Non-native Plant Removal

During the 5-year maintenance period, the Restoration Contractor will conduct routine activities to maintain the plantings in a healthy condition, control erosion of the site, and ensure performance criteria are being achieved throughout the entirety of the mitigation sites. Non-native plant removal will be performed throughout the entirety of the mitigation sites to comply with the performance criteria as described in Section 4.2. Herbicides may be used as described in Section 4.1.5. The majority of invasive non-native plant removal efforts will be conducted during the peak growing seasons (winter and spring), when non-native plant species are most prevalent. A regular but lower level of effort during the rest of the year is recommended to minimize the spread of non-native plant seeds. The maintenance schedule and crew size will be adjusted based on the abundance of non-native plants on-site and the effort it takes to remove them before going to seed.

The Restoration Specialist will monitor to determine if performance criteria are being achieved as described in Section 4.4. If performance criteria are not being achieved, the Responsible Party may be required to replant, as necessary, to ensure performance criteria are met.

4.3.2 Irrigation

Where feasible, a temporary irrigation system will be installed. The irrigation system would be set up as a temporary aboveground overhead system, but may also include the capability to target individual plants. Irrigation options for targeting individual plants may include: 1) installing a drip emitter system, 2) watering by hand via hose in conjunction with deep pipe irrigation tubes installed next to each plant, and/or 3) watering by hand via hose. The irrigation system will be designed so that each restoration treatment type can receive a specialized irrigation schedule if needed. The source of the water will be a temporary water source such as a holding tank or water truck.

The Restoration Specialist will establish an irrigation schedule in conjunction with the Restoration Contractor. Irrigation will be scheduled to maximize growth of native species and will account for natural rainfall, while minimizing growth of invasive non-native plants. Generally, if irrigation is needed, more irrigation will be provided during the growing season (winter and spring) to mimic seasonal weather patterns, and minimal irrigation will be provided during the summer and fall as needed to keep plants alive.

Towards the end of spring of the third year, the irrigation schedule will be gradually reduced over several weeks to wean the plants to adapt to a reduced watering schedule over the summer and fall. The irrigation system will be used for up to 3 years and plants will be completely weaned from the irrigation prior to the end of the third year. If irrigation materials are installed, they will be removed once the plants are weaned.

4.4 Monitoring

The following section details the monitoring program for the 5-year monitoring period, which is defined as the five years after installation is complete. During this time the Responsible Party will monitor the OMA. The Restoration Specialist shall assess site conditions relative to the required success criteria outlined in Section 4.2 using qualitative and quantitative assessments as described below. After the 5-year maintenance and monitoring period is complete, CDFW will take over the management and monitoring of the OMA as further described in Section 5.

4.4.1 Qualitative Assessments

A minimum of four (4) quarterly qualitative assessments will be conducted by the Restoration Specialist each year for the first three years, followed by yearly qualitative assessments thereafter. For the first three years, qualitative assessments will be conducted at a minimum once in fall, winter, and summer, and spring. For the following two years, qualitative assessments will be conducted in spring. The restoration Specialist is likely to determine that more visits may be necessary, particularly during the growing season. During the four (4) qualitative monitoring visits, the Restoration Specialist shall perform a qualitative assessment of the mitigation project consisting of an evaluation of the following:

- General ecological conditions
- Site photographs will be collected from established photo points to document site conditions and assist in tracking the success of the mitigation program
- Establishment and health of native plants, to be determined by walking the site and observing the status.
- Naturally recruiting native plant species
- The presence of non-native weeds and the effectiveness of weed control efforts
- The status and effectiveness of any erosion control BMPs
- The presence of any pest infestations, including rodents and insects
- General site conditions including the presence of trash, unnatural debris, unauthorized access, vandalism, theft, etc.

In addition to collecting information for inclusion in annual reports, monitoring visits will enable the identification of any potential problems or negative trends at the site. The Restoration Specialist shall promptly communicate the need for any remedial actions (replacement seeding and/or additional required maintenance activities) to the Restoration Contractor via email and/or verbally. The County, CDFW, and SLC will also be copied on all these communications. The Restoration Contractor will perform required maintenance activities and/or take other remedial actions within two (2) weeks upon notification of any action items.

Results of the qualitative monitoring will be presented in qualitative monitoring memos and submitted to the Responsible Party, Restoration Contractor, County, CDFW, and SLC as described in Section 4.5.

4.4.2 Annual Quantitative Assessments

One (1) annual quantitative assessment will be conducted by the Restoration Specialist each year in spring. Since the mitigation area can easily be accessed on foot, data collection will utilize transects

to collect percent cover of native plants and weeds across the site. Site conditions will be assessed in relation to the established success criteria outlined in Section 4.2. Data to be collected during annual monitoring inspections will be used to document the status of the mitigation site in annual reports. Data collected during annual inspections will include:

- General ecological conditions
- Site photographs from the established photo points to document site conditions and assist in tracking the success of the mitigation program
- Established/fixed transects to be conducted to determine native and non-native plant cover by species within each restoration treatment
- Establishment and health of native plants, to be documented by walking the site and observing the status. Specifically, the number of successfully established mitigation species as outlined in Table 1 will be determined on an annual basis to ensure sufficient numbers are established, and will require replacement plantings and follow-up monitoring if targets are not met.
- Naturally recruiting native plant species
- The presence of non-native weeds and the effectiveness of weed control efforts
- List of native and non-native plant species observed onsite, and general description of overall species composition
- The status and effectiveness of any erosion control BMPs
- The presence of any pest infestations, including rodents and insects
- General site conditions including the presence of trash, unnatural debris, unauthorized access, vandalism, theft, etc.

Results of the annual quantitative monitoring will be presented in annual reports and submitted to the County, CDFW, SLC, and USFWS on behalf of the Responsible party, as described in Section 4.5.

4.5 Reporting

The Restoration Specialist shall document conditions in the mitigation area with several reports. To satisfy County reporting requirements, the following reporting program has been developed. After the 5-year maintenance and monitoring period is complete, CDFW will take over the management and reporting (as necessary) of the OMA as further described in Section 5.

4.5.1 As Built Report

Upon completion of restoration installation, a brief As Built Report shall be prepared by the Restoration Specialist documenting the quantities of container plants and seeds installed by species, and the general locations. This will allow for long term tracking of success. This As Built Report shall be provided to the County, CDFW, and SLC.

4.5.2 Qualitative Monitoring Memos

After each qualitative monitoring visit, the Restoration Specialist shall prepare and provide a brief memorandum (memo) to the Responsible Party and Restoration Contractor within two (2) weeks following each qualitative monitoring visit (3 per year). The memo shall include date, time, and weather conditions; a discussion of general site conditions; and recommendations for remedial actions as needed to facilitate progress toward mitigation success. Selected photos taken during

qualitative monitoring visits shall be included with each memo, but only as necessary to assist in the recognition of maintenance issues that require attention. All qualitative monitoring reports shall be submitted in digital format, and the County, CDFW, and SLC will be copied on all submissions.

4.5.3 Annual Monitoring Reports

The Restoration Specialist shall prepare an annual monitoring report on behalf of the Responsible Party to submit to the County one (1) year from completion of the project each year for five (5) years or until the mitigation has been deemed successful and approved by the County, CDFW, and SLC. The annual report shall include, at a minimum, documentation of the following:

- Location and extent of mitigation area, including a GIS-based map of the mitigation area
- Seeding installation techniques employed (Year 1 only)
- Re-seeding installation techniques employed, if applicable
- An overview of the maintenance activities performed during the year, including seeding, weed control, and any erosion control/stabilization efforts
- A summary of any significant issues that may affect the ultimate success of the mitigation project and how those issues are being addressed
- A summary of remedial actions taken during the year (if any) and a discussion of any adaptive management strategies that have been implemented
- Monitoring methodology
- Percentage cover of native and non-native species by restoration treatment
- Photographs from established photo stations
- Summary of success criteria
- A discussion of the monitoring results in relation to success criteria
- Summary of significant issues that may affect mitigation success, and pertinent recommendations/remedial actions required to meet success criteria

Additional information and data collected during qualitative monitoring visits, as outlined in Section 4.4.1, may be included to provide greater detail.

All annual monitoring reports shall be submitted to the County in digital format, with the CDFW and SLC copied on all report submissions.

4.6 Restoration Schedule

A proposed schedule for restoration preparation, implementation, maintenance, and monitoring is presented in Table 7. The schedule is subject to change dependent upon receiving appropriate Project approvals and plant availability.

Table 7 Restoration Schedule

Timing	Task
Preparation	
Through fall 2019	Collect native seeds and propagate plants for initial and replacement planting
Through fall 2019	Initial non-native plant removal

Timing	Task
Prior to fall 2019	Set up photo points for baseline photo monitoring
Installation	
Fall/winter 2019	Install container plants and seeds Install irrigation system
Fall/winter 2020	Replacement planting as necessary
Maintenance (Year 1 through Year 5)	
2020 to 2024	Conduct site maintenance, install any caging around plants as necessary
Monitoring and Reporting (Year 1 through Year 5)	
2020 to 2024	Quarterly qualitative monitoring
Each spring and winter; 2020 to 2024	Photograph monitoring
Each spring and winter; 2020 to 2024	Annual quantitative monitoring
Each January; 2020 to 2024	Prepare annual monitoring reports

4.7 Adaptive Management and Contingency Measures

Adaptive management and contingency measures will be employed to respond to unseen circumstances and make adjustments to mitigation strategies as needed, should the success criteria not be met. Specific time-sensitive maintenance and project management activities may be identified based on the results of each monitoring visit. As part of each annual monitoring report, maintenance and management activities implemented during the previous year will be described and the results will be evaluated under the framework of adaptive management. If management and maintenance methods are not successful in addressing negative environmental stressors identified in monitoring memos and/or annual monitoring reports, the methods will be examined and altered to increase the potential for success based on the Restoration Specialist's best professional judgment and management methods that are shown to be successful based on scientific research. In some cases, the effectiveness of management and maintenance activities may not be evident over the course of only one year. This will be accounted for in annual monitoring reports through evaluation of whether or not management actions are contributing to progress towards the success criteria. In some cases, it may be necessary to wait for two years or more before altering methods as part of an adaptive management strategy.

There may be unforeseen effects to restoration efforts in the event that a fire, flood, or other natural disaster should have a significantly negative impact on the OMA during the maintenance period. The Responsible Party and Restoration Specialist will coordinate with the County, CDFW, and SLC in the event of any such unforeseen event, and contingency measures will be developed in coordination with the County, CDFW, and SLC. Modifications to this plan may be required and additional remedial actions may need to be implemented.

4.8 Notification of Mitigation Completion

This initial restoration effort of this plan (section 4) shall be considered complete when the success criteria in Section 4.2 are achieved, as determined by the Restoration Specialist and confirmed by the County, CDFW, and SLC. The final monitoring report shall document an evaluation of the mitigation effort in achieving the final success criteria. Following receipt of the final report, the

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County shall be encouraged to conduct a site visit to confirm the completion of the mitigation effort. The mitigation shall only be considered complete when the County, with concurrence from both CDFW and SLC, provides written verification of mitigation success, and thereby release the Responsible Party from further maintenance, monitoring, and reporting obligations.

5 Long-term Management

After the final monitoring report has been completed and the County has provided written verification of mitigation success (with CDFW concurrence), CDFW will take over the management of the OMA as described below. The long term management activities are focused on qualitative assessments of general habitat quality and maintenance of these habitat areas. There are no quantitative assessments required.

5.1 Inspections and Maintenance

CDFW will conduct the following inspection and maintenance activities. The restoration area will be delineated through fencing and signage to inform people to stay out of the restoration area to minimize trampling of native plants; CDFW will maintain and replace the fencing and signage as needed.

Inspection and maintenance activities on the OMA:

- Twice annually during the peak growing season, inspect and treat or pull invasive species, emphasizing high-priority perennial weeds (e.g. iceplant, veldt grass) rather than non-native annuals.
- Inspect for trespass/encroachment twice annually, conducted concurrently with inspection for trash and cleanup.
- Maintain signs at boundary of OMA, install symbolic fencing (as needed) to block any trail starts.

5.2 Monitoring

CDFW will inspect the OMA up to three times per year for non-native plant growth, with two of the inspections to precede non-native plant removal events that will be conducted in the peak growing season as described in Section 5.1. The following biological surveys will be conducted:

- An annual general qualitative survey to assess the condition of the OMA.
- Every 5 years, a qualitative survey and photo-documentation (at permanent photo points previously established during initial restoration efforts).

5.3 Reporting

CDFW may prepare an annual report documenting management, maintenance, and monitoring activities as necessary for internal documentation of efforts. Annual reports can be for internal use or can be sent to the County, National Fish and Wildlife Foundation (NFWF), or other entities as deemed necessary by CDFW.

5.4 Adaptive Management

Adaptive management and contingency measures will be employed to respond to unseen circumstances and make adjustments to mitigation strategies as needed, should the success criteria not be met. Specific time-sensitive maintenance and project management activities may be identified based on the results of each monitoring visit. If management and maintenance methods are not successful in addressing negative environmental stressors, the methods will be examined and altered to increase the potential for success based on CDFW's best professional judgment and management methods that are shown to be successful based on scientific research. In some cases, the effectiveness of management and maintenance activities may not be evident over the course of only one year. In some cases, it may be necessary to wait for two years or more before altering methods as part of an adaptive management strategy.

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Appendix A

FEIR Attachment 8.1 Conditions of Approval (Partial)

ATTACHMENT 8.1 Conditions of Approval

Oak Hills Estate Vesting Tentative Tract Map Case No. 15TRM-00000-00001 / TM 14,180

July 17, 2018

I. PROJECT DESCRIPTION

- 1. Proj Des-01 Project Description.** This Tract Map is based upon and limited to compliance with the project description, the hearing exhibits marked Attachments 1.0 through 11.0 dated July 17, 2018, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The project description is as follows:

A Vesting Tentative Tract Map (TM 14,180) to subdivide the 16.88-acre project site into 29 single-family lots ranging in size from approximately 9,269 square feet to 14,837 square feet; and one 9.45-acre open space lot for common open space, drainage features, private roads, and existing easements. Access to the proposed lots from Oak Hill Drive would be provided by two private roads that would be up to 24 feet wide with variable right-of-way widths to accommodate sidewalks and parking. Proposed Lots 27–29 would be accessed directly from Oak Hill Drive. Water and sewer service would be provided by the Vandenberg Village Community Services District. Pacific Gas and Electric would provide electric service, and Southern California Gas would provide gas service to the project site. Verizon would provide phone and internet service, and Comcast would provide cable TV and internet service to the project site.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

- 2. Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. MITIGATION MEASURES FROM 17EIR-00001

Aesthetics/Visual Resources

3. **AES-1: Design Guidelines and Open Space Management Plan Revisions.** The proposed Oak Hills Estate Design Guidelines and Open Space Management Plan shall be revised to address the review comments provided in the Oak Hills Estate Project – Peer Review of Open Space Management Plan (FEIR Appendix D-2) and Oak Hills Estate Project – Peer Review of Design Guidelines (FEIR Appendix C-2). These revisions address tree protection during grading; the preparation of separate on-site and off-site restoration and management plans for habitat restoration; landscape design; a native habitat planting list; invasive species control; the location and design of proposed fuel management zones; homeowner education; and overall site design. The purpose of the required revisions is to ensure that the design, scale, character, heights, colors, and materials used in residential lots and drainage swales, trails, project entries, and landscaping of common open space areas are compatible with existing surrounding development.

Plan Requirements and Timing: The amended Oak Hills Estate Design Guidelines shall be reviewed and approved by NBAR and P&D prior to final map recordation. The Open Space Management Plan shall be reviewed and approved by P&D prior to final map recordation. The amended and approved Oak Hills Estates Design Guidelines shall be recorded with the project’s Covenants, Conditions, and Restrictions.

Monitoring: P&D permit compliance staff shall check to ensure that the project has been built consistent with the County-approved amended Oak Hills Estate Design Guidelines and Open Space Management Plan.

Transportation and Circulation

4. **TRAF-1: Sight Distance Study.** Sight distance requirements at the center project driveway connection to Oak Hill Drive shall be reevaluated in a line-of-sight study prepared by a County-approved consultant or engineer once a more detailed site plan is developed to ensure traffic safety.

Plan Requirements and Timing: The line-of-sight analysis shall be conducted when detailed site plans are available and shall demonstrate that the driveway connections to Oak Hill Drive are designed pursuant to County roadway standards. The driveway design shall be approved by P&D and the Public Works Department Transportation Division prior to map recordation.

Monitoring: The County P&D processing planner and Public Works transportation engineer shall check sight analysis prior to approval of permit issuance, and P&D permit compliance staff shall spot check in the field throughout grading and roadway construction.

III. CONDITIONS UNIQUE TO TENTATIVE TRACT MAP 14,180

- 5. Map-01 Maps-Info.** Prior to recordation of the tentative map and subject to P&D approval as to form and content, the Owner/Applicant shall include all of the mitigation measures, conditions and agreements associated with or required by this project approval on a separate informational sheet(s) to be recorded with the Final Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.
- 6. Map-01a Maps-Future Lots.** Any lot created by the recordation of this Tentative Map is subject to the conditions of this Tentative Map during any future grading or construction activities and during any subsequent development on any lot created by the recordation of this Tentative Map, each set of plans accompanying any permit for development shall contain the conditions of this Tentative Map.
- 7. Map-01b Maps-Not Retroactive.** If Zoning Clearances are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued permit.
- 8. Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Final Map, the Owner/Applicant shall submit a Final Map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.
- 9. Map-06 Title to Common Space.** Title to the common open space shall be held by a non-profit association of all homeowners within the project areas or other non-profit entity on such reasonable terms and conditions as the Board of Supervisors may prescribe. The reasonable terms and conditions may include restricting the rights to develop the property to the uses described in the approved project. If the common open space is conveyed to a group other than the homeowners association, the rights to develop such property with uses other than those described in the approved project shall be conveyed to the County of Santa Barbara.
- 10. Map-07 CCR Maintenance.** The Applicant shall record Codes Covenants and Restrictions (CC&Rs) which provide for shared maintenance responsibilities by all owners of the:
 - a. Storm water detention basins.
 - b. Common area landscaping and irrigation.
 - c. Required on-site open space restoration areas and maintenance.
 - d. Storm Water Quality Management Plan components.
 - e. Common area vegetation management areas to reduce the risk of wildfire.
 - f. On-site access roads.

The CC&Rs shall also include responsibilities for all owners to maintain the property in compliance with all conditions of approval of the project:

- a. Drought tolerant landscape.
- b. Restrictions on tree removal.
- c. Recycling requirements.

Prior to map recordation the CC&R language shall be submitted to P&D and County Counsel for review and approval.

- 11. **Map-10 Public Utility Easements.** Prior to Recordation, public utility easements shall be provided in the locations and widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the Final map accompanied by a letter from each utility, water and sewer district serving the property stating that the easements shown thereon are acceptable.
- 12. **Map-11 Electrical Utilities.** Electrical utilities shall be installed underground.
- 13. **House-06 In-Lieu Fees, Projects that include phased construction of housing units.** The Owner/Applicant shall pay in-lieu fees for affordable housing units in compliance with the provisions of Sections 46A-4(b) and (c) of the County Inclusionary Housing Ordinance (Ordinance No. 4855). The Housing and Community Development Division determined the amount of the in-lieu fees based on the fees in effect at the time the application was deemed complete for a 29 unit project in the Lompoc Housing Market Area. The in-lieu fees total \$112,085 as shown in the following table:

Income Level	Requirement	Number Units Required	2017 In-Lieu Fees Per Unit	Project In-Lieu Fee
Very Low	2.5%	29 x 2.5% = 0.725	\$77,300	\$77,300 X 0.725 = \$56,042.50
Low	2.5%	29 x 2.5% = 0.725	\$77,300	\$77,300 X 0.725 = \$56,042.50
Moderate	0%	0	0	0
Workforce	0%	0	0	0
Total	5%	1.45	\$77,300	\$112,085

TIMING: The Owner/Applicant shall pay the applicable in-lieu fees in effect at the time the map is recorded to the County’s Community Services Department prior to map recordation for that phase of the project. P&D processing staff shall obtain written clearance from Community Services, using the Community Services Project Approval Form, prior to issuance of the building permit.

- 14. **NPDES-17 Storm Water Retention-Residential Project.** The Owner/Applicant shall specify the following in the CC&Rs. Long-term maintenance and proof of inspections of the biofiltration system shall be the responsibility of the HOA. Biofiltration system maintenance is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property. The condition of transfer shall include a provision that the property owners conduct maintenance inspection at least once/year, retain proof of inspections, submit proof to the County upon request and allow the County access to the property to inspect

to ensure compliance.” **Timing:** The Owner/Applicant shall complete the required recordation prior to final map clearance.

IV. COUNTY RULES AND REGULATIONS

15. **Rules-01 Effective Date-Not Appealable to CCC.** This Vesting Tentative Tract Map shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit [LUDC §35.82.020].
16. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
17. **Rules-05 Acceptance of Conditions.** The Owner/Applicant’s acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
18. **Rules-06 Recorded Map Required.** Tentative Map 14,180 shall be recorded prior to issuance of any permits for development, including grading.
19. **Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
20. **Rules-19 Maps/LLA Revisions.** If the unrecorded Tentative Map is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Tentative Map.
21. **Rules-23 Processing Fees Required.** Prior to recordation, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
22. **Rules-25 Signed Agreement to Comply.** Prior to recordation, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. This form may be obtained from the P&D office. Owners of lots resulting from this land division shall record such agreements prior to zoning clearance issuance for future development.

- 23. DIMF-24e DIMF Fees-Parks.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Parks Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total Parks DIMF amount is currently estimated to be \$104,690 (29 new developable lots x \$3,610 per lot). **TIMING:** Parks DIMFs shall be paid to the County Parks Department prior to land use clearance for construction on each individual lot and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).
- 24. DIMF-24g DIMF Fees-Transportation.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total DIMF amount for Transportation is currently estimated to be \$17,603.00 (29 new developable lots x \$607 per lot). **TIMING:** Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).
- 25. Rules-29 Other Department Conditions.** Compliance with Departmental/Division letters required as follows:
- a. Flood Control dated August 10, 2017
 - b. Transportation Division dated August 23, 2017
 - c. County Surveyor's Office dated March 5, 2014
 - d. Environmental Health Services dated August 1, 2017
 - e. Project Clean Water dated March 5, 2015
- 26. Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Pay fees prior to approval of Land Use Permit as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;
 - c. Note the following on each page of grading and building plans "This project is subject to Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall

adhere to the approved plans, notes, and conditions of approval, and mitigation measures from Final Environmental Impact Report 17-EIR-01;

- d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D permit compliance staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

27. Rules-33 Indemnity and Separation. The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

28. Rules-36 Map/LLA Expiration. This Tentative Map shall expire three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.

29. Rules-37 Time Extensions-All Projects. The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

30. Can and Will Serve Letter Required. Prior to map recordation the applicant shall provide to P&D a copy of a Can and Will Serve letter from the VVCSD indicating that the District will provide water and sewer service to the project.

ADDITIONAL CONDITIONS UNIQUE TO TENTATIVE TRACT MAP NO. 14,180

31. BIO-2.2a: Off-Site Habitat Mitigation. The Owner/Applicant shall complete the following requirements to mitigate the habitat, oak tree, and sensitive plant impacts of Oak Hills Estate project to a less than significant level. Approved mitigation activities shall occur on at least 13.23 acres of land that have been identified on a 172-acre portion of the Burton Mesa Ecological Reserve (BMER) (097-350-021). Approved mitigation for impacts to oak trees shall also occur on the VVCSD-owned open space parcel (APN 097-371-067) located adjacent to Clubhouse Road. Required sensitive plant mitigation, habitat restoration, and oak tree planting must be located on previously disturbed land or areas that support non-native vegetation. The areas identified for off-site mitigation shall not include areas of established native habitat or adversely affect existing sensitive plants or trees.

Prior to the recordation of Tract Map 14,180, the following items must be submitted to P&D:

- A detailed final mitigation plan that has been reviewed and approved by P&D, the California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), California State Lands Commission (CSLC), and County Fire. The Vandenberg Village Community Services District shall also approve portions of the final mitigation plan pertaining to the planting of oak trees on their property.
- An approved Lease Agreement to conduct restoration activities on the BMER executed with the State Lands Commission.
- A long-term maintenance and funding plan for restoration activities conducted on the BMER and VVCSD-owned property. The Plan shall clearly state who will fund and be responsible for long-term maintenance, who will monitor for success, and specific remedial measures. The plan shall be approved by P&D, CDFW and CSLC.
- An approved Right of Entry Permit from CDFW to conduct restoration activities on the BMER.

Plan Requirements: All mitigation sites shall have topography and soils that are suitable for restoration of central maritime chaparral habitat at a 2:1 ratio and be able to support an oak tree replacement ratio of 10:1. The mitigation sites shall include a suitable buffer from areas designated as urban in the Comprehensive Plan and from existing developed areas (i.e., residential development and roadways) to minimize the potential for adverse edge effects to the restored habitat. At minimum, mature tree canopies shall be approximately 30 feet from areas where existing or future land uses will require vegetation management for wildfire hazard reduction. Proposed plant and habitat restoration areas shall be at least 100 feet from areas where existing or future land uses will require vegetation management.

The Owner/Applicant shall submit to P&D for review and approval of an off-site mitigation plan prepared by a P&D-approved biologist designed to restore central maritime chaparral habitat, sensitive plants, and coast live oak trees. At minimum the mitigation plan shall include the following:

- a. Goals and objectives for the restoration of impacted maritime chaparral, sensitive plants, and coast live oak trees.
- b. Surveys to identify the location(s) of proposed restoration sites, existing native habitat and special status species located on or near the restoration site(s), and methods to protect identified native habitat and special status species.
- c. A restoration schedule with milestones.
- d. Sources of plant materials, including salvage from the Oak Hills Estate project site if feasible.
 - i. The project shall include specific measures to maintain native ant species, and discourage the Argentine ant (*Linepithema humile*) from populating the restoration areas. This includes inspection by the project biologist (preferably off-site prior to shipment to the site) of native container stock scheduled to be installed. The biologist shall inspect all specimens and reject any that show non-native ants or evidence of

non-native ants. Additionally, all restoration areas shall avoid the use of chemicals which would impact or kill native ant species (i.e., herbicides/pesticides).

- e. Plant sources, planting methods and locations, timing, plant density, plant protection, weed control, temporary irrigation, and maintenance details consistent with the performance criteria described in item “g” below. All native plant materials used for restoration shall be from local sources.
- f. A fencing and signage plan to limit encroachment into restored areas. Fencing or other barriers shall be designed to prevent unauthorized motor vehicle entry, reduce human and pet intrusion, while maintaining access for wildlife to move through the area.
- g. Performance criteria that specify the minimum requirements for size, ground coverage and health of replacement plants including a period of time without supplemental watering. The maintenance requirements shall be no less than 5 years unless satisfactory habitat as determined by the County or other appropriate agency is established before that time. Required maintenance may also be extended for a longer period of time until all approved restoration objectives and performance criteria are achieved.

At minimum, restoration and plant protection success criteria shall include the following:

- 1. Plant protection and restoration areas must be self-sustaining (i.e., have been without irrigation, planting or seeding for a minimum of two years prior to consideration of successful completion.
 - 2. The percent of plant cover in plant protection and restoration areas shall be similar to existing conditions at the project site as documented by the approved On-Site Habitat and Open Space Protection Plan.
 - 3. Native shrubs and trees shall have at least 80 percent survivorship at the end of the required monitoring period.
 - 4. Non-native species cover will be no more than five (5) percent cover.
 - 5. Noxious, invasive, and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Lists shall not be present.
- h. Measures that would be implemented if it is determined that performance criteria are not being met in conformance with the approved restoration schedule. The applicant or successor(s) in interest shall be responsible for replanting and maintaining restoration areas until required performance criteria are achieved.
 - i. The off-site restoration plan must be consistent with and incorporate the mitigation requirements specified by the USFWS-approved Incidental Take Permit and Habitat Conservation Plan.
 - j. The off-site restoration plan must describe methods that will be used to provide funding for the long-term maintenance of required mitigation/restoration areas.

Timing: The approved final mitigation plan, CDFW Right of Entry, CDFW-approved long-term maintenance funding plan, and CSLC lease agreement shall be submitted to P&D prior to the recordation of Tract Map 14,180.



Santa Barbara County Public Works Department
Flood Control ♪ Water Agency ♪ Project Clean Water

August 10, 2017

Steve Rodriguez, Planner
County of Santa Barbara
Planning & Development Department
123 E. Anapamu St
Santa Barbara, CA 93101

RECEIVED

AUG 14 2017

**S B COUNTY
PLANNING & DEVELOPMENT**

**Re: 15TRM-00000-00001, 15DVP-00000-00001, 15RZN-00000-00002;
Oak Hill Estates Rezone, Tract Map and Development Plan (TM 14,810)
APN: 097-371-010; Vandenberg Village**

Dear Mr. Rodriguez:

The District recommends that approval of the above referenced project be subject to the following conditions:

1. General

- a. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Approval dated January 2011 (<http://www.countyofsb.org/uploadedFiles/pwd/Water/Development/StdConditionsJan2011.pdf>)
- b. The applicant shall provide a site plan of the proposed development following the guidelines provided in the Standard Conditions of Approval.

2. Design

- a. Projects near a watercourse shall be designed in compliance with the setback requirements described in Chapter 15B of the Santa Barbara County Code.
- b. The applicant shall submit all improvement plans, grading plans, drainage plans, drainage studies, landscape plans and tentative map to the District for review and approval.
- c. The applicant shall acquire and submit all required data, forms and certifications as described in the Standard Conditions of Approval.
- d. Detention basins are required and shall be designed to hold a volume not less than 0.07 ac-ft/ac for residential developments or 0.1 ac-ft/ac for commercial/industrial developments; and to discharge water at a maximum rate of 0.07 cfs/ac and shall also provide detention such that the post-development peak storm water runoff

C:\Users\memendoza\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WNJGOTIG\15TRM-00000-00001_cnd.doc

Naomi Schwartz Building

Scott D. McGolpin
Public Works Director

130 E. Victoria Street, Suite 200, Santa Barbara, California 93101
PH: 805 568-3440 FAX: 805 568-3434 <http://cosb.countyofsb.org/pwd/water/>

Thomas D. Fayram
Deputy Public Works Director

discharge rate shall not exceed the pre-development rate for the 2-year through 100-year storm events.

- e. The applicant shall sign the Agreement for Payment of Plan Check Fees (attached to the Standard Conditions of Approval) and pay the appropriate plan check fee deposit at the time of the initial submittal of maps, plans and studies.

3. Prior to Final Map Recordation/Zoning Clearance

- a. The applicant shall dedicate real property for drainage within the subdivision, and easements on the Final Map or by a separate instrument.
- b. The applicant shall acquire and supply proof of drainage easements for off-site drainage conveyances.
- c. The applicant shall sign and return the Maintenance Agreement (Subdivider's or Owner's Agreement).
- d. The applicant shall submit a copy of the project's Conditions, Covenants & Restrictions for the Homeowners' Association to the District for review and approval.
- e. The applicant shall post surety bonds for drainage improvements in amounts approved by the Public Works Director.
- f. The applicant shall submit to the District electronic drawings in PDF format of the approved Final Map, grading plans, improvement plans, drainage plans, drainage studies and landscape plans on a compact disc.

4. Prior to Occupancy Clearance

- a. The engineer of record shall submit a Drainage Improvement Certification (attached to the Standard Conditions of Approval).
- b. The applicant shall submit all Construction Record drawings to District's Floodplain Manager in PDF format by compact disc.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION
DISTRICT

By: Y. Thierumaran
Yoganathan Thierumaran, P.E.
Development Review Engineer

Cc: David Swenk UPC, 2624 Airpark Dr, Santa Maria, CA 93455
Gary Blake, Oak Hills Estates LLC, 3119 Tiana Drive, Santa Ynez, CA 93460

COUNTY OF SANTA
BARBARA PUBLIC WORKS
DEPARTMENT
123 East Anapamu Street
Santa Barbara, California 93101
805/568-3232 FAX 805/568-3222



August 23, 2017

TO: Steve Rodriquez, Planner
Development Review

FROM: William Robertson, Transportation Planner
Public Works, Transportation Division

SUBJECT: **Oak Hill Estates (TM 14,810)**
Conditions of Approval (5 pages)
Standard Conditions of Approval (5 pages)
15TRM-00000-00001; 15RZN-00000-00002; 15DVP-00000-00001
APN: 097-371-010, Vandenberg Village

Notice to Buyer

1. The Owner/Applicant shall record with the FINAL MAP a buyer notification on a separate instrument that reads as follows:

“IMPORTANT: BUYER NOTIFICATION: This property, pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, is required to pay a fee for each newly generated peak hour trip (PHT), for the purpose of funding transportation facilities within the County. Transportation development impact mitigation fees (DIMFs) shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).”

Traffic Mitigation Fees

2. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new peak hour trip, for the purpose of funding transportation facilities within the Lompoc Planning Area of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is **\$17,603** (29 new developable lots * \$607/lot). **Fees are due prior to occupancy clearance and shall be based on the fee schedule in effect when paid.** This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 620 West Foster Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

A protest of mitigation fees imposed may be filed pursuant to Government Code Section 66020(a). The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations, or other exactions to be imposed on a development project. The Applicant is hereby notified that the 90-day approval period in which the Applicant may protest has begun

Undergrounding of Utilities

3. **Prior to map recordation**, the applicant shall engineer and post a surety, acceptable to County Counsel, for the undergrounding installation of all fronting overhead utilities and services, both existing and proposed, pursuant to Resolution No. 87-344 and Resolution No. 24416.
4. **Prior to occupancy clearance**, the following utilities and services, both existing and proposed, shall be installed underground in the roads pursuant to Resolution No. 87-344 and Resolution No. 24416. All services shall be connected to each commercial building or stubbed out to each legal lot where lots are created/sold: Gas, Water, Cable Television/Internet, Fiber Optic Cables, Telephone, Sanitary Sewer and Electrical Power.

Sight Distance

5. **Prior to Planning Commission Hearing**, the developer shall design, and prior to occupancy, the developer shall provide intersection sight distance in a manner acceptable to the Department of Public Works Traffic Section for all roadways, both public and private.

When the criteria for sight distances cannot be met, the County may prohibit vehicle turning movements, require speed change lanes or require additional speed change lane lengths.

Access

6. **Prior to zoning clearance**, the developer shall design all driveways to provide a minimum of 20 feet between any proposed garage door and the road right-of-way, both public and private.
7. **Prior to occupancy clearance**, the developer shall construct all site ingress and egress points in a manner acceptable to the Department of Public Works Traffic Section. All driveway accesses shall be improved to include a minimum driveway width equal to the garage door/doors unless otherwise approved by Public Works. All necessary pavement or cross gutters shall match adjacent improvements as required by the Department of Public Works Traffic Section.
8. **Prior to Planning Commission Hearing**, the applicant shall design and **prior to occupancy clearance**, the applicant shall install a pedestrian path of travel on all fronting public roadways and on at least one side of all private roadways. All improvements shall be to the satisfaction of Department of Public Works Traffic Section.

Street Sections/Pavement Traffic Index

9. **Prior to zoning clearance**, the developer shall design, and prior to occupancy, the developer shall construct pavement for all roadwork, both public and private, based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards. All designs and/or modifications shall be reviewed and approved, in writing, by the Department of Public Works Traffic and Permit Sections.

All proposed improvements shall transition in existing improvements in a manner acceptable to the Public Works Traffic and Permit Sections.

10. **Prior to map recordation**, the applicant shall engineer and post a surety, acceptable to County Counsel, for the construction/repair of standard concrete curb, gutter, ADA acceptable walking path and up to 18 feet of matching asphalt paving for all proposed public roads and applicable project frontages. Improvements shall be based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards and shall include any necessary off-site transitions.

Encroachment/Excavation Permit

11. **Prior to zoning clearance**, an Excavation or Encroachment Permit shall be required for any work performed in the County right of way, including road construction, driveways, utilities, and connections.

The developer shall comply will all applicable Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, prior to issuance of an Encroachment Permit.

Encroachment Permits and/or Santa Barbara Engineering Design Standards and Public Works Standard Conditions of Approval can be obtained at the following locations:

North County Permits Section
620 West Foster Road
Santa Maria, CA 93455
805-739-8788

South County Permits Section
4417 Cathedral Oaks Road
Santa Barbara, CA 93110
805-681-4967

Traffic Controls

12. **Prior to zoning clearance**, traffic circulation and control on adjacent streets shall be designed as required by the Department of Public Works Traffic Section. This shall include, but is not limited to, curb openings, turn lanes and control signs for regulation, warning, and guidance of traffic.
13. **Prior to zoning clearance**, traffic circulation and control onsite shall meet the approval of the Department of Public Works Traffic Section.
14. **Prior to occupancy clearance**, all signs shall be installed, and prior to final clearance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final clearance.

Street Lights

15. As authorized by the Board of Supervisors Resolution No. 81-229, **before the approval of any Final Subdivision Map, or Precise Plan** in planned developments or of any Conditional Use Permit, Conditional Exception or Variance involving land development, the Developer or owner must provide a Road Lighting Plan to the Department of Public Works for approval

The plan must have the approval of the public utility or the public agency involved.

The Road Lighting Plan must show the location of each road light, the mounting height, luminaire arm length, the luminaire type, lamp type and lumen rating and conform to IES, RP-08 standards as determined by County staff.

Whenever possible, road lights must be placed on lot lines and at intersections.

Residential and commercial road lighting poles may be required to be of an ornamental type acceptable to the Public Works Department and meeting the current standards filed by the utility company concerned in writing, with the Public Works Department

A written statement showing the number of lights, the amount of lumens and the monthly and yearly costs must accompany the Road Lighting Plan.

The Developer or owner, prior to final approval of occupancy, must install all necessary lighting and deposit a check with the Public Works Department, payable to the County of Santa Barbara, sufficient in amount to maintain and energize the street lights shown of the approved lighting plan, from the requested date for occupancy clearance, up to the date the first charges or benefit

assessments will be made or levied upon the property being developed. All electrical equipment and installation must conform to the applicable standards of the following:

- a. Electrical safety orders of the Division of Industrial Relations, State of California
- b. Rules for overhead electric line construction, General Rule No. 95 of the California Public Utilities Commission.

Road lighting provided under Highway Lighting Districts or County Service Areas must only be installed in the right of way, roads, or other areas dedicated to the public.

The Department of Public Works may require increased illumination where it is found necessary for traffic or pedestrian safety, due to special circumstances affecting such areas.

Off-site Road Improvements

16. Where off-site road improvements or a dedication of right of way for off-site improvements is required for which a need cannot be attributed to the project, the County shall deduct the value of construction or dedication from the payment that would otherwise be collected for Traffic Mitigation Fees.

Improvements and dedication that are necessary to mitigate the specific impacts of a project on area roads are considered on-site and are not to be deducted from the Traffic Mitigation Fee's. If the value of the off-site road improvements or dedication exceeds the payment required, the County may:

- 1. Reimburse the applicant the difference between the amount of the payment and the value of the additional improvements and dedication, or
- 2. Enter into an agreement with the applicant to establish a credit for the additional improvements and dedications.

If you have any questions, please contact me at 739-8785.

Sincerely,



William T. Robertson

Date

cc Gary Smart , Transportation, Traffic Section Manager, County of Santa Barbara, Public Works Department

<https://dav.box.com/dav/Traffic/Transportation Planning/Development Review/Digital File Cabinet/097-371-010/15TRM-00000-00001/Oak Hill Estates Tract Map 15TRM-Cond.rtf>

<https://dav.box.com/dav/Traffic/Transportation Planning/Development Review/Digital File Cabinet/097-371-010/15RZN-00000-00002/Oak Hill Estates Tract Map 15TRM-Cond.rtf>

<https://dav.box.com/dav/Traffic/Transportation Planning/Development Review/Digital File Cabinet/097-371-010/15DVP-00000-00001/Oak Hill Estates Tract Map 15TRM-Cond.rtf>

COUNTY OF SANTA BARBARA



DEPARTMENT OF PUBLIC WORKS

Standard Conditions of Approval

1. Construction of all improvements required by the Public Works Department in the approval of the Tentative Map shall be in accordance with County Subdivision Ordinance No. 1722, the Geometric Design Standards contained in the Engineering Design Standards Manual, the applicable portions of the California Department of Transportation Standard Specifications of current date and the Standard Detail contained in Appendix 4 of the Engineering Design Standards Manual.
2. Design of all improvements to be constructed as part of this development shall be performed by a Civil Engineer registered in the State of California. Specifications and plan and profile drawings, completed in accordance with Department of Public Works Standards shall be submitted to the Public Works Department and appropriate officials of other departments for their approval, and all bonds and fees shall be posted prior to recordation of the final development map.
3. Prior to recordation of the Final Map and start of any construction, the Developer shall designate to the Department of Public Works the road or roads he intends for construction access to the development to the extent to which subject roads will be used as haul roads. The Public Works Department may, at its option, designate an alternate off-site access or may require a security for the repair or reconstruction in the event subject road is damaged by construction traffic.
4. The Structural road section for all proposed public roads shall consist of the following:

Aggregate Base conforming to the provisions in Section 26, "Aggregate Bases", of the Standard Specifications shall be placed with a minimum thickness of 0.50 feet on all public roads. The actual thickness of the aggregate base shall be determined by "R" Values from Test Method 301- F, California Department of Transportation Specifications. When the Traffic Index is less than 5.5 the minimum section will be 0.2 feet of A.C. and 0.5 feet of A.B. When the Traffic Index is 5.5 or greater, the minimum section will be 0.3 feet A.C. and 0.5 feet Class II Base.
5. All underground utilities shall be extended to development boundaries and laterals stubbed out to the property lines clear of zone at each lot before the placement of concrete surfacing. Prior to release of the Road Improvement Security and acceptance of the roads within the development, it will be necessary for the Developer to have each utility company certify in writing that the above has been accomplished.
6. Prior to release of the Road Improvement Security, the Registered Civil Engineer or Licensed Land Surveyor who performed the construction staking for the development shall certify in writing, that all curbs, gutters, storm drains, and other related street work have been staked in the field accordance with the plan and profile drawings by the Director of Public Works.
7. Prior to approval of plan and profile drawings by the Department of Public Works, the Developer shall post Sureties and provide inspection fees in amounts to be determined by the Department of Public Works to insure required improvements within the road right of way

8. Hydraulic studies indicating drainage flows to be anticipated from the entire watershed within which the development is located shall be submitted to the Public Works Department and Flood Control Engineer for review and approval. Detailed hydraulic studies of storm water run-off to be carried in each gutter of each street shall be submitted by the Developer's Engineer for approval by the Public Works Department. The amount of storm water runoff to be carried in a street section shall be computed on the basis of a 10 year frequency storm. Special drainage facilities will be required when the capacity of the street section has been reached. The drainage facility design shall be prepared in conformance with Section 13 and Appendix 12 of the Engineering Design Standards Manual, and submitted for approval by the Department of Public Works and Flood Control Engineer. Design criteria for underground drainage facilities will be based on a minimum storm frequency of 25 years. Actual design frequency will be determined by the Department of Public Works or the Flood Control Engineer.
9. Developer shall furnish and install any required road name signs, traffic control signs and striping to County standards. All traffic control signs shall be installed after roads are paved and prior to being opened up to traffic, including construction traffic.
10. All off-tract drainage and flood control facilities and installations shall be installed and completed prior to grading of subject development.
11. Developer shall offer for dedication as easement to the County, at no cost to the County, all road rights of way shown within the boundaries of subject development map, except roads proposed to be private roads. All road rights of way offered for dedication to the County shall be free and clear of any easements prior to recordation of the Final Map, unless approved otherwise by the Department of Public Works.
12. A denied access strip one foot wide shall be offered for dedication in fee to the County as a separate parcel of land, not part of the road right of way, and standard Public Works Department road barricades constructed across the end of all public roads extending to the tract boundaries of any unit of the tract, except where they are extensions of existing improved public roads.
13. Prior to approval of plan and profile drawings by the Public Works Department, the following utilities shall be shown on the plans and approved by an authorized representative of the utility:
 1. Sewer System
 2. Water Distribution System
 3. Gas Distribution System
 4. Storm Drains required by Flood Control

Additionally, a preliminary plan showing underground electrical, telephone and Cable T.V. service shall be submitted by each agency.

14. All plan and profile drawings presented to the Public Works Department for approval shall be in conformance with the requirements of the Engineering Design Standards Manual. All road widths shall be as specified in this Manual. Roadway classifications are as specified in the Circulation Element of the General Plan.
15. Water for compaction and dust control shall be made available within the boundaries of the development prior to starting any earth moving operations other than necessary for the installation of subject water source. Applicant shall provide a water availability letter from the appropriate water supply agency.
16. Prior to start of any earth moving or improvements within the development the Developer shall obtain a Road Excavation and Encroachment Permit from the Public Works Department as required by Board of Supervisors Ordinance No. 1491, dated November 26, 1963, and/or shall obtain a County Grading Permit per Santa Barbara County Ordinance No. 1795 dated May 20, 1967.

17. The program for reconstruction of any existing County road being used by public traffic shall be presented in writing to the Public Works Department a minimum of 4 working days ahead of the proposed starting date. The Progress Schedule of proposed work shall be approved prior to start of construction. After construction on any existing County road commences, the project shall be pursued continuously to completion. Any delay will provide good cause for issuance of a stop order on all other portions of the development.
18. The following utilities and services, both existing and proposed, shall be installed underground in the roads pursuant to Resolution No. 24416 and connected to each dwelling unit where housed are built, or stubbed out to each lot where lots only are sold: Gas, Water, Cable T.V., Telephone, Sanitary Sewer and Electrical Power.
19. After Sign-off by the Public Works Department Inspector, and prior to release of final security, the Developer's Engineer shall add "Record Drawing" information to the original tracings in red or orange ink and sign them as "RECORD DRAWING".
20. On any proposed streets where curbs, gutters and sidewalks are required, the sidewalks shall have a total distance from curb face to back of sidewalk as prescribed in the Standard Details contained in Appendix 3 and 4 of the Engineering Design Standards Manual. Existing streetlights or fire hydrants within the sidewalk area shall be relocated behind the sidewalk, and any proposed streetlights or fire hydrants placed behind the sidewalk.
21. Any double frontage lot (lots having a street both front and rear) shall have denied access to the rear street.
22. Concrete masonry block walls, if required by the Resource Management Department shall be constructed to the design and standards of the Building and Safety Division of the Public Works Department. Walls adjacent to road rights of way shall be shown on the Department of Public Works plan and profile drawings. A Building Permit may be required for such walls.
23. Developer shall comply with the Department of Public Works policy relating to Subdivision Street Trees and Utility Service Laterals on all subdivision streets.
24. Chain link fences, if required by the Resource Management Department of Flood Control, shall be constructed to Cal Trans Standard Plans. Subject fences shall be shown on the Department of Public Works plan and profile drawings if adjacent to County road rights of way.
25. Developer shall post Security and provide plan-checking fees in amounts to be determined by the Public Works Department to insure proper construction of all private streets within the development. Security will be released upon certification of a Civil Engineer registered in the State of California that subject streets have been constructed to approved standards.
26. Occupancy of any building within the development will be denied until all street improvements and drainage facilities are completed.
27. The developer's engineer of record, as specified in these conditions, shall certify to the Public Works Department prior to release of any securities that all private streets within the subject development are constructed according to approved plans prior to occupancy of any dwelling unit within the tract, and that all rough grading has been completed in substantial conformance with the tract grading plan.
28. Upon completion of construction and prior to occupancy, the entire road right of way abutting the project will be cleaned to allow Public Works Department Inspectors to check for damage to curbs, gutters, or sidewalks caused by construction traffic. Any damage will be repaired by the Developer prior to occupancy.
29. The Developer shall comply with the current Bikeway Element of the General Plan as to the dedication and construction of bikeways.
30. All roads shall be kept clear of mud and/or other construction debris during construction.

31. The Developer will be responsible for all fees required for materials testing and/or re-testing.
32. The Developer may be required by the Public Works Department to overlay or chip seal a road, as determined by the Public Works Department, after construction work has been completed if it is determined by the County that local patching is insufficient to mitigate project related construction and utility trenching damage.
33. Subdivider shall submit a Grading Plan acceptable to the Public Works Department for all streets and building pads prior to submitting the Final Map for approval. The Grading Plan shall show all lots draining to the street on which they front unless otherwise approved by the Public Works Department. The Grading Plan shall also show method and degree of compaction and proposed method of stabilizing exposed slopes. Subdivider shall plant and maintain all cut and fill slopes and maintenance shall be continued until the lot is occupied.
34. A preliminary Soils Report of the area, prepared by a Civil Engineer experienced in soil mechanics and slope stability, and registered in the State of California, will be required prior to the issuance of Grading Permits. The report shall include data regarding the distribution, stability and expansive nature of existing soils and conclusions and recommendations for grading procedures and design criteria for corrective measures.
35. All grading shall comply with the provisions of County Grading Ordinance No. 1795, and to Public Works Department standards.
36. Grading shall be designed so that natural drainage from off-tract property is not obstructed.
37. Provision shall be made to prevent off-tract drainage from being received by lots. Tract drainage shall not be drained to a public street gutter that does not have storm drainage inlets and where the tract drainage could, after being carried along the road gutter for some distance, be dumped into another tract.
38. No grading can be done prior to Final Map recordation except in compliance with County Code Chapter 21-8-C4.
39. All underground utility trench backfills on private property and in private roads shall be compacted and tested to a minimum of 90%, or to the satisfaction of the Public Works Director. Compaction test reports shall be submitted before and grading is finalized.
40. The Subdivider shall furnish one copy of the Final Tract Map to the Public Works Department prior to approval.
41. All debris, litter, and other construction waste generated by this development shall be removed from the site or adjacent property. Occupancy clearance of any building will be denied until debris removal is acceptable to the Public Works
42. Since certain areas of Santa Barbara County are prone to accelerated seasonal erosion by either wind or water, and acceptable Erosion Control Plan, with timing, may be required with the project Grading Plan.
43. Any tract which is to be graded out (mass graded) and developed as a Phased Build-Out will require a detailed engineered Erosion Control Plan which will apply to all graded areas which are not built out. This plan shall be maintained until the respective tract phases are built out. *This condition shall also apply to Lot Sale Subdivisions.*
44. On lot sale subdivisions, no building permits shall be issued for any lot until all required utilities, rough grading, drainage facilities, and street improvements have been completed, unless otherwise approved by the Director of Public Works. This condition must be shown on the Final Map, along with the time allowed by the Subdividers Contract for the developer to complete said improvements.

45. Prior to issuance of any road construction and/or grading permits, the applicant shall verify to the Department of Public Works, in writing, that a registered civil engineer has been retained to act as the Engineer of Record during construction and testing operations. This engineer shall be responsible for any and all observation during construction, which he deems necessary to certify those aspects of construction requiring certification pursuant to these conditions. Where possible, the engineer whose signature and stamp appear on the tract plans should be retained as the Engineer of Record.
46. Regardless of all review and/or acceptance of tract plans, specifications, calculations, and reports by Public Works or other County departments, the registered civil engineer whose signature and stamp appear on the tract grading and road improvement plans is responsible for the accuracy and integrity of the design and base information relating to the plans and calculations. Design conflicts which arise during construction may result in work being stopped until discrepancies are resolved.

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT

123 East Anapamu Street
Santa Barbara, CA 93101
805\568-3000 FAX 805\568-3019



SCOTT D. MCGOLPIN
Director

March 5, 2014

County Subdivision Development Review Committee
123 East Anapamu Street
Santa Barbara, CA 93101

RE: Tentative Tract Map No. 14,810 (15TRM-00000-00001)

Owner : Oak Hills Estate, LLC
Address: 3130 Skyway Drive, Suite 601
Santa Maria, CA 93455

Agent : David Swenk, UPC
Address: 2624 Airpark Drive
Santa Maria, CA 93455

Requirements of the County Surveyor's Office

Pursuant to Section 66434 of the State Subdivision Map Act and County Subdivision Regulations Chapter 21, Section 21-9, the Final Tract Map **shall be based upon a field survey** made in conformity with the Professional Land Surveyors Act. Furthermore, property lines **shall be monumented** in accordance with Section 21-16 of said County Code.

Pursuant to Section 21-16(b)(2) of said County Code, County-approved monument wells shall be set along the center lines of all public streets.

Any deviation from the monumentation policy must be approved by the County Surveyor in writing prior to being set.



Very truly yours,
E. Tenell Matlovsky
Deputy for:
Aleksandar Jevremovic
County Surveyor

T14810_subreview.doc

AA /EEO Employer

Thomas D. Fayram, Deputy Director
Mark Paul, Deputy Director

Chris Sneddon, Deputy Director
Aleksandar Jevremovic, County Surveyor

Mark A. Schleich, Deputy Director

www.publicworkssb.org

Santa Barbara County
PUBLIC Health
DEPARTMENT



Environmental Health Services

225 Camino del Remedio ♦ Santa Barbara, CA 93110
805/681-4900 ♦ FAX 805/681-4901

Takashi M. Wada, MD, MPH Director
Suzanne Jacobson, CPA Chief Financial Officer
Susan Klein-Rothschild, MSW Deputy Director
Douglas Metz, DPM, MPH Deputy Director
Polly Baldwin, MD, MPH Medical Director
Charity Dean, MD, MPH Health Officer

2125 S. Centerpointe Pkwy. #333 ♦ Santa Maria, CA 93455-1340
805/346-8460 ♦ FAX 805/346-8485

Lawrence Fay Director of Environmental Health

TO: Steven Rodriguez
c/o Planning & Development Dept.
Development Review Division

From: David Brummond
Environmental Health Services

Date: August 1, 2017

Subject: Case No. 15TRM 00000-00001 / TM 14,180 Lompoc Area

Applicant: Oak Hills Estates, LLC

Assessor's Parcel No. 097-371-010

Zoned: RR-10 Located on the north side of Oak Hill Dr., Vandenberg Village, Lompoc

Case No. 15TRM-00000-00001/TM 14,180 is a request to subdivide a 16.88 acre lot (APN 097-371-010) into thirty (30) lots consisting of twenty-nine (29) lots for the development of single family residences and one common open space lot. The resulting parcels would range in size from 9,725 sq. ft. to 14,714 sq. ft. while the common area would be comprised of approximately 9.86 acres and would remain natural open space with drainage features and private roads.

Water and sewer service would be provided by the Vandenberg Village Community Service District. As such, the use of private services has not been evaluated for feasibility by Environmental Health Services.

Provided the Decision Maker grants approval of the applicant's request, Environmental Health Services recommends the following Conditions of Approval:

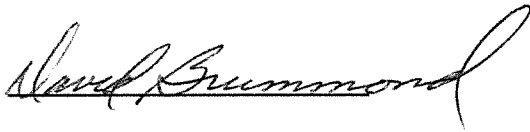
Prior to Recordation, *Can and Will Serve* letters for water and sewer service shall be obtained from the Vandenberg Village Community Services District stating that service will be provided upon demand and without exception or;

In the event that the Community Services District will not provide a Can and Will Serve Letter then:

Prior to Recordation, *Intent to Serve* letters for water and sewer service shall be obtained from the Vandenberg Village Community Service District stating that they have the capacity to serve the project and will provide service upon satisfactory completion of District imposed conditions.

Steven Rodriguez
August 1, 2017
Pg. 2

Concurrent with Recordation, A *Notice to Property Owner* shall be recorded for each lot created as a result of the subdivision stating that the parcel was created without a guarantee of water and or sewer service and that future development may be delayed until such service is available.

A handwritten signature in black ink, appearing to read "David Brummond". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Brummond
Supervising Environmental Health Specialist

cc: David Swenk, Agent
Massoud Abolhada, Planning and Development Dept., Building and Safety Div.
Alek Jevremovic, Office of the County Surveyor

LU 5303



County of Santa Barbara Public Works Department
Project Clean Water

123 E. Anapamu Street, Suite 240, Santa Barbara, CA 93101
(805) 568-3440 FAX (805) 568-3434
www.sbprojectcleanwater.org

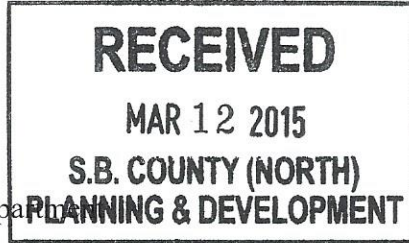


SCOTT D. MCGOLPIN

Director

March 5, 2015

Dana Eady
Planning & Development Department
County of Santa Barbara
624 Foster Road
Santa Maria, CA



THOMAS D. FAYRAM

Deputy Director

RECEIVED

MAR 10 2015

S.B. COUNTY
PLANNING & DEVELOPMENT

**Re: 15TRM-00000-00001 Oak Hills Estates (Tract Map 14,180); 15DVP-0000-00001;
15RZN-00000-00001; APN 097-371-010**

Dear Ms. Eady,

The above referenced project is subject to new state regulations for Post-Construction Stormwater Requirements (Central Coast Water Board Resolution No. R3-2013-0032). Because this project is SFD >15,000 sf of Net Impervious area, these new regulations require, among other things, that storm water runoff from the 95th percentile storm event is retained onsite.

The following provisions apply to this application:

1. For application completeness, submit a Stormwater Control Plan that identifies how runoff is retained using LID facilities such as bioretention or dispersal to landscaping or vegetated areas. The information must include a site plan showing the location of each drainage management area and LID facility, to demonstrate that adequate space is dedicated to meet the performance requirements. A copy of the spreadsheet(s) used in the stormwater calculator shall be included, along with a summary of the general long-term maintenance requirements and responsibilities for the proposed LID facilities.

It is recommended to follow the County of Santa Barbara *Stormwater Technical Guide* for a Tier 4 project. The *Stormwater Technical Guide* is on the Water Resources Division website: SBProjectCleanWater.org.

2. Prior to Tract Map Clearance, Zoning Clearance, Land Use Clearance, or Building or Grading Permits, whichever of these actions comes first, the applicant must submit to the Water Resources Division (attention: Project Clean Water) for review and approval a Final Storm Water Control Plan.

The Final Stormwater Control Plan will update any changes from application submittal, and provide relevant details on the location and function of LID facilities. A separate plan

sheet within the engineering plan set will show the location of LID facilities. Landscaping and architectural plans may be required to show relevant details of the LID facilities. The construction checklist will be updated based on the final plan set sheet numbers.

Note that the applicant will be required to pay a deposit for plan check review at the time the Final Stormwater Control Plan and engineering plans are submitted. The plan check deposit of \$1,150 payable to **County of Santa Barbara Project Clean Water** shall be submitted along with the plans to Water Resources Division, Public Works, 123 E. Anapamu St. Santa Barbara, CA 93101.

3. Prior to issuance of Zoning Clearance or Land Use Clearance, or Building or Grading Permits, whichever comes first, the owner must sign a maintenance agreement that includes the long-term maintenance plan described in the Final Stormwater Control Plan. Instructions for preparing a maintenance plan are provided in the *Stormwater Technical Guide*. The maintenance agreement identifies the party responsible for implementing the maintenance plan in perpetuity. The maintenance agreement will be signed and notarized by the responsible party.
4. Prior to issuance of Occupancy Clearance / Construction Completion, all improvements required as part of the above conditions shall be installed in accordance with the approved plans. An Engineer's Certificate of Approval shall be signed and stamped by the engineer of record and submitted to the Water Resources Division. A set of As-Built plans or drawings in PDF format shall be submitted to the Water Resources Division. If necessary, the final maintenance plan shall be revised by the engineer of record based on as-built construction drawings, including elevations and construction details of LID facilities.

I would be happy to work with the applicant's engineer, architect, and landscape architect on ways to meet the recommendations and conditions set forth in this letter. Please don't hesitate to contact me at (805) 568-3561.

Sincerely,



Cathleen Garnand
Civil Engineering Associate

cc: Gary Blake, Oak Hills Estate LLC, 3130 Skyway Dr Suite 601 Santa Maria 93455
David Swenk, UPC, 3130 Skyway Dr. Suite 601, Santa Maria CA 93455
Darin Cabral, RRM 3765 S. Higuera St. Suite 102 San Luis Obispo 93401
Joshua Roberts, RRM 3765 S. Higuera St. Suite 102 San Luis Obispo 93401

Appendix B

Site Photographs



Photograph 1. Existing ruderal vegetation with a few coyote brush recruits in the proposed restoration area.



Photograph 2. Ruderal vegetation in the former farm field. A portion of the field would be restored to support maritime chaparral, rare plants, and oak trees.



Photograph 3. A young La Purisima manzanita within the fallow field.

EXHIBIT D
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

OAK HILLS ESTATES PROJECT
(Lease 9570.9, State Clearinghouse No. 2015111069)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Oak Hills Estates Project (Project). The CEQA lead agency for the Project is Santa Barbara County.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report ([EIR](#)) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:¹

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency certified an EIR, State Clearinghouse No. 2015111069, adopted an MMP for the whole of the Project (see Exhibit D, Attachment D-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table D-1 below. The full text of each mitigation measure, as set forth in the MMP prepared by the CEQA lead agency and listed in Table D-1, is incorporated by reference in this Exhibit D. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are underlined; and
- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table D-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMP
CR-1 Unearthing Previously Unidentified Subsurface Cultural Resources	CR-1 Pre-construction/Pre-restoration Meeting	None
	CR-2 Stop Work at Encounter	None
	CR-3 Cultural Phase 2 & 3	See MM CR-3 below

MM CR-3 Cultural Phase 2 & 3: If during implementation of **MM CR-2** significant resources are encountered and potential impacts are unavoidable, or if previously undetected resources are discovered during project construction, the Owner/Applicant shall have a P&D-approved archaeologist perform a Phase 2 subsurface testing program to evaluate the nature, extent, and significance of the cultural resources. This evaluation program shall assess each archaeological site consistent with County Archaeological Guidelines and shall include the following:

- a. Controlled hand excavation and surface collection of a representative sample of the site deposit determined by P&D staff archaeologist or a P&D-approved archaeologist
- b. A detailed analysis of the material recovered
- c. An assessment of cultural resource integrity
- d. The preparation of a final report with recommendations for impact mitigation if necessary

If the Phase 2 program finds that one is warranted, the Owner/Applicant shall have a P&D approved archaeologist prepare a Phase 3 data recovery excavation consistent with County Archaeological Guidelines. All work shall be funded by the Owner/Applicant. California State Lands Commission (Commission) staff shall be notified of any California Register of Historic Resources or National Register of Historic Resources-eligible resources or paleontological specimens discovered on lands under the jurisdiction of the Commission, including the Lease Area and all land within the Burton Mesa Ecological Reserve. The final disposition of any artifacts or specimens including, but not limited to, those of an archaeological, cultural, historical, or paleontological nature from such lands must be approved by the Commission. The report required by (d) above shall be submitted to the regional office of the California Historic Resources Information System (CHRIS) and Santa Barbara County.

Commission staff shall be notified of any human remains discovered on lands under the jurisdiction of the Commission so that the Commission may fulfill its responsibilities as the landowner.

² See Attachment D-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

ATTACHMENT D-1

**Mitigation Monitoring Program Adopted by the
County of Santa Barbara**

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. MITIGATION MEASURES FROM 17EIR-00001

Aesthetics/Visual Resources

3. **AES-1: Design Guidelines and Open Space Management Plan Revisions.** The proposed Oak Hills Estate Design Guidelines and Open Space Management Plan shall be revised to address the review comments provided in the Oak Hills Estate Project — Peer Review of Open Space Management Plan (FEIR Appendix D-2) and Oak Hills Estate Project — Peer Review of Design Guidelines (FEIR Appendix C-2). These revisions address tree protection during grading; the preparation of separate on-site and off-site restoration and management plans for habitat restoration; landscape design; a native habitat planting list; invasive species control; the location and design of proposed fuel management zones; homeowner education; and overall site design. The purpose of the required revisions is to ensure that the design, scale, character, heights, colors, and materials used in residential lots and drainage swales, trail's, project entries, and landscaping of common open space areas are compatible with existing surrounding development.

Plan Requirements and Timing: The amended Oak Hills Estate Design Guidelines and Open Space Management Plan shall be reviewed and approved by P&D prior to final map recordation. The amended and approved Oak Hills Estates Design Guidelines shall be recorded with the project's Covenants, Conditions, and Restrictions.

Monitoring: Planning & Development shall check compliance to ensure that the project has been built consistent with the County-approved amended Oak Hills Estate Design Guidelines and Open Space Management Plan.

4. **AES-2: NBAR Design Review.** The Owner/Applicant shall demonstrate that future development on the project site is consistent with the Amended Oak Hills Estate Design Guidelines and obtain NBAR approval of the development on the project site. All project elements (e.g., future residence design, scale, character, colors, materials and landscaping of common open areas, and storm water detention basins) shall be compatible with vicinity development.

Timing: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final NBAR approval prior to zone clearance for each proposed residence. Grading plans shall be submitted to P&D concurrent with or prior to NBAR plan filing.

Monitoring: P&D permit compliance staff check that the project has been built consistent with approved NBAR design and landscape plans prior to Final Building Inspection Clearance.

Biological Resources

5. BIO-1.1: Special Status Plant Species Avoidance and Minimization. All special status plant species and areas to be avoided during proposed project construction, selective pruning/thinning, and restoration activities at the project site, and off-site mitigation property shall be demarcated in the field with highly visible flagging or survey tape wherever possible to protect rare plants from harm.

- a. Sensitive plant occurrences that are not within the immediate disturbance footprint but that are located within 50 feet of the disturbance limits shall have a highly visible flagging or survey tape installed at least 15 feet beyond their extent to protect them from harm during the construction phase of the project.

Plan Requirements and Timing: A County qualified botanist or designee approved by Planning & Development shall provide oversight during flagging and/or placement of survey tape and he/she or a designee (e.g., construction foreman) will return to the site once a week during each phase of construction activities to ensure that flagging/survey tape remains intact. This process shall also occur during the preliminary design and development of each individual housing lot.

Monitoring: The Project Proponent/Contractor/Owner/Applicant shall demonstrate to P&D permit compliance staff that all protection measures and flagging are in place prior to issuance of zone clearance for grading and throughout grading and construction for each project phase and lot development. P&D permit compliance staff shall perform site inspections throughout the grading and construction phase.

6. B10-1.2: Special Status Plant Species Protection and Restoration. Mitigation for loss of special status plants shall be implemented as part of the On-site and Off-site Mitigation Plan (see Condition Nos. 20 and 21) to create maritime chaparral habitat. Compensatory mitigation ratios shall provide for no-net-loss of each special status plant species impacts, with a minimum 2:1 ratios for individual species lost (area restored/created/enhanced area lost) for CRPR List 1B species and 1:1 ratio for CRPR List 4 species. If any additional special status plant species are identified on the project site, the replacement requirements shall be reflected appropriately through increases in the Off-site Mitigation Plan. The habitat compensation ratios required in both the On-site Habitat and Open Space Protection Plan (see Condition No. 20) and the Off-site Mitigation Plan (see Condition No. 21), are as follows:

- a. To compensate for the removal of approximately 19 La Purisima manzanita plants, restoration at a 2:1 ratio shall be undertaken.
- b. To compensate for the removal of 27 sand mesa manzanita plants, restoration at a 2:1 ratio shall be undertaken.

- c. To compensate for the removal of 6.92 acres of mesa horkelia, restoration at a 2:1 ratio shall be undertaken.
To compensate for the removal of 50 curly-leaved dune mint, restoration at a 2:1 ratio shall be undertaken.
- e. To compensate for the removal of 7 Lompoc ceanothus, restoration at a 1:1 ratio shall be undertaken.
- f. To compensate for the removal of any paniculate tarplant, restoration at a 1:1 ratio shall be undertaken.
- g. To compensate for the removal of 35 Lompoc wallflowers, restoration at a 1:1 ratio shall be undertaken.
- h. To compensate for the removal of 25 California spineflower, restoration at a 1:1 ratio shall be undertaken.
- i. To compensate for the removal of 10 Blochman's ragwort, restoration at a 1:1 ratio shall be undertaken.

These compensating ratios shall apply to any incidental special status species losses that occur during construction of the project.

Plan Requirements and Timing: The management and replacement requirements of special status plant species that are being preserved within the project site shall be specified in the On-site Habitat and Open Space Protection Plan (which may also be the Owner/Applicant's Open Space Management Plan revised for consistency with this condition and Condition Nos. 20 and 21). The specified replacement ratios and numbers must be submitted to the County for approval prior to the first zoning clearance issuance for project site grading and shall also include all criteria specified in Condition No. 20. Existing occurrences of special status plants shall be protected and enhanced to the maximum extent feasible prior to relying on the required off-site mitigation. The identified mitigation measures, replacement ratios, and restoration plan shall be noted on all site, grading, and construction plans.

Monitoring: The restoration components of both the On-site Habitat and Open Space Protection (Condition No. 20) (or the revised Owner/Applicant's Open Space Management Plan) and the Off-site Restoration Plan (Condition No. 21) shall include species-specific monitoring requirements and regular restoration status reports to P&D to be prepared in accordance with the details outlined in each plan. P&D staff shall ensure that the restoration requirements of the project included in this condition are addressed prior to issuance of zone clearance for grading. Monitoring shall continue for 5 years at a minimum and continue until the restoration requirements are achieved. Planning & Development compliance staff shall ensure compliance on-site during and post-construction in accordance with the approved restoration plans.

- 7. **MM B10-1.3: Special Status Plant Species Surveys.** Reconnaissance level botanical surveys shall be conducted within 4 weeks prior to initial site work such as clearing, grubbing, staging, or grading to ensure that all sensitive resources within the disturbance areas are identified and

appropriately protected and flagged/fenced where applicable on the (1) project site and (2) at all off-site restoration areas.

The 2017 botanical survey is valid for 2 years or as deemed appropriate by the County. If project activities that require ground disturbance have not been commenced by March 1, 2019, additional floristic surveys would be required as follows:

- a. If groundbreaking activities commence after March 1, 2019, prior to any vegetation removal, grubbing, or other construction activities, a qualified botanist shall conduct a seasonally timed and comprehensive special status plant survey.
- c. The intent of these surveys is to document the location(s) and number(s) of any special status plant species that occur within the project site so that an effective mitigation program can be accomplished if required. The special status plant survey shall coincide with the appropriate blooming periods for each species with potential to occur on-site. The special status plant survey shall be conducted in accordance with the current regional, state, and federal protocols.
- d. Current listing status of Vandenberg monkeyflower, a species currently proposed for listing as federally endangered with some potential to occur within the project site shall be reviewed prior to conducting a preconstruction rare plant survey.
- e. Review of current listing status of Vandenberg monkeyflower shall include review of any critical habitat designation decisions. In the event that the species is listed and critical habitat is present on the project site, measures shall be prescribed to minimize impacts to critical habitat for Vandenberg monkeyflower.
- f. Any and all additional special status plant species not previously reported from the 2017 botanical survey and new patches of species already documented to occur within the project site shall be mapped onto an aerial photograph of the site at a scale no less than 1 inch = 200 feet during the preconstruction survey.
- g. A special status plant survey technical report shall be submitted to the County (and to any other pertinent resource agencies if required) that documents the survey results prior to the onset of construction activities. If needed, the Open Space management Plan (OSMP) shall be updated to include mitigation for any additional species located during preconstruction surveys. Any and all mapped locations of sensitive plant species shall be included in the grading plans for the project.

Plan Requirements and Timing: The Owner/Applicant shall hire a County-qualified biologist to conduct the botanical surveys. A copy of the survey report and any recommended measures to protect sensitive species shall be identified prior to grading and/or building permit issuance. Any protection measures shall be maintained in good condition throughout grading and construction. This measure will be printed on all restoration/habitat protection/ grading and construction plans.

Monitoring: If no additional special status plants are observed within the project site or off-site restoration areas, the results shall be documented in a technical report and submitted to P&D. P&D permit compliance staff shall confirm that the surveys have taken place and any required protection measures are installed prior to the project site's pre-construction meeting. P&D permit

compliance staff shall ensure thorough periodic site inspections that any protection measures are maintained in good condition throughout grading and construction.

8. **B10-1.4: Pre-Fuel Management Special Status Plant Clearance Surveys.** Two weeks prior to any fuel management activities located in Fire Management Zone 2 and between the months of March and May (i.e., in spring), a qualified botanist approved by P&D shall conduct a comprehensive special status plant clearance survey within the proposed FMZ-2.
- a. The FMZ-2 includes the vegetation management area within the project site that extends 30-100 feet from proposed structures and that would be selectively pruned and thinned for vegetation management purposes.
 - b. The intent of this survey is to document the location(s) and number(s) of any and all annual special status plant species so that fuel management activities can successfully avoid special status plants.
 - c. If special status plants are discovered, fuel management activities shall avoid special status plants and sensitive vegetation in accordance with requirements set forth in Condition No. 5.
 - d. Should avoidance prove infeasible, relocation and/or off-site restoration to an appropriate receiver site approved by P&D shall be undertaken at the appropriate ratios and following the protocols in Condition Nos. 20 or 21.

Plan Requirements and Timing: The Owner/Applicant shall hire a P&D-qualified biologist to conduct the fuel management surveys. A copy of the survey report and any recommended measures to protect sensitive plant species shall be identified prior to approval of a zone clearance for development. Any protection measures shall be maintained in good condition throughout selective pruning/thinning activities. A special status plant clearance survey shall be conducted on an annual basis. After buildout of the project, annual surveys shall be conducted by a P&D qualified biologist until three consecutive years have elapsed with no sensitive plants detected during the annual surveys. This measure will be printed on all restoration/habitat protection/grading and construction plans.

Monitoring: If no additional special status plants are observed within the project site, the results shall be documented in a technical report and submitted to P&D. P&D permit compliance staff shall confirm that the surveys have taken place and any protection measures are installed prior to the start of vegetation management activities. P&D permit compliance staff shall ensure thorough periodic site inspections that any protection measures are maintained in good condition when vegetation management is conducted.

9. **B10-1.5: Worker Environmental Awareness Program.** Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend a WEAP training, conducted by a qualified biologist, to aid workers in recognizing special status biological resources that may occur within the project site. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and measures required to avoid and minimize impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for

distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer documenting that they have attended the WEAP and understand the information presented to them.

Plan Requirements and Timing: The Owner/Applicant shall hire a County-qualified biologist or designee to conduct the WEAP. The project fact sheet, employee signature report, and WEAP program shall be developed, approved, and implemented by P&D permit compliance staff prior to issuance of a zoning clearance for each project phase and development of each individual housing lot. This measure will be printed on all restoration/habitat protection/grading and construction plans.

Monitoring: P&D permit compliance staff shall confirm that the WEAP have taken place and any additional trainings have been completed as part of the pre-construction meeting(s). P&D permit compliance staff including the WEAP designee shall ensure thorough periodic site inspections that any protection measures are maintained in good condition throughout grading and construction. WEAP staff shall be available as needed on-site during and post construction for monitoring and compliance.

- 10. B10-1.6: American Badger Avoidance.** A minimum of two weeks prior to initiation of ground disturbing activities, a survey for badger burrows shall be conducted within the project and off-site restoration site disturbance footprint by a P&D-approved biologist. If the project is phased, a survey shall be required prior to each phase of construction and/or individual lot development. Dens found within the survey area shall be mapped and monitored using a tracking medium, remote camera system, and/or spotlighting at night for a minimum of 3 days to assess the presence of badgers. Inactive dens shall be collapsed by hand with a shovel to prevent badgers from re-using them during construction.

Plan Requirements and Timing: A P&D qualified biologist with experience with badger surveys shall conduct or shall provide oversight during surveys and relocation and he/she or a designee (e.g., construction foreman) will return to ensure den abandonment. This process shall occur prior to issuance of a zone clearance for each project phase and development of each individual housing lot. Surveys will be conducted a minimum of two weeks before ground-disturbing activities. Active dens located within the survey area shall be avoided during the breeding season (March 1 through June 30). A minimum buffer of 50 feet around the active den within the project site shall be demarcated by construction fencing. The fencing shall be installed 1 foot above ground to permit movement of badgers in and out of the buffer zone. Once the biologist has determined that active dens are no longer in use, the den shall be collapsed by shovel. Prior to grading activities occurring outside the breeding seasons, badgers may be discouraged from using currently active dens by partially blocking the entrance of the den with sticks, debris, and soil for 3 to 5 days. Access to the den would be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the project site, the dens would be collapsed by hand with a shovel. This measure will be printed on all restoration/habitat protection/ grading and construction plans.

Monitoring: The biologist shall demonstrate to P&D permit compliance staff that all badger dens have been collapsed and that the protection measures have been completed prior to and throughout grading and construction for each project phase and lot development.

- 11. B10-1.7: Silvery Legless Lizard Avoidance.** The purpose of this condition is to reduce the potential for impact with the final goal of no net loss of the species.
- a. Prior to initiation of ground disturbing activities and vegetation removal, a P&D-approved biologist shall coordinate with CDFW a species relocation plan.
 - b. Any subsequent project phases (i.e., individual lot grading) shall require a clearance survey no more than two weeks prior to ground-disturbance activities.
 - c. Designated open space areas on-site or at County-approved off-site locations shall be identified for release of captured individuals.
 - d. Survey for legless lizards shall include raking of leaf litter and sand under shrubs and trees in suitable habitat within the disturbance footprint to a minimum depth of 8 inches.
 - e. Captured animals shall be placed into containers with sand or moist paper towels and released in the designated areas within 3 hours.
 - f. In addition to preconstruction surveys, the biologist shall be on-site during initial grading activities to relocate any legless lizards that are unearthed during excavation in any phase of the project.
 - i. If in good health, they shall be immediately relocated to the designated relocation area.
 - ii. If injured, the animals shall be turned over to a CDFW approved specialist until they are in a condition suitable for release into the designated release area or deposited at an approved vertebrate museum.

Plan Requirements and Timing: The applicant shall retain a P&D qualified biologist that has experience with silvery legless lizard surveys and shall conduct or shall provide oversight during surveys and relocation. This process shall occur prior to issuance of a zone clearance for each project phase and development of each individual housing lot. This measure will be printed on all restoration/habitat protection/ grading and construction plans.

Monitoring: The biologist shall demonstrate to the P&D permit compliance staff that all protection/relocation measures are in place prior to and throughout grading and construction for each project phase and lot development.

- 12. B10-1.8: Blainville's Horned Lizard Avoidance.** The purpose of this condition is to reduce the potential for impact with the final goal of no net loss of the species.
- a. Prior to initiation of ground disturbing activities and vegetation removal, a P&D-approved biologist shall coordinate with CDFW a species relocation plan.
 - b. Coverboard surveys shall be completed within 3 months of the start of construction. The coverboards shall be at least 4 feet by 4 feet and constructed of untreated plywood placed flat on the ground. The coverboards shall be checked by a qualified biologist once per week for each week after placement up until the start of vegetation removal.
 - c. Horned lizards winter underground starting in October; therefore surveys shall not be conducted during the winter months.

- d. In addition, a minimum of 2 weeks prior to initiation of ground-disturbing activities and vegetation removal, a P&D-approved biologist shall conduct preconstruction clearance survey.
- e. A clearance survey shall be required prior to each phase of construction and/or individual lot development. Any individuals captured by these efforts shall be relocated to designated open space areas on-site or at P&D-approved off-site locations.
- f. Captured animals shall be placed into containers with sand or moist paper towels and released in the designated areas within 3 hours.
- g. In addition to preconstruction surveys, the biologist shall be on-site during initial grading activities to relocate any Blainville's horned lizards that are unearthed during excavation.
 - i. If in good health, they shall be immediately relocated to the designated relocation area.
 - ii. If injured, the animals shall be turned over to a CDFW approved specialist until they are in a condition suitable for release into the designated release area or deposited at an approved vertebrate museum

Plan Requirements and Timing: A P&D qualified biologist that has experience with Blainville's horned lizard surveys/avoidance shall conduct or shall provide oversight during surveys and relocation. This process shall occur prior to issuance of a zone clearance for each project phase and development of each individual housing lot. This measure will be printed on all restoration/habitat protection/ grading and construction plans.

Monitoring: The biologist shall demonstrate to P&D peinit compliance staff that all protection/relocation measures are in place prior to and throughout grading and construction for each project phase and lot development.

13. **B10-1.9: Western Red Bat Avoidance.** The purpose of this condition is to reduce the potential for impact with the final goal of no net loss of the species.
- a. To the extent feasible, removal of suitable roosting trees should be avoided during the time when western red bats may occupy their winter range (September—May).
 - b. For construction activities occurring at a time when western red bats may occupy their winter range (September—May), surveys for roosting western red bats shall be conducted by a qualified biologist no more than 14 days prior to vegetation removal. The surveys shall include the entire area of disturbance and focus on the trees located within the impact area. If active roosts are located, all construction work shall be conducted outside a buffer zone from the roost to be determined by the qualified biologist. The buffer area(s) shall be closed to all construction personnel and equipment until May 1.

Plan Requirements and Timing: A P&D qualified biologist that has experience with western red bat avoidance/surveys shall conduct or shall provide oversight during surveys and relocation. This process shall occur prior to issuance of a zone clearance for each project phase and development of each individual housing lot. This measure will be printed on all restoration/habitat protection/ grading and construction plans.

Monitoring: The biologist shall demonstrate to P&D permit compliance staff that all protection/relocation measures are in place prior to issuance of a zone clearance for grading and and throughout grading and construction for each project phase and lot development.

14. **BIO-1.10: Western Spadefoot Toad Avoidance.** The purpose of this condition is to reduce the potential for impact with the final goal of no net loss of the species.
- a. Prior to initiation of ground disturbing activities and vegetation removal, a P&D-approved biologist shall coordinate with CDFW a species relocation plan.
 - b. A pre-construction survey for western spadefoot toads shall be conducted not less than 2 weeks prior to the initiation of ground disturbance. If the project is phased, a clearance survey shall be required for each phase of construction and/or individual lot development.
 - c. If western spadefoot toads are found and these individuals are likely to be killed or injured by construction activities, a qualified biologist shall be allowed sufficient time to capture and relocate the animals from the project site before construction activities begin.
 - d. A P&D-approved biologist(s) shall relocate the individuals the shortest distance possible to a location that contains suitable habitat not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records of any individuals observed, captured, relocated, etc., including size, coloration, and distinguishing features and photographs (preferable digital) to assist him/her in determining whether translocated animals are returning to the project site.
 - e. A P&D-approved biologist shall be present on-site during initial ground disturbance. Any western spadefoot toads that are unearthed during initial ground disturbance shall be relocated the shortest distance possible to a location that contains suitable habitat not likely to be affected by activities associated with the proposed project.
 - f. The biologist(s) shall maintain sufficiently detailed records of any individuals observed, captured, relocated, etc., including size, coloration, and distinguishing features and photographs (preferable digital) to assist him/her in determining whether translocated animals are returning to the project site.
 - g. To ensure the diseases are not conveyed between work sites by the qualified biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force shall be followed at all times.

Plan Requirements and Timing: A P&D qualified biologist that has experience with western spadefoot toad surveys and shall conduct or shall provide oversight during surveys and relocation. This process shall occur prior to issuance of a zoning clearance for each project phase and development of each individual housing lot. This measure will be printed on all restoration/habitat protection/grading and construction plans.

Monitoring: The biologist shall demonstrate to P&D permit compliance staff that all protection/relocation measures are in place prior to issuance of grading and building permits and throughout grading and construction for each project phase and lot development.

15. **BIO-1.11: Coast Patch-nosed Snake Avoidance.** The purpose of this condition is to reduce the potential for impact with the final goal of no net loss of the species.

- a. A pre-construction survey for coast patch-nosed snake shall be conducted not less than 2 weeks prior to the initiation of ground disturbance. If the project is phased, a clearance survey shall be required prior to each phase of construction and/or individual lot development.

A P&D-approved biologist shall be present on-site during initial ground disturbance. Any coast patch-nosed snakes that are unearthed during initial ground disturbance shall be relocated the shortest distance possible to a location that contains suitable habitat not likely to be affected by activities associated with the proposed project.

Plan Requirements and Timing: The applicant shall retain a County qualified biologist that has experience with coast patch-nosed snake surveys/avoidance shall conduct or shall provide oversight during surveys and relocation. This process shall occur prior to issuance of a zoning clearance for each project phase and development of each individual housing lot. This measure will be printed on all restoration/habitat protection/ grading and construction plans.

Monitoring: The biologist shall demonstrate to P&D permit compliance staff that all protection/relocation measures are in place prior to issuance of a zone clearance and throughout grading and construction for each project phase and lot development.

16. **B10-1.12: Vernal Pool Fairy Shrimp USFWS Approval.** Prior to issuance of any grading permit the project applicant shall obtain all necessary approvals from the USFWS. Approvals will include either concurrence by the USFWS that the project would avoid impacts to fairy shrimp through the installation of fencing, signs, and the implementation of minor vegetation management actions near the wetland that is assumed to contain fairy shrimp; or USFWS approval of an Incidental Take Permit and Habitat Conservation Plan for the vernal pool fairy shrimp on the project site consistent with the FESA of 1973. All required mitigation measures, including, but not limited to the location of mitigation site(s), construction timing, avoidance measures, monitoring, and mitigation success criteria shall be consistent with USFWS requirements and may consist of measures such as those listed below or other measures identified by the USFWS or the CDFW.

Avoidance and Minimization Efforts: The project proponent and contractor shall adhere to the following protection measures, which apply the spikerush emergent wetland at the project site that may be present and/or filled with water during project construction phases of development. The spikerush emergent wetland locations shall be included on the grading, site, and landscape plans and shall include the following measures:

- a. No grass cutting shall be permitted within the vernal pools and buffer areas.
- b. Install a fence around each identified pool and/or the spikerush emergent wetland to limit access to humans, vehicles, and pets. The fence shall have signs posted to explain this requirement and discourage vandalism. No recreation shall be permitted within the fenced pool/water area.
- c. CC&Rs shall contain information regarding the sensitivity of vernal pool and wetland habitats explaining all restrictions on the habitat and surrounding area.
- d. No disking for fire control or any other use shall be permitted.
- e. No mosquito control shall be permitted except use of mosquito fish.

- f. A County qualified biologist shall conduct or shall provide oversight during installation of protective fencing and signs on-site prior to issuance of grading/building permits and pre-construction meeting and shall install permanent fencing prior to Final Building Inspection Clearance(s). All requirements shall be specified on all grading and building plans, graphically depicted if feasible.
- g. The project biologist or designee shall demonstrate to P&D permit compliance staff that all protection measures are in place prior to initiation of grading activities and throughout grading and construction phases.

Plan Requirements and Timing: The Owner/Applicant shall provide to P&D permit compliance staff copies of the USFWS clearance prior to issuance of a zone clearance for any grading on the project site.

Monitoring: The Owner/Applicant shall provide to P&D copies of USFWS clearance for compliance prior to issuance of any grading permit for the project site.

17. B10-1.13: El Segundo Blue Butterfly USFWS Approval. Prior to issuance of any grading permit the project applicant shall obtain all necessary approvals from the USFWS. Approvals include an Incidental Take Permit and Habitat Conservation Plan for the El Segundo blue butterfly on the project site and a USFWS approved off-site mitigation site(s) consistent with the federal Endangered Species Act of 1973. All required mitigation measures, including but not limited to the location of mitigation site(s), construction timing, avoidance monitoring, and mitigation success criteria shall be consistent with USFWS requirements and may consist of measures such as those listed below or other measures identified by the USFWS.

Avoidance and Minimization Efforts: Prior to issuance of any grading permit a County-approved biologist shall conduct a pre-construction survey one week prior to grading for all life stages of the El Segundo blue butterfly within the project disturbance limits. All life stages shall be avoided by the project, and shall not occur during the adult flight season of the El Segundo blue butterfly (generally around June 15 to September 15) in order to avoid disrupting the reproductive behaviors. Locations of the El Segundo blue butterfly's host plant (*Eriogonum parvifolium*) will be avoided to the maximum extent practicable within the development area during construction activities. Locations of the El Segundo blue butterfly host plant will be avoided to the maximum extent practicable within FMZ-2 during pruning and thinning activities as prescribed by the following:

1. One week prior to any fuel management activities located within the open space lot that will be selectively pruned and thinned (FMZ-2), a qualified biologist approved by the County shall demarcate coastal buckwheat avoidance areas.
2. Avoidance areas shall be demarcated in the field with protective fencing installed at an appropriate distance that would not disturb the plant or the underlying leaf litter.
3. The intent of the avoidance areas is to document the location(s) and number(s) of any and all host plants for the federally endangered El Segundo blue butterfly so that fuel management activities can successfully avoid impacts to the life cycle of this species.

4. Should avoidance prove infeasible, relocation and/or off-site restoration to an appropriate receiver site approved by the County shall be undertaken at the appropriate ratios only after take authorization has been secured from the USFWS through Section 10 of the FESA.
5. Mitigation measures and ratios for permanent impacts to the El Segundo blue butterfly's host plant shall be contingent upon USFWS guidance and the final Habitat Conservation Plan measures.

Plan Requirements and Timing: The Owner/Applicant shall provide to P&D copies of the USFWS approved El Segundo blue butterfly Incidental Take Permit and Habitat Conservation Plan prior to issuance of a zone clearance for grading.

Monitoring: The Owner/Applicant shall provide to P&D copies of the USFWS approved El Segundo blue butterfly Incidental Take Permit and Habitat Conservation Plan. P&D staff shall confirm receipt of any necessary approvals prior to issuance of any grading permit for the project site.

18. **B10-1.14: California Red-Legged Frog USFWS Approval.** Prior to issuance of any grading permit the project applicant shall obtain all necessary approvals from the USFWS. Approvals include obtaining an Incidental Take Permit and Habitat Conservation Plan for the California red-legged frog consistent with the federal Endangered Species Act of 1973. All required mitigation measures, including but not limited to the location of mitigation sites(s), construction timing, avoidance, monitoring, and mitigation success criteria shall be consistent with USFWS requirements and would consist of measures such as those listed below or other measures identified by the USFWS.

Avoidance and Minimization Efforts: The project applicant shall acquire a USFWS-approved biologist to conduct a pre-construction survey for California red-legged frogs 24-hours prior to grading within the project disturbance limits. Initial grading will be avoided between November 1st and March 31st during the time when California red-legged frogs are most likely moving through upland areas. The spikerush emergent wetland will be avoided to the maximum extent practicable by fuel management activities. Specific conservation measures would be provided upon receipt of the Section 10 permit.

Plan Requirements and Timing: The Owner/Applicant shall provide to P&D copies of the USFWS approved California red-legged frog Incidental Take Permit and Habitat Conservation Plan.

Monitoring: The Owner/Applicant shall provide to P&D permit compliance staff copies of the USFWS approved California red-legged frog Incidental Take Permit and Habitat Conservation Plan.

19. **MM B10-1.15: Vandenberg Monkeyflower USFWS Approval.** Prior to issuance of a zone clearance for the project applicant shall obtain all necessary approvals from the USFWS. Approvals include obtaining an Incidental Take Permit and Habitat Conservation Plan for the Vandenberg monkeyflower on the project site and restoration of the off-site mitigation parcel consistent with the federal Endangered Species Act of 1973. All required mitigation measures,

including but not limited to the location of mitigation site(s), construction timing, avoidance, monitoring, and mitigation success criteria shall be consistent with USFWS requirements and may consist of measures such as those listed below or other measures identified by the USFWS.

Avoidance and Minimization Efforts: A USFWS-approved botanist shall conduct a pre-construction survey no more than two weeks prior to grading, pruning/thinning activities within the project disturbance limits and in FMZ-2 during the appropriate blooming period for the Vandenberg monkeyflower. If the Vandenberg monkeyflower is discovered, grading and/or pruning/thinning activities shall avoid all plants in accordance with the recommendations in Condition No. 5, and the specific conservation measures in the USFWS's Section 10 permit.

Plan Requirements and Timing: The Owner/Applicant shall provide to P&D copies of the USFWS approved Vandenberg monkeyflower Incidental Take Permit and Habitat Conservation Plan.

Monitoring: The Owner/Applicant shall provide to P&D copies of the USFWS approved Vandenberg monkeyflower Incidental Take Permit and Habitat Conservation Plan. P&D permit compliance staff shall confirm receipt of any necessary approvals prior to issuance of a zone clearance for grading.

20. **B10-2.1: On-Site Habitat and Open Space Protection Plan.** The Owner/Applicant shall submit for P&D approval a revised On-Site Habitat and Open Space Protection Plan for maritime chaparral, oak trees, spikerush emergent wetland, the stream channel located in the central portion of the project site, and special status species to be retained on-site within the dedicated open space parcel and FMZ-2. The On-Site Habitat and Open Space Protection Plan shall be prepared by a P&D-approved arborist and/or biologist and designed wherever possible to protect maritime chaparral that will not be impacted during construction and protect this habitat from construction activity and occupancy of the project; including long-term occupancy of homes, long-term management of the open space (including FMZ-2). The existing Open Space Management Plan (OSMP) as an option to preparing a stand-alone document, may be revised to incorporate all requirements and submitted in place of the On-Site Habitat and Open Space Protection Plan. Measures to replace, restore, and/or enhance native vegetation communities within the project site consistent with mitigation restoration planting acreage stated in Development Plan Condition No. 6 above (Special Status Plant Species Protection and Restoration) shall include the following restoration criteria:

Measures to replace, restore, and/or enhance native vegetation communities within the project site, shall include the following restoration criteria:

- a. A section detailing any special status plant translocation for the project that details the logistics and timing of the translocation activities. The On-Site Habitat and Open Space Protection Plan must identify specific transplant locations.
- b. Seed and/or cuttings and/or container stock shall be collected from the plant species prior to their removal from the site by a qualified botanist or restoration expert. Container stock may be utilized only for perennial species. Plants may also be salvaged and stored for replanting,

where possible. The method (e.g., seed, cuttings, or container stock) shall be determined for each individual species by a qualified botanist. Habitat enhancement shall be initiated prior to habitat impacts, or as construction schedules and seasonal requirements allow, with a minimum requirement that plant propagation be initiated prior to ground disturbance.

- i. The project shall include specific measures to maintain native ant species, and discourage the Argentine ant (*Linepithema humile*) from populating the open space. This includes inspection by the project biologist (preferably off-site prior to shipment to the site) of native container stock scheduled to be installed. The biologist shall inspect all specimens and reject any that show non-native ants or evidence of non-native ants. Additionally, all restoration areas shall avoid the use of chemicals which would impact or kill native ant species (i.e., herbicides/pesticides).
- c. Rare plant collection samplings, data, and records shall be collected by a qualified botanist prior to the seed cutting/collections and the data shall be reported to CDFW. The actual specimens shall be deposited at local herbarium(s) for proper data and record keeping. The data and information collected shall be available for all desired herbarium(s) (e.g., California Polytechnic University at San Luis Obispo, University of California at Santa Barbara, Santa Barbara Botanic Garden).
- d. If required, the applicant shall obtain the necessary permit or authorization from the appropriate regional and/or state agency (e.g., CDFW) prior to seed/cutting collections.
- e. Seed and/or cuttings shall be redistributed or planted in areas within the portions of the project open space that have the appropriate habitat characteristics (e.g., slope, aspect, amount of sunlight) necessary to support the transplanted species.
- f. Survivorship of planted material shall be 80 percent at the end of a 5-year or required monitoring period. Designated open space and mitigation sites shall be maintained in perpetuity.
- g. Identify success criteria to be met, reporting requirements, funding mechanisms, and longterm protections on open space that are mitigation receiver sites for rare plants and special status plant communities. At minimum, restoration and plant protection success criteria shall include the following:
 1. Plant protection and restoration areas must be self-sustaining (i.e., have been without irrigation, planting or seeding for a minimum of two years prior to consideration of successful completion).
 2. The percent of plant cover in plant protection and restoration areas shall be similar to existing conditions at the project site as documented by the approved On-Site Habitat and Open Space Protection Plan.
 3. Native shrubs and trees shall have at least 80 percent survivorship at the end of the 5-year monitoring period.
 4. Non-native species cover will be no more than five (5) percent cover.

5. Noxious, invasive, and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Lists shall not be present.
- h. All areas of maritime chaparral and oaks that can be preserved or avoided, including maritime chaparral, coyote brush scrub, and the spikerush emergent wetland shall be demarcated on the On-Site Habitat and Open Space Protection Plan.
 - i. All areas of maritime chaparral and oaks within the designated open space and habitat buffer that can be avoided during fire management, including maritime chaparral, coyote brush scrub, and the spikerush emergent wetland, shall have limited disturbance within FMZ-2.
 - j. To the maximum extent feasible based on recommendations of an approved arborist, oak trees that are to be removed shall be boxed and replanted within the County approved off-site restoration area consistent with an approved Tree Protection Plan. Depict original & new location for these specimens on the Off-Site Habitat Restoration. Plan.
 - k. Depict approved lots and building envelopes.
 - 1. Depict equipment storage and construction staging and parking areas.
 - m. Depict the type and location of protective fencing or other barriers to be in place to protect the maritime chaparral, coyote brush scrub, and the spikerush emergent wetland areas (this includes protective fencing and signage [stating to keep out of the area] between the spikerush emergent wetland and the proposed development [specifically located at a lower elevation on the development side of the topographical divide that separates the wetland from the adjoining areas of the project site]). Also depict the type and location of protective fencing on the project site to prevent trespass onto the adjacent Burton Mesa Ecological Reserve.
 - n. Comply with and specify the following as notes on On-Site Habitat and Open Space Protection Plan and Building & Grading Plans:
 - i. To avoid damage during construction and restoration activities, all on-site maritime chaparral, coyote brush scrub, buckwheat plants, and the spikerush emergent wetland shall be temporarily fenced with chain-link or other material satisfactory to P&D. Fencing shall be located at least around the outer drip lines of trees and within 5 feet of all plants, and staked to prevent any collapse.
 - ii. Protective fencing/staking/barriers shall be maintained throughout all grading & construction activities. A qualified botanist shall provide oversight during the installation of fencing, flagging or survey tape and he/she or a designee (e.g., construction foreman) will return to the site once a week during the duration of construction activities to ensure that the fence remains intact. On-Site Habitat Management and Open Space Protection Plan.
 - iii. For excavation or trenching required w/in the dripline or sensitive root zone of any specimen within the habitat.
 - iv. Cleanly cut any roots of one inch in diameter or greater.

- v. Avoid tree removal and trimming.
- vi. If the use of hand tools is deemed infeasible, P&D may authorize work with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff and under the direction of a P&D approved biologist.
- o. In the event of unexpected damage or removal of habitat:
 - i. If it becomes necessary (as authorized by P&D) to disturb or remove any plants w/in the habitat area, a P&D-approved biologist shall direct the work. Where feasible, specimens shall be boxed and replanted.
 - ii. If a P&D-approved biologist certifies that it is not feasible to replant, plants shall be replaced at a minimum using the replacement ratios identified in Development Plan Condition No. 6 /MM BIO-1.2 under the direction of the P&D-approved biologist.
 - iii. If replacement plants cannot all be accommodated on-site, a plan must be approved by P&D to include replacement in the Off-Site Restoration Plan in Development Plan Condition No. 21/MM BIO-2.2b.
- P. Grading shall be designed to ensure that habitat areas have proper drainage during and after construction, per biologist recommendations.
- q. The On-Site Habitat and open Space Protection Plan shall describe public outreach to be implemented to educate the residents of the project site about not using invasive species in landscaping, overuse of pesticides and fertilizers, the problem with unleashed pets and pet waste, methods to minimize potentially harmful human/wildlife interaction, and minimizing the use of rodenticides. A public outreach program will be provided for this project for the surrounding neighborhoods to promote, protect and restore the natural habitats on the project site by fostering education and ongoing community involvement.
- r. The On-Site Habitat and Open Space Protection Plan shall describe proposed restoration efforts to be implemented on the Burton Mesa Ecological Reserve to repair ground disturbance and plant removal that occurred when project-related geotechnical investigations were conducted. The Plan must also provide documentation that CDFW has reviewed and concurs with proposed restoration and maintenance efforts to be conducted on the Reserve.

Plan Requirements and Timing: The Owner/Applicant shall submit a final On-Site Habitat and Open Space Protection Plan that has been approved by P&D prior to issuance of grading permits. The Owner/Applicant shall note or graphically depict all plan components listed above, as well as all temporary and/or permanent protection measures and comply with and depict this measure on all Grading and Building Plans. The Owner/Applicant shall post a performance security to ensure installation and maintenance for a minimum of five years prior to issuance of a grading permit. The Owner/Applicant shall also demonstrate to P&D permit compliance staff that all required components of the approved plan are in place as required prior to zoning clearance issuance for the first residential structure. P&D permit compliance staff signature shall release the installation security upon satisfactory installation of all items in the approved plans and

maintenance security upon successful implementation of the On-Site Habitat and Open Space Protection Plan (or Owner/Applicant's revised Open Space Management Plan).

Monitoring: P&D staff shall inspect the site to ensure that maritime chaparral, oak trees, spikerush emergent wetland, buckwheat plants, and special status species identified for protection were not damaged or removed or, if damage or removal occurred, that correction is completed as required by the revised On-Site Habitat and Open Space Protection Plan. P&D staff shall oversee implementation of the On-Site Habitat and Open Space Protection Plan.

21. **B10-2.2b: Off-Site Habitat Restoration Plan Implementation.** The Owner/Applicant shall implement the approved habitat, oak tree, and sensitive plant mitigation plan required by Tract Map No. 14,180 Condition No. 31 (BIO-2.2a). Approved mitigation activities shall occur on at least 13.23 acres of land that have been identified on a 172-acre portion of the Burton Mesa Ecological Reserve (BMER) (097-350-021). Mitigation for project-related impacts to oak trees shall also occur on the VVCSD-owned open space parcel (APN 097-371-067) located adjacent to Clubhouse Road.

Timing: Prior to issuance of a zone clearance for grading or conducting any other activities that have to potential to cause impacts to habitat on the Oak Hills Estate project site, the Owner/Applicant shall:

- Implement the elements of the approved mitigation plan and secure funding approved by CDFW for the long-term maintenance of restoration conducted on the BMER as required by CDFW.
- Submit to P&D a copy of the approved U.S. Fish and Wildlife Incidental Take Permit and applicable Habitat Conservation Plan that is required for the proposed project.
- Submit to P&D concurrence from CDFW regarding required habitat restoration for state-listed species.
- Post a performance security to P&D to ensure installation and maintenance of the proposed off-site restoration on the BMER site and the VVCSD site for a minimum of five years or until all approved restoration performance criteria are achieved. The applicant or successor(s) in interest may request release of the performance securities after required oak tree performance criteria are achieved, and restoration on the BMER site has been accepted as complete by P&D and CDFW. Long-term maintenance of the BMER restoration area shall be conducted in conformance with approved long-term restoration area maintenance requirements specified by the approved mitigation plan. The County shall periodically inspect the BMER and oak tree mitigation sites to ensure habitat vegetation and oak tree establishment and compliance with approved plans.

Plan Requirements: The Owner/Applicant shall include as notes or depictions all plan components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures prior to issuance of grading permits. Comply with and depict this measure on all Grading Plans.

Monitoring: The applicant or successor(s) in interest shall be responsible for maintaining restoration areas until required performance criteria are achieved and in conformance with approved long-term restoration area maintenance requirements specified by the approved Mitigation Plan. No less than

quarterly monitoring reports for restoration on the BMER and VVCSD site shall be submitted to P&D compliance staff for the first year after restoration planting is complete. After the first year, annual monitoring reports shall be submitted to P&D until habitat restoration planting on the BMER is accepted as complete by CDFW, and oak tree mitigation on the VVCSD-owned property is accepted as complete by P&D. P&D compliance staff signature shall release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

- 22. B10-2.3: Landscaping Plan.** A landscape architect shall develop a revised landscape plan for all common open space areas on the project site in consultation with a qualified biologist. The plan shall indicate the locations and species of plants to be installed throughout the development. Drought-tolerant, locally native plant species shall be used. Noxious, invasive, and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Lists shall not be permitted. Species selected for planting shall be similar to those species found in adjacent native habitats.

Plan Requirements and Timing: Final landscape and irrigation plans shall be submitted by the Owner/Applicant to P&D for review and approval prior to the first zoning clearance for grading. Prior to issuance of a zone clearance for grading the Owner/Applicant shall post a performance security to ensure maintenance for a minimum of five years.

Monitoring: P&D permit compliance staff shall site inspect prior to Final Building Inspection.

- 23. B10-2.4: Invasive Weed Prevention and Management Program.** An Invasive Weed Prevention and Management Program shall be developed by a qualified biologist to prevent invasion of native habitat by non-native plant species during construction. A list of target species shall be included, along with measures for early detection and eradication.

Plan Requirements and Timing: The Owner/Applicant shall submit the Invasive Weed Prevention and Management Program for approval by P&D prior to the issuance of zoning clearance for grading. These mitigation requirements will be printed on grading and construction plans.

Monitoring. The Owner/Applicant shall demonstrate to P&D compliance staff that all required components of the approved program are in place as required prior to initiation of grading activities.

- 24. MM B10-3.1: Native Tree Protection.** Native trees on-site and on the off-site mitigation parcel should be avoided to the maximum extent feasible. Prior to the onset of construction activities, highly visible flagging or survey tape shall be installed around existing stands and individual trees at a buffer/extent radius of 6 feet beyond the canopy dripline, wherever feasible, or otherwise marked in the field to protect them from harm during implementation of the proposed project.

Plan Requirements and Timing: Applicant/Owner will implement native tree protection measures prior to and during construction as outlined in the measure above.

Monitoring: The Owner/Applicant shall demonstrate to P&D permit compliance staff that trees identified for protection were not damaged or removed or if damage or removal occurred, that correction is completed as required by the TPP prior to Final Building Inspection Clearance.

Planning & Development compliance staff conduct a project compliance inspection immediately prior to commencement of construction activities and periodically during construction.

- 25. MM B10-3.2: Tree Protection Plan.** The Owner/Applicant shall submit a Tree Protection Plan (TPP) that addresses both on-site trees and trees on the off-site restoration parcel prepared by a Planning & Development-approved arborist and/or biologist and designed to protect coast live oaks. The plan shall include a description of the trees to be trimmed and/or removed, the trees to be preserved, and the trees that will be boxed and replanted. As a result of the tree inventory and health assessment, the TPP will be revised and submitted to the County by the applicant prior to any work around coast live oaks on the property. The Owner/Applicant shall comply with and depict the following on the TPP exhibit and Grading and Building Plans.
- a. Depict location of trees to be removed.
 - b. Depict original and new location of trees to be replaced.
 - c. Depict approved building envelopes. Include utility corridors, irrigation lines, roadways, driveways.
 - d. Depict equipment storage (including construction materials, equipment, fill soil or rocks) and construction staging and parking areas outside of the protection area.
 - e. Depict the type and location of protective fencing (see below) or other barriers to be in place to protect trees in protection areas during construction.
 - E Depict the location of all tree wells or retaining walls. These shall be located outside the area within six feet of the dripline of all protected trees unless authorized by P&D.
 - g. Depict the location of all paths, driveways, and sidewalks within 25 feet of dripline areas. Only pervious paving materials (gravel, brick without mortar, turf block) are permitted within 6 feet of dripline areas.

The plan shall include, but would not be limited to, an inventory of trees within the construction, enhancement, and restoration sites, setbacks from trees and protective fencing/flagging, restrictions regarding grading and paving near trees for the infrastructure phases and the individual home sites, as well as direction regarding pruning and digging within root zone of trees defined as a radius 6 feet beyond the furthest extent of the tree canopy. The plan shall specify the following as notes on the TPP and grading plans:

- a. All trees to be protected at least 6 feet outside the dripline with chain-link (or other material satisfactory to Planning & Development) fencing at least 3 feet high, staked to prevent any collapse, and with signs identifying the protection area placed in 15-foot intervals on the fencing.
- b. Fencing/staking/signage shall be maintained throughout all grading and construction activities.

- c. All trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction.
- d. No irrigation is permitted within 6 feet of the dripline of any protected tree unless specifically authorized.
- e. The following shall be completed only by hand and under the direction of a P&D approved arborist/biologist:
 - i. Any trenching required within the dripline or sensitive root zone of any specimen. Cleanly cutting any roots of one inch in diameter or greater, encountered during grading or construction.
 - iii. Tree removal and trimming.
- f. Special equipment: If the use of hand tools is deemed infeasible by P&D, P&D may authorize work with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by Planning & Development staff and under the direction of a Planning & Development-approved biologist.
- g. The following are not permitted:
 - i. Any trenching within the dripline or sensitive root zone of any specimen.
 - ii. Cutting any roots of one inch in diameter or greater.
 - iii. Tree removal and trimming.
- h. Grading shall be designed to avoid ponding and ensure proper drainage within driplines of oak trees.

Plan Requirements: The Owner/Applicant shall: (1) submit the TPP; (2) include all applicable components in Tree Replacement Plan (TRP) and/or Landscape and Irrigation Plans if these are required; (3) include as notes or depictions all plan components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures.

Timing: The Owner/Applicant shall comply with this measure prior to land use clearance of the Development Plan. The Owner/Applicant shall install tree protection measures on-site prior to issuance of grading permits and conduct pre-construction and restoration meetings.

Monitoring: The Owner/Applicant shall demonstrate to P&D permit compliance staff that trees identified for protection were not damaged or removed or if damage or removal occurred, that correction is completed as required by the TPP prior to Final Building Inspection Clearance.

26. **MM B10-3.3: Tree Replacement Plan (TRP).** The Owner/Applicant shall submit for Planning & Development approval an off-site TRP prepared by a P&D approved arborist/biologist as a component of a P&D approved off-site habitat mitigation plan (see Tract Map Condition No. 31) that addresses loss of on-site oak trees. The tree replacement plan shall be designed to replace native trees removed by the proposed project at a ratio of 10:1 (trees planted: trees impacted) consistent with the County's standard mitigation measures (County of Santa Barbara 2011a) at an approved off-site location (proposed off-site mitigation parcel) prior to land use clearance of

the Development Plan. Replacement oak tree plantings may range from a minimum of 740 trees **up** to approximately 1,310 trees, depending upon the number of trees directly and indirectly impacted by the project. It is expected that mitigation for removal of native coast live oak trees could occur concurrently as a component of the off-site restoration of maritime chaparral. The plan shall include the following components:

- a. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
- b. Goal(s) of the compensatory mitigation project;
- c. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- d. Specific mitigation implementation requirements for the compensatory mitigation site, including but not limited to: rationale for expecting implementation success, responsible parties, schedule, site preparation, and planting plan details. Tree protection and restoration areas must be self-sustaining (i.e., have been without irrigation or replacement of dead trees for a minimum of two years prior to consideration of successful completion);
- e. Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule);
- f. Monitoring requirements for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards; target functions and values; target acreages to be established, restored, enhanced, and/or preserved; annual monitoring reports until tree planting is accepted as complete by P&D);
- g. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants;
 - a. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria. The applicant or successor(s) in interest shall be responsible for replanting and maintaining restoration areas until required performance criteria are achieved.
 - b. Notification of completion of compensatory mitigation; and,
 - c. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

Plan Requirements: Include the components of the TRP plan in off-site habitat mitigation plan.

Timing: Plans shall be submitted to P&D for review and approval prior to land use clearance of the Development Plan and issuance of zoning clearance for grading. The Owner/Applicant shall post a performance security prior to off-site habitat restoration initiation to ensure installation and maintenance for 5 years or until specified performance criteria are achieved.

Monitoring: The Owner/Applicant shall demonstrate to P&D permit compliance staff that all required components of the approved plan(s) are in place as required upon initiation of habitat restoration and each maintenance visit for 5 years. P&D permit compliance staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

27. **B10-3.4: On-site Arborist/Biologist.** A certified arborist/biologist will be on-site throughout all initial grading and construction activities for project-site infrastructure in each project development phase that may impact native trees. Duties of the on-site arborist/biologist include the responsibility to ensure all aspects of the approved TPP and TRP are carried out.

Requirements and Timing. Tree monitoring during grading and construction shall be verified by the Planning and Development Department prior to the issuance of zoning clearance for grading. This condition will be printed on the construction plans.

Monitoring. The Owner/Applicant shall submit to P&D permit compliance staff the name and contact information for the approved arborist/biologist prior to commencement of construction/preconstruction meeting. Planning & Development shall site inspect as appropriate.

28. **MM B10-5.1: Preconstruction Surveys for Nesting Birds and Raptors.** For construction activities and fuel management activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds and raptors, including the whit-tailed kite, covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a qualified biologist no more than 14 days prior to vegetation removal/trimming. The surveys shall include the entire disturbance area plus a 300-foot buffer around the site (500 feet for raptors). If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 300 feet for raptor species. Larger buffers may be required, and/or smaller buffers may be established depending upon the species, status of the nest, and construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged prior to removal of the buffer.

Plan Requirements and Timing: This survey shall be undertaken 10 days prior to construction of future residences and the start of fuel management activities to determine whether raptors or other special status species are nesting on-site. A report shall be prepared by the biologist and reviewed and approved by P&D prior to the initiation of ground disturbance activities. If raptors or other special status species are found to be nesting, applicant shall avoid work in the area by providing a buffer from active nests until birds have fledged-as determined by the qualified biologist. At their conclusion, the biologist shall inform P&D in writing of the results of the surveys. All required mitigation shall be implemented prior to the start of proposed grading activities.

Monitoring: Planning & Development shall review the report for compliance and inspect the site during construction activities to ensure compliance. P&D permit compliance staff shall inspect as needed.

Cultural Resources

CR-1 Preconstruction/Pre-Restoration Meeting. Prior to any construction or restoration activity conducted for the project, a pre-construction meeting shall be held by a County-qualified archaeologist and a local Native American (e.g., Chumash) representative funded by the

applicant. Meeting attendees shall include the applicant, archaeologist, local Chumash representative, construction supervisors, and heavy equipment operators to ensure that all parties understand the cultural resources monitoring program and their respective roles and responsibilities. All construction and/or landscaping personnel who would work on the site during any phase of ground disturbance in archaeologically sensitive portions of the project area shall be required to attend the meeting. The names of all personnel who attend the meeting shall be recorded denoting that they have received the required training.

The meeting shall review the following: types of archaeological resources that may be uncovered; provide examples of common archaeological artifacts and other cultural materials to examine; describe why monitoring is required; what makes an archaeological resource significant; identify monitoring procedures; what would temporarily halt construction and for how long; describe a reasonable resource discovery scenario (i.e., feature or artifact); and describe reporting requirements and the responsibilities of the construction supervisor and crew. The meeting shall make attendees aware of prohibited activities, including vehicle use in protected areas, and educate construction workers about the inappropriateness of unauthorized collecting of artifacts that can result in impacts on cultural resources.

Plan Requirements and Timing: The pre-construction meeting requirements shall be shown on approved grading and building and restoration/planting/habitat protection plans. The pre-construction meeting shall be conducted prior to issuance of a grading permit.

Monitoring: The Owner/Applicant shall provide P&D permit compliance staff with the names and responsibilities of persons who attended the meeting.

- 30. CR-2 Stop Work at Encounter.** In the unlikely event that cultural resources are discovered during project construction, the Owner/Applicant and/or their agents, representatives, or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.

Plan Requirements and Timing: This condition shall be printed on all building and grading and restoration/planting/habitat protection plans.

Monitoring: P&D permit processing planner shall check plans prior to approval of Zoning Clearance, and P&D permit compliance staff shall spot check in the field throughout grading and construction.

- 31. CR-3 Cultural Phase 2 & 3.** If during implementation of MM CR-2 significant resources are encountered and potential impacts are unavoidable, or if previously undetected resources are discovered during project construction, the Owner/Applicant shall have a P&D-approved archaeologist perform a Phase 2 subsurface testing program to evaluate the nature, extent, and

significance of the cultural resources. This evaluation program shall assess each archaeological site consistent with County Archaeological Guidelines and shall include the following:

- a. Controlled hand excavation and surface collection of a representative sample of the site deposit determined by P&D staff archaeologist or a P&D-approved archaeologist.
- b. A detailed analysis of the material recovered
- c. An assessment of cultural resource integrity
- d. The preparation of a final report with recommendations for impact mitigation if necessary

If the Phase 2 program finds that one is warranted, the Owner/Applicant shall have a P&D approved archaeologist prepare a Phase 3 data recovery excavation consistent with County Archaeological Guidelines. All work shall be funded by the Owner/Applicant.

Plan Requirements: The Owner/Applicant shall submit the required archaeological studies for P&D review and approval. The Owner/Applicant shall include as notes or depictions all plan components, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures.

Timing: Notes and/or depictions of plan components shall be included on plans prior to issuance of grading/building permits. The Owner/Applicant shall install any required resource protection measures or carry out required recovery on-site prior to issuance of grading/building permits.

Monitoring: P&D planning staff shall receive study(s) for review and approval prior to the commencement of construction activities in the vicinity of the cultural resource location. The Owner/Applicant shall demonstrate to P&D permit compliance staff that required protection measures are in place prior to construction, restoration/planting/habitat protection, and shall periodically visit the site during construction.

Geology/Soils

- 32. GEO-1 Geotechnical Recommendations.** The applicant shall follow the recommendations contained in the Geotechnical Investigation prepared by GSI Soils, Inc. (January 2015) and the Geotechnical Input (June 2016) prepared by Fugro for the project. Compliance with the recommendations of both reports would ensure that proper foundation and structural design criteria for the Oak Hills Estate project are implemented. These measures are described in detail in the reports and address (1) clearing and stripping; (2) preparation of building pads; (3) preparation of paved areas; (4) structural fill; (5) foundations; (6) slab-on-grade construction; (7) retaining walls; (8) pavement design; (9) underground facilities construction; (10) surface and subsurface drainage; (11) temporary excavations; and (12) percolation testing.

Plan Requirements and Timing: The Owner/Applicant shall submit the GSI Soils, Inc. (2015) and Fugro (2016) studies for County Planning and Development (P&D) and Public Works review and approval. Elements of the approved studies shall be reflected on grading and building plans as required. The Owner/Applicant shall submit the studies prior to approval of a Zoning Clearance. P&D staff shall review the GSI Soils, Inc. (2015) and Fugro (2016) studies.

Monitoring: The Owner/Applicant shall demonstrate that the submitted plans conform to both required study components. Grading and building inspectors shall ensure compliance in the field.

- 33. GEO-2 Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP), and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until regraded areas have been stabilized by structures, long-term erosion control measures, or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments on-site. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on erosion control requirements can be found in the County Code Chapter 14 — Grading Code (<http://sbcountyplanning.org/building/grading.cfm>). Information on SWPPP (projects < 1 acre) and/or SWMP requirements can be found in the California Green Code.

Plan Requirements and Timing: The grading and SWPPP, SWMP, and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion and sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized.

The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except for pollution control measures, which shall be implemented year round.

Monitoring: P&D staff shall perform site inspections throughout the construction phase.

Hydrology and Water Quality

- 34. WQ-1 Storm Water Pollution Prevention Plan (SWPPP).** The Owner/Applicant shall submit a copy of the Notice of Intent to obtain coverage under the Construction General Permit of NPDES issued by the California RWQCB.

Permit Requirements and Timing. The Owner/Applicant shall submit proof of exemption of a copy of the Notice of Intent and shall provide a copy of the required SWPPP to the County's Planning & Development and Building & ad Safety Division. The Owner/Applicant shall keep a copy of the SWPPP on the project site during grading and construction activities.

Monitoring. A County P&D permit processing planner shall review the documentation prior to approval of permits. The County P&D and the County Public Works, Project Clean Water compliance monitoring staff shall inspect the site during construction for compliance with the SWPPP.

- 35. WQ-2 Final Drainage Plan and Drainage Study.** The Owner/Applicant shall submit a Final Drainage Plan and Drainage Study to P&D and the County Flood Control District. The Final Drainage Plan and Drainage Study shall incorporate and assess all additional components as stated in the Peer Review Drainage Report for the Oak Hills Estate, Vandenberg Village, dated June 9, 2016, by Rick Engineering Company.

Plan Requirements and Timing: The Owner/Applicant shall submit the Final Drainage Plan and Drainage Study to P&D and Flood Control District for review and approval prior to issuance of Zoning Clearance for grading. Installation and maintenance of drainage components shall be ensured through a performance security provided by the Owner/Applicant. Long-term maintenance requirements shall be specified in the Oak Hills Estate Homeowners Association (HOA) Covenants, Conditions, and Restrictions. All property owners shall be aware of maintenance requirements. Drainage features shall be installed (landscaped and irrigated subject to P&D and Flood Control District approval) prior to Final Building Inspection Clearance.

Monitoring. Building and Safety staff shall oversee drainage installation. The Owner/Applicant shall demonstrate to P&D permit compliance staff and Building and Safety grading inspector(s) that all required components of the approved Final Drainage Plan and Drainage Study are in place as required. The installation security shall be released upon satisfactory installation of all items in approved plans. P&D permit compliance staff will review required maintenance records.

MM WQ-3 Storm Water Quality Management Plan — Operation. The Owner/Applicant shall submit and implement a SWQMP designed to prevent the entry of pollutants from the project site into the storm drain system after development. The SWQMP shall identify:

- a. A combination of structural and non-structural BMPs from the California Storm Water BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association 2003), or other approved methods;
- b. Potential pollutant sources that may affect the quality of the storm water discharges;
- c. Design and placement of structural and non-structural BMPs to address identified pollutants;
- d. Inspection and maintenance program;
- e. Method for ensuring maintenance of all BMPs over the life of the project.

Plan Requirements and Timing: The Owner/Applicant shall: (1) submit the SWQMP to the Planning and Development Department for review and approval prior to issuance of permits; (2) include design and field components on land use, grading and building plans as applicable; (3) post performance securities prior to issuance of permits to ensure installation and maintenance. SWQMP measures shall be constructed and operational prior to Final Building Inspection Clearance. The Homeowners' Association shall maintain the SWQMP components for the life of the project and keep a record of maintenance and submit the maintenance record to the P&D permit compliance staff annually between October 1 and 31. The project CC&Rs shall include the maintenance requirements specified above.

Monitoring: The owner/applicant shall demonstrate to Public Works, Project Clean Water staff that SWQMP components are in place prior to Final Building Inspection Clearance. The

installation security shall be released upon satisfactory installation of all items in approved plans, and the maintenance security shall be released after five consecutive years of satisfactory maintenance and maintenance reporting. Public Works, Project Clean Water staff will review required maintenance records and once approved, provide a copy to the P&D Department compliance monitor.

Noise

37. MM N-1: Construction Hours. The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 A.M. and 4:00 P.M. Monday through Friday. No construction shall occur on weekends or state holidays. Non-noise-generating interior construction activities such as plumbing, electrical, drywall and painting (which do not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based, shall supersede the hours stated herein.

Plan Requirements and Timing: The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. Signs shall be posted prior to commencement of construction and maintained throughout construction.

Monitoring: The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot-check and respond to complaints.

Public Services and Utilities

38. PSU-1: Solid Waste — Recycle. The Owner/Applicant and their contractors and subcontractors shall separate demolition and excess construction materials on-site for reuse/recycling or proper disposal (e.g., concrete, asphalt, wood, brush). The Owner/Applicant shall provide separate on-site bins as needed for recycling.

Plan Requirements and Timing. The Owner/Applicant shall print this requirement on all grading and construction plans. Owner shall provide P&D with receipts for recycled materials or for separate bins. Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to Final Building Inspection Clearance.

Monitoring. The Owner/Applicant shall provide P&D compliance staff with receipts prior to Final Building Inspection Clearance.

39. PSU-2: Solid Waste — Construction Site. The applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash and debris from blowing off-site, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete.

Plan Requirements. All plans shall contain notes that the site is to remain trash-free throughout construction.

Timing. Prior to building permit issuance, the applicant shall designate and P&D with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up. Additional covered receptacles shall be provided as determined necessary by P&D.

Monitoring. P&D permit compliance staff shall inspect periodically throughout grading and construction activities and prior to Final Building Inspection Clearance to ensure the construction site is free of all trash and debris.

Transportation and Circulation

40. **TRAF-1: Sight Distance Study.** Sight distance requirements at the center project driveway connection to Oak Hill Drive shall be reevaluated in a line-of-sight study prepared by a County-approved consultant or engineer once a more detailed site plan is developed to ensure traffic safety.

Plan Requirements and Timing: The line-of-sight analysis shall be conducted when detailed site plans are available and shall demonstrate that the driveway connections to Oak Hill Drive are designed pursuant to County roadway standards. The driveway design shall be approved by P&D and the Public Works Department Transportation Division prior to map recordation.

Monitoring: The County P&D processing planner and Public Works transportation engineer shall check sight analysis prior to approval of permit issuance, and P&D permit compliance staff shall spot check in the field throughout grading and roadway construction.

Fire Protection

41. **FP-1: Construction Fire Protective Measures.** To reduce the risk of fires from project construction and off-site restoration activities, the following measures shall be implemented to reduce the potential for vegetative fires resulting from the use of construction equipment, welding, vehicles with catalytic converters, etc. These requirements include but are not limited to:
1. On-site supervisor(s) shall have a cell phone or other means of initiating a 911 response time in a timely manner in the event of a medical emergency and/or fire;
 2. Personnel shall be briefed on the dangers and causes of wildfire and be able to respond accordingly should the need arise;
 3. All equipment with the potential to work off-road shall be equipped with appropriate mufflers and have extinguishers mounted on each vehicle;
 4. All dead and decadent vegetation immediately surrounding the facility should be removed, and soil disturbance should be kept at a minimum;
 5. A water tender will be available on each construction site during the entire phase of construction;
 6. A knowledgeable water tender operator shall be available on-site during all construction and remain on-site a minimum of 30 minutes after all construction has concluded for the day;
 7. Hot work permit is required when necessary;

8. Smoking shall be prohibited or limited to a designated area and/or enclosed off-site area only; and
9. Any additional requirements deemed applicable by the SBCFD or P&D.

Plan Requirements and Timing: The contractor shall include the provisions for construction fire protection on all grading and building plans. The name and number(s) of on-site supervisor(s) shall be provided to the SBCFD and P&D prior to commencement of any construction or grading activities. All fuel ignition protection measures shall be implemented throughout construction.

Monitoring: The Building and Safety Division shall ensure that measures are on plans prior to issuance of a zone clearance for grading and shall periodically visit the site during construction.

42. FP-2: Fuel Management Plan. To mitigate the potential impact associated with residential development within the designated High Fire Hazard Severity Zone, the Owner/Applicant shall prepare a stand-alone fuel management plan that meets all SBCFD Development Standards. The fuel management plan shall describe all actions that will be taken to reduce wildfire risks to the structures and lots on the project site. The plan shall incorporate the fuel management strategies proposed in the OSMP to be implemented by the HOA, including:

1. Impacts associated with fuel management shall be confined to the specified fuel management zones.
2. Vegetation within proposed fuel management zones shall be thinned by removing vegetation in a mosaic pattern, which would result in reduced plant density or aerial coverage rather than completely clearing the vegetation. This shall be implemented to the maximum extent possible.
3. Fuel management thinning shall focus on the removal of non-native, diseased, dying, or dead vegetation and on faster growing species (e.g., coyote brush and deerweed) rather than slower growing species (e.g., manzanitas).
4. Removal of sensitive plant species and oak trees shall be avoided to the extent feasible. Prior to the onset of vegetation clearing, highly visible orange construction fencing shall be installed at a buffer/extent radius of 10 feet from vegetation to be retained, wherever feasible, or otherwise marked in the field to protect them from inadvertent harm during vegetation thinning activities.
5. All such maintenance activities shall be completed using hand tools only.
6. One week prior to any fuel management activities located within the open space lot that will be selectively pruned and thinned (FMZ-2), a qualified biologist approved by the County shall demarcate coastal buckwheat avoidance areas.
7. Avoidance areas shall be demarcated in the field with protective fencing installed at an appropriate distance that would not disturb the plant or the underlying leaf litter.
8. The intent of the avoidance areas is to document the location(s) and number(s) of any and all host plants for the federally endangered El Segundo blue butterfly so that fuel management activities can successfully avoid impacts to the life cycle of this species.

9. Should avoidance prove infeasible, relocation and/or off-site restoration to an appropriate receiver site approved by the County shall be undertaken at the appropriate ratios only after take authorization has been secured from the U.S. Fish and Wildlife Service through Section 10 of the FESA.
10. Mitigation measures and ratios for permanent impacts to the El Segundo blue butterfly's host plant shall be contingent upon USFWS guidance and the final Habitat Conservation Plan measures.
11. Protective fencing and signage (stating to keep out of the area) would be placed between the spikerush emergent wetland and the proposed development (specifically located at a lower elevation on the development side of the topographical divide) that separates the wetland from the adjoining areas of the project site). Also depict the type and location of protective fencing on the project site to prevent trespass onto the adjacent Burton Mesa Ecological Reserve.
12. Copy of the site plan that indicates topographic reference lines.
13. Copy of the landscape plan and areas where fuel management activities are to occur.
14. Methods to confine fuel management activities to the specified fuel management zones.
15. Methods and timetables for implementing the proposed fuel management activities on the residential lots and open space lot.
16. Description of water supply, defensible space, fuel modification/vegetation management, emergency ingress and egress, access, special event parking, and resident and visitor safety.
17. Maintenance schedule for the landscape/vegetation management plan.

Plan Requirements and Timing: A fuel management plan that at a minimum contains the above-listed components shall be submitted to the SBCFD and P&D for review and approval prior to zoning clearance approval for building permits. SBCFD shall review the HOA's implementation plan, conditions, and strategies for the long-term maintenance of the fuel management zones for adequacy and consistency with applicable state and County requirements.

Monitoring: The SBCFD and P&D permit compliance staff shall inspect to verify that all landscaping and open space areas and landscaping maintenance and fuel management activities are in compliance with the plan. Inspections will occur prior to issuance of occupancy permits. The HOA shall ensure that the fuel management zones are properly managed and maintained in safe conditions and report to the County consistent with SBCFD requirements.

- 43. FP-3: Oak Hills Estate Design Guidelines Fuel Management Revisions.** The Oak Hills Estates Design Guidelines shall be revised to ensure consistency with the Condition No. 1 (Project Description); to ensure the construction safety and fuel management provisions of Condition Nos. 41 and 42; to accurately reflect the revised development envelope boundaries and

contiguous 100-foot Fuel Management Zones (FMZ 1: 0-30 feet from structures and FMZ 2: 30-100 feet from structures), and to implement Fire Department and USFWS approved fuel management requirements adjacent to the on-site spikerush wetland. FMZ 1 shall be located entirely within the boundaries of parcels located adjacent to open space, and FMZ 2 shall be located immediately adjacent to FMZ land outside these parcel boundaries. Future HOA revisions to the Oak Hills Estates Design Guidelines shall be submitted to SBCFD and the County P&D for review to ensure fuel management remains consistent throughout the life of the project.

Plan Requirements and Timing: Revised Oak Hills Estates Design Guidelines shall be submitted to the SBCFD and P&D for review and approval prior to final map recordation. SBCFD and P&D shall review the HOA's implementation plan for consistency with the Design Guidelines, conditions, and strategies for the long-term maintenance of the fuel management zones for adequacy and consistency with applicable state and County requirements.

Monitoring: P&D permit compliance staff shall verify that the Revised Oak Hills Estates Design Guidelines depict FMZ 1 entirely within parcel boundaries and that all building envelopes are located outside of FMZ 1. Depictions of landscaping and open space areas and landscaping maintenance and fuel management areas shall be in compliance with the Fuel Management Plan. The HOA shall ensure that the fuel management zones are properly managed and maintained in safe conditions and shall report to the County consistent with SBCFD requirements.

PROJECT SPECIFIC CONDITONS

- 44. Aest-09 Construction Clean-up.** The developer shall clear the project site of all excess construction debris. Clean-up shall occur on a weekly basis or more often as directed by Permit Compliance.

PLAN REQUIREMENT: This requirement shall be noted on final building plans.

TIMING: Debris clearance shall occur prior to Final Building Inspection Clearance.

MONITORING: P&D permit compliance staff shall site inspect prior to Final Building Inspection Clearance.

- 45. Air-05 AQ Technology Elements.** The Owner/Applicant shall incorporate the following energy-conserving techniques into project plans, including building, HVAC, plumbing and/or electrical plans as applicable, unless Owner/Applicant can demonstrate infeasibility of individual components to P&D. Low NOx residential and commercial water heaters and space heaters per specifications in the 1991 Air Quality Attainment Plan;

a. Heat transfer modules in furnaces;

- b. Solar panels for residential water heating systems and other facilities or use of on-demand water heater(s);
- c. Energy efficient appliances;
- d. Energy efficient lighting.

PLAN REQUIREMENTS: Plan requirements are specific to the type of plans (e.g. plumbing items shall be on plumbing plans, etc).

TIMING: Plan timing depends on the applicable plan (e.g. plumbing items shall be on plumbing plans prior to approval of plumbing plans, etc).

MONITORING: The Owner/Applicant shall demonstrate to Building and Safety site inspection staff that development is in compliance with approved energy saving technology components prior to Final Building Inspection Clearance.

- 46. Parking-02 On-Site Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. If not feasible to accommodate construction parking onsite, the applicant shall find alternative offsite locations for construction personnel parking. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction.

PLAN REQUIREMENTS: Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for Zoning Clearance.

TIMING: A copy of the written notice shall be submitted to P&D permit processing staff prior to issuance of Zoning Clearance. A copy of the executed offsite construction personnel parking agreement (if necessary) shall be submitted to P&D prior to the pre-construction meeting with Permit Compliance staff. This restriction shall be maintained throughout construction.

- 47. Landscp-01 Landscape and Irrigation Plan.** The Owner/Applicant shall have a licensed landscape professional prepare a Landscape and Irrigation Plan for future residential development on the project site.

- 48. Bio-09 Fish and Wildlife Jurisdiction Advisory.** The project site is within the range of the El Segundo blue butterfly, California red-legged frog, vernal pool fairy shrimp and Vandenberg monkey flower, species that are listed by the U.S. Fish and Wildlife Service. The issuance of this permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the federal or California Endangered Species Act or any other law. The permit-holder shall contact the necessary jurisdictional agencies to ascertain his or her level of risk under the federal and California Endangered Species Act in implementing the project herein permitted.

Indemnity for Violation of the Endangered Species Act: The applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any and all claims,

actions, proceedings, demands, damages, costs, expenses (including attorneys fees), judgments or liabilities, against the County or its agents, offices or employees brought by any entity or person for any and all actions or omissions of the applicant or his agents, employees or other independent contractors arising out of this permit alleged to be in violation of the federal or California Endangered Species Acts (16 USC Sec. 1531 et seq.; Cal. Fish and Game Code Sec. 2050 et sec.). This permit does not authorize, approved or otherwise support a "take" of any listed species as defined under the federal or California Endangered Species Acts. Applicant shall notify County immediately of any potential violation of the federal and/or California Endangered Species Act.

CONDITIONS UNIQUE TO DEVELOPMENT PLANS

49. **Rules-07 DP Conformance.** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of structures, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Planning Commission No. F.2 dated December 13, 2017.
50. **Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
51. **Rules-14 Final DVP Expiration.** Final Development Plans shall expire five years after the effective date unless substantial physical construction has been completed on the development or unless a time extension is approved in compliance with County rules and regulations.
52. **Rules-18 CUP and DVP Revisions.** The approval by the Planning Commission of a revised Final Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.

COUNTY RULES AND REGULATIONS

53. **Rules-01 Effective Date-Not Appealable to CCC.** This Development Plan shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit [LUDC §35.82.020].
54. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having

EXHIBIT E – OAK HILLS ESTATES PROJECT

CALIFORNIA STATE LANDS COMMISSION STATEMENT OF FINDINGS

1.0 INTRODUCTION

The California State Lands Commission (Commission), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize issuance of a General Lease - Other, to Oak Hills Estates, LLC, for use of sovereign land associated with the proposed Oak Hill Estates (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)¹ The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306, 6009, subd. (c).) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

The Commission is a responsible agency under CEQA for the Project because the Commission must approve a lease for the Project to go forward and because the County of Santa Barbara (County), as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. The County analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2015111069) and, in July 2018, certified the EIR and adopted a Mitigation Monitoring Program (MMP), Findings, and a Statement of Overriding Considerations.

The Project involves the subdivision of a 16.88-acre parcel outside of Commission jurisdiction, for the creation of 30 lots, consisting of 29 lots for single-family homes and one open space lot. The Project area is adjacent to the Burton Mesa Ecological Reserve under the jurisdiction of the Commission and includes proposed mitigation measures within the Reserve.

The County determined that the Project could have significant environmental effects on the following environmental resources:

- Aesthetics
- Air Quality/Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hydrology and Water Quality

¹ CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, title 14, section 15000 et seq.

- Land Use
- Noise
- Public Services and Utilities
- Transportation and Circulation
- Fire Protection

Of the 11 resource areas noted above, Project components within the Commission's jurisdiction could have significant environmental effects on one of the resource areas with regard to cultural resources.

In certifying the Final EIR and approving the Project, the County imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures such that the impacts would be less than significant for most resource areas.

However, even with the integration of all feasible mitigation, the County concluded in the EIR that some of the identified impacts would remain significant. As a result, the County adopted a Statement of Overriding Considerations to support its approval of the Project despite the significant and unavoidable impacts. The County determined that, after mitigation, the Project may still have significant impacts on aesthetic resources. Because these impacts occur solely due to activities within the Oak Hills Estates Project site, and not within the Burton Mesa Ecological Reserve, these significant impacts are outside the jurisdiction and approval authority of the Commission, and a Statement of Overriding Considerations is not required by the Commission.

As a responsible agency, the Commission complies with CEQA by considering the EIR and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the Commission may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the Commission will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or Project revisions are implemented, the Commission adopts the MMP as set forth in Exhibit D as part of its Project approval.

2.0 ADMINISTRATIVE RECORD OF PROCEEDINGS AND CUSTODIAN OF THE RECORD

These Findings are supported by substantial evidence contained in the EIR and other relevant information provided to the Commission or existing in its files, all of which is contained in the administrative record. The administrative record is located at the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825. The custodian for the administrative record is the California State Lands Commission Division of Environmental Planning and Management.

3.0 FINDINGS

The Commission's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each "public agency" that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the EIR certified by the County for the Project identifies potentially significant impacts that fall within the scope of the Commission's approval, the Commission makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Riverwatch v. Olivenhain Mun. Water Dist.* (2009) 170 Cal.App.4th 1186, 1202, 1207.

While the Commission must consider the environmental impacts of the Project as set forth in the EIR, the Commission's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the Commission's exercise of discretion involves only issuing a General Lease - Other for this Project, the Commission is responsible for considering only the environmental impacts related to lands or resources subject to the Commission's jurisdiction. With respect to all other impacts associated with implementation of the Project, the Commission is bound by the legal presumption that the EIR fully complies with CEQA.

The Commission has reviewed and considered the information contained in the Project EIR. All significant adverse impacts of the Project identified in the EIR relating to the Commission's approval of a General Lease - Other, which would allow planting and maintenance of plant and tree species, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the Commission, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

- (1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

- (3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.²

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.

The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the Final EIR, including the Final EIR Revision Letter No. 1 dated June 4, 2018.

A. SUMMARY OF FINDINGS

The EIR identified potentially significant impacts for cultural resources within the Commission’s jurisdiction. The Findings are organized by significant impacts within this issue area of the EIR as presented below.

B. POTENTIALLY SIGNIFICANT IMPACTS

The impacts identified in Table 1 were determined in the Final EIR to be potentially significant absent mitigation within the Commission’s jurisdiction. After application of mitigation, however, the impacts were determined to be less than significant (LTSM). The Final EIR did not identify any significant and unavoidable impacts occurring within the Commission’s jurisdiction. For the full text of each mitigation measure (MM), please refer to Exhibit D, Attachment D-1.

Table 1 – Significant Impacts by Issue Area

Environmental Issue Area	Impact Nos.
	LTSM
Cultural Resources	CR-1

C. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION (LTSM)

The impacts identified below were determined in the Final EIR to be potentially significant absent mitigation; after application of mitigation, however, the impacts were determined to be less than significant.

² See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

1. CULTURAL RESOURCES

CEQA FINDING NO. CR-1

Impact: **Impact CR-1. Unearthing Previously Unidentified Subsurface Cultural Resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in encountering previously unidentified subsurface archaeological resources that may be unearthed during development of the project or conducting required off-site restoration and mitigation activities causing potentially significant impacts to cultural resources. The off-site mitigation area has historically been used for farming, including periodic ground disturbance similar to the proposed project activities. Thus, the potential for unearthing previously unidentified cultural resources is low. Nevertheless, mitigation to reduce this potential impact requires a pre-construction/pre-restoration meeting between the applicant, archaeologist, local Chumash representative(s), construction supervisors, and heavy equipment operators to ensure that all parties understand the cultural resources monitoring program and their respective roles and responsibilities (**MM CR-1**). Additional mitigation requires that the applicant and/or their agents, representatives, or contractors stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping, or other construction-related activity (**MM CR-2**); and that a County Planning and Development-approved archaeologist and Native American representative evaluate the significance of the find in compliance with County Cultural Resource Guidelines Provisions for Phase 2 and, if warranted, Phase 3 investigations (**MM CR-3**).

Implementation of MM(s) **CR-1**, **CR-2**, and **CR-3** has been incorporated into the Project to reduce this impact to a less than significant level.

MM CR-1: Pre-construction/Pre-restoration Meeting.

MM CR-2: Stop Work at Encounter.

MM CR-3: Cultural Phase 2 and 3.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.