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## SECTION 5

### PRESERVE ASSEMBLY AND CONSERVATION ACTIONS

This section describes specific policies and standards to implement the SAP and assemble the Preserve.

#### 5.1 PRESERVE ASSEMBLY COMPONENTS

The City's Preserve will be assembled from a variety of components, including existing and proposed conservation banks, existing public and private open space, lands set aside as onsite or offsite mitigation for future projects, lands acquired from willing landowners, and lands otherwise dedicated in the future for conservation purposes. This section describes these components and their expected contributions to the Preserve.

Upon completion of the habitat conservation program under the City's SAP, 2,873 acres of natural habitat will be preserved in the City (Table 5-1). This includes 2,393 acres in the focused planning area (FPA, the designated Preserve for the MHCP) and 480 acres outside the FPA. The planned restoration of 164 acres of disturbed or annual grassland areas to natural habitat includes some disturbed areas, which would be added to the Preserve, and some areas of natural habitat, such as annual grassland, which are already proposed for the Preserve. Of the total habitat to be preserved, 1,405 acres are currently under public ownership (including 1,133 acres owned by the City), and 1,468 acres are under private ownership.

##### 5.1.1 Existing and Proposed Conservation Banks and Major Mitigation Areas

The Preserve includes lands that currently are designated and managed as conservation banks or mitigation areas. It also includes lands that are proposed to be converted to these functions upon adoption of this SAP. Descriptions of each such area follow. Locations are depicted on Figure 4-1.

**Whelan Ranch Conservation Bank.** This 136-acre conservation bank is owned by Bank of America and located in the northern portion of the City. It was established in 1997. The bank's 136 credits have been used to mitigate impacts to coastal sage scrub and other upland habitats. The Center for Natural Lands Management (CNLM) manages the bank

lands with funds generated by the sale of conservation credits. These funds were used to establish a non-wasting endowment so that the property will have funds for management in perpetuity.

**Table 5-1****TARGET CONSERVATION OF NATURAL HABITATS**

	Total Natural Habitat [1]	Target Conservation Inside FPA [2]	Other Areas Preserved Outside FPA [3]	Total Area Conserved or Preserved
<b>Public Lands</b>				
City of Oceanside	1,329	845	288 [4]	1,133 Ac.
Other Local Agencies [5]	114	78	6	84
State of California	<u>200</u>	<u>186</u>	<u>1</u>	<u>187</u>
Total Public	1,643	1,109	295	1,405
<b>Private Lands</b>	<u>2,384</u>	<u>1,283</u>	<u>185</u>	<u>1,468</u>
<b>Total</b>	<b>4,026</b>	<b>2,393</b>	<b>480</b>	<b>2,873 Ac.</b>

Source: City of Oceanside and Foothill Associates, GIS Database (2008); Onaka Planning & Economics. See also Appendix Table A-2.

Note: Numbers (in acres) may not sum to totals as shown due to independent rounding.

FPA Focused planning area

1. Natural habitat excludes eucalyptus, agriculture, disturbed and developed lands.
2. Excludes approximately 160 acres of San Luis Rey River Flood Control Project area, which will be managed for both flood control and habitat quality, as applicable.
3. Other areas with wetland or riparian vegetation communities, located outside focused planning areas (FPAs), subject to the no net loss policy.
4. Includes approximately 160 acres of San Luis Rey River Flood Control Project area.
5. School districts, transit district, and SDG&E.

**Pilgrim Creek Mitigation Bank.** The Pilgrim Creek Mitigation Bank is 19.2 acres of wetland/aquatic habitat. This bank was originally established by the California Department of Transportation (Caltrans) but ownership and management responsibilities were transferred to CDFG. The bank is part of a 121-acre mitigation property that Caltrans used for impacts from the SR-76 project. The remaining 101.8 acres is comprised of alkali marsh, riparian habitat, and coastal sage scrub. Caltrans has established an endowment for the management of this land in perpetuity. The 19.2 acre bank includes restoration of riparian floodplain habitat suitable for occupation by the

vireo. Credits may be available for in-kind mitigation for impacts to riparian and aquatic habitats in a service area of northern San Diego County located west of I-15 and north of the San Dieguito River. Sale of credits is managed by SANDAG.

**Endowed City Management Lands.** The Environmental Trust (TET) previously owned and managed multiple pieces of land throughout the City; however, TET has since been dissolved, and, pending City Council approval, the City will agree to manage most of these properties, including the Vista de la Valle Mitigation Area, Buena Vista Creek, and Mission View Onsite Preserve, commensurate with the remaining endowments.

- **Vista de la Valle Mitigation Area.** This 50-acre mitigation site was purchased by TET in 1998 with funds contributed by three private development projects in the City. All of the mitigation credits were used for those projects; no mitigation credits remain for sale. The Vista de la Valle Mitigation Area is located along west-facing slopes immediately east and adjacent to El Camino Real, west of Las Vegas Drive and north of Mesa Drive (inside the WCPZ). Native habitats onsite include coastal sage scrub, mulefat scrub, and baccharis scrub. Although there is a management obligation to restore approximately 25 acres of coastal sage scrub on this property, this obligation will be dependent on the remaining management funding, which was initially established by the development projects.
- **Evergreen Nursery Environmental Preserve.** This preserve was established in 2001 through an HCP. TET was granted a conservation easement on a 29.66-acre portion of the 80 acre commercial plant nursery located immediately south of Oceanside Boulevard, east of El Camino Real and west of Rancho del Oro (inside the WCPZ). The Evergreen Preserve supports coastal sage scrub, riparian woodland, riparian scrub, freshwater marsh, mulefat scrub, and disturbed habitat.
- **Buena Vista Creek.** TET formally accepted monitoring and management responsibilities of this 3.32-acre site in 2002. This preserve was the required onsite mitigation for the Mossy Nissan car dealership located at just west of College Boulevard, south of Haymar Drive in the Offsite Mitigation Zone. The property is comprised predominantly of southern willow scrub with isolated patches of freshwater marsh. The upland habitat was mapped as disturbed.

- **Mission View Onsite Preserve.** This 7.81-acre parcel was conveyed by grant deed to TET in 2002 as mitigation for a residential development. Mission View Preserve is located south of Mission Avenue at the terminus of Mission Gate Drive. Native habitats onsite include coastal sage scrub, mulefat scrub, southern mixed chaparral, and annual grassland.
- **Sunwest II.** This 2.46 acre parcel is located adjacent to Foss Lake and was conserved as mitigation for a residential development. TET was responsible for management of the site, which in 2001 supported both the gnatcatcher and vireo. Approximately 1.0 acre of southern willow scrub was created and 1.32 acres restored on the property.

**Darwin / Taylor Mitigation Area.** This 72.3 acre property is located between Santa Fe Boulevard and Oceanside Boulevard, just west of Melrose Drive. It was conserved as mitigation for private developments and is privately managed. It contains 6.6 acres of chaparral, 25.3 acres of coastal sage scrub, 22.0 acres of grassland, and small amounts of riparian habitat as well as known populations of *Brodiaea filifolia*.

**Tuley Canyon Mitigation Area (Proposed).** This 144-acre property is owned by the City and managed by the Water Utilities Administration. With the adoption of this SAP, the City proposes to establish a public-land mitigation area over the portion of the property that supports natural habitat, primarily coastal sage scrub, annual grassland, and chaparral. The existing water reservoir tank, access road, and adjacent disturbed areas, however, would continue to be used for utility-related activities. Projects anywhere outside of the WCPZ could mitigate at this bank at the discretion of the City and the Wildlife Agencies.

**Other City-owned Mitigation Areas (Proposed).** The City reserves the right to establish and use credits on other City-owned properties to mitigate impacts of City projects. The City is currently evaluating mitigation banking opportunities on lands west of Whelan Lake, lands in Benet Canyon, land in Center City Golf Course near I-5, and lands adjacent to the San Luis Rey River upstream of College Boulevard. If mitigation banks or other conservation areas are established on one or more of these City-owned properties, the City will reserve use of the credits to mitigate impacts of City projects.

### **5.1.2 Existing Public Open Space**

The Preserve includes lands identified as existing public open space that are owned or otherwise controlled by public or semi-public entities other than the City of Oceanside. These entities include the State of California (i.e., Caltrans and CDFG) and special districts (i.e., SDG&E, NCTD, and school districts).

Within the City of Oceanside, a total of 200 acres of natural habitat are classified as state lands. Of these 200 acres, 186 acres have been included in the FPA as conserved habitat (82 acres of wetland habitat, 25 acres of coastal sage scrub, and 79 acres of grassland). These lands include the Pilgrim Creek Mitigation Bank (described specifically in Section 5.1.1), the Buena Vista Lagoon, and the steep slopes adjacent to SR-76. These lands are considered adequately conserved and appropriate for inclusion in the Oceanside preserve system because they are either designated as a conservation area or are planned as open space by the state agency. The monitoring and enforcement of consistency with Subarea Plan policies on state lands is the responsibility of the Wildlife Agencies.

Within the City of Oceanside, a total of 114 acres of natural habitat are classified as special district lands. Of this 114 acres, 78 acres have been included in the FPA as conserved habitat (30 acres of wetland habitat, 36 acres of coastal sage scrub, and 12 acres of grassland). These lands include portions of the north-south electric transmission corridors along El Camino Real, portions of the east-west railroad corridor along Loma Alta Creek, and several other scattered sites in eastern Oceanside. These lands are considered adequately conserved and appropriate for inclusion in the Oceanside preserve system because they either: (1) serve as mitigation land and are designated as a conservation area, (2) are wetlands and are considered protected by no-net-loss rules and other existing regulations, and/or (3) are planned as open space by the special district. The monitoring and enforcement of consistency with Subarea Plan policies on special district lands is the responsibility of the Wildlife Agencies. Additional information related to SDG&E lands is provided in Section 5.1.4.

### **5.1.3 Private Open Space**

Lands that cannot be developed due to existing ordinances (e.g., slopes greater than 40 percent with a minimum elevation differential of 25 feet within zoned residential areas)

and that support natural habitats or otherwise contribute to Preserve goals may be incorporated into the managed Preserve. Existing open space maintained by homeowner associations under pre-existing development agreements shall continue to be governed according to those agreements. If these management agreements do not meet the standards of the MHCP, then the lands will not be included in the Preserve. If however, management is consistent with the MHCP, the lands are protected by conservation easements and long-term funding for the management is guaranteed, these lands can be included in the Preserve and count toward conservation for proposed species coverage.

#### **5.1.4 SDG&E Electric Transmission Corridor**

The SDG&E electric transmission corridor is comprised of utility easements, with and without fee-owned rights-of-way. SDG&E can conduct public utility activities within the utility easements, but cannot preclude all types of development activities in these easement areas. With regard to fee-owned rights-of-way, SDG&E owns the lands and therefore controls development activities on them. In addition, some SDG&E fee-owned rights-of-way have, or may be requested to have, wildlife corridor easements placed over them. These easements are being recorded by SDG&E as provided in the SDG&E NCCP/HCP. These wildlife corridor easement areas will continue to be used for SDG&E Covered Activities and all other legally required activities, but will not otherwise be developed.

All SDG&E fee-owned electric transmission rights-of-way that lie within the WCPZ and are protected by wildlife corridor easements will be considered as part of the Preserve under the City's SAP. These lands are subject to an existing subregional NCCP/HCP agreement between SDG&E and the Wildlife Agencies. As identified in the Implementing Agreement between SDG&E and the Wildlife Agencies, SDG&E agrees to limit their use of fee-owned electric transmission rights-of-way that act as valuable wildlife corridors between preserve areas for covered species. This limited use is described in wildlife corridor easements for those specified rights-of-way. SDG&E can however, still use any fee-owned right-of-way protected by a wildlife corridor easement to conduct its Covered Activities and all other legally required activities.

The SDG&E electric transmission corridor that crosses the City from MCB Camp Pendleton south to SR-78 (shown in red in Figure 4-1), serves as the "backbone" for the Preserve through the central portion of the City. The habitat within this electric

transmission corridor is important in that it provides regional connectivity for coastal sage scrub dependent species, including the gnatcatcher, between MCB Camp Pendleton and the City of Carlsbad. To maintain and improve this regional connection, the City will work with SDG&E to limit private non-utility-related development, including paved or unpaved parking lots, within SDG&E's fee-owned rights-of-way. On a case-by-case basis SDG&E has agreed to consider restoration and habitat enhancement in and adjacent to the electric transmission corridor.

For all temporary impacts to biological resources/habitats caused by SDG&E within the SDG&E rights-of-way or easements within the Subarea Plan Preserve, SDG&E will adhere to requirements of their approved NCCP. The NCCP provides for a number of measures ranging from allowing for passive restoration for minor temporary disturbance to active restoration or off-site mitigation for larger temporary impacts. SDG&E will remain responsible for all repair activities for as long as it takes to meet the requirements of their NCCP. However, because the SDG&E NCCP and the City's SAP are overlapping plans, and because the City's requirements for coverage under this SAP may include more stringent requirements than the SDG&E NCCP for such impacts, the underlying SAP Preserve land managers must take any additional actions necessary to repair the impact to SAP standards. The SAP preserve land managers will then be responsible for managing those impact areas to SAP standards and in line with the preserve management plan over the long-term.

### **5.1.5 Habitat Conserved in Conjunction with Private Development**

In addition to existing private mitigation banks, mitigation areas, and homeowners' association open space, implementation of this SAP will result in the conservation of other privately owned habitat (see Section 5.5). The conservation of these lands will occur through onsite avoidance and/or offsite mitigation. These mitigation lands will be protected by conservation easements established in conjunction with the City's review and approval process for development projects and shall be managed and monitored pursuant to the SAP. The development review and approval process is described in Section 6.3, and standards and guidelines for avoiding, minimizing, and mitigating project impacts, including the delineation and conservation of onsite habitat lands, are described in Section 5.2. Offsite conservation will be directed to the WCPZ, Pre-

approved Mitigation Area or other Wildlife Agency-approved mitigation areas in the City (see Section 5.5).

### **5.1.6 Habitat Acquisition**

Public acquisition of privately owned habitat provides an effective means of implementing the goals of the City's SAP and avoiding potential conflicts with private development objectives. Private land with natural habitat that supports important biological resources and/or is located in wildlife corridors or linkages may be acquired for the Preserve from a willing seller at fair market value or upon terms mutually satisfactory to the buyer and seller.

The MHCP identified two groups of potential acquisition areas: (1) Priority 1 acquisition areas include lands highly constrained by narrow endemic species, major or critical locations of MHCP species, or wildlife corridors, and (2) Priority 2 areas consist of land which, if acquired, would significantly improve the biological value or the configuration of the MHCP Preserve and also meet other local open space objectives (see Section 5.5). In addition, this SAP identifies Priority 3 lands, located in the WCPZ, which support coastal sage scrub and offer opportunities for offsite mitigation for private or public projects.

Under the MHCP, Priority 1 lands will be acquired by Federal and/or State agencies, or with funds provided by those agencies. The City is responsible for funding and ensuring the long-term management and monitoring, according to MHCP standards, of any Priority 1 lands purchased by the Wildlife Agencies. Local jurisdictions participating in the MHCP will work towards acquisition of Priority 2 lands using available funding sources, such as project mitigation in-lieu fees or the proposed regional funding program. Funding for management in perpetuity of Priority 3 lands, if acquired for mitigation, will be provided by the purchaser.

Since 1997, as the MHCP Plan was being prepared, the City purchased two properties in the WCPZ: (1) a 4-acre parcel east of El Camino Real and (2) the 36-acre Myers Property located west of El Camino Real. The 4-acre parcel is planned for conservation, and will be incorporated into the Preserve once a conservation easement and management plan have been prepared for the property. The Myers Property has been placed under a

conservation easement, has a management plan, and a Property Analysis Report (PAR). The PAR determines the amount of money required to manage a property in perpetuity for the benefit of biological resources. In addition, a restoration/enhancement program, including erosion control measures, was initiated in 2005 on this site using Proposition 13 funding provided by the State Water Resources Control Board. The State Wildlife Conservation Board and the San Diego County Water Authority provided funding for these purchases.

## 5.2 CITYWIDE CONSERVATION ACTIONS

This section describes specific conservation standards and policies that the City will enforce for all development projects in the City to ensure that the Preserve achieves its intended objectives and criteria, as described in Section 4. The following standards and guidelines apply wherever a project may impact natural vegetation communities or biological resources within the City. Section 5.3 then defines more specific standards that apply within particular zones within the City.

- **Reasonable Economic Use of Property.** Throughout Sections 5.2 and 5.3, the phrases “reasonable use of parcel” and “reasonable use of property” are used to clarify the extent of restrictions that may apply to development on a property in order to protect biological values. Reasonable economic use rules apply only in the case where the standards set forth in this SAP cannot be met without precluding economic use of a property. As a general rule in this context, the City considers reasonable economic use to be a minimum of 25 percent development of a parcel or property, with the balance dedicated to biological open space. If biological protection policies in this SAP would preclude a minimum of 25 percent use (development) of a property, the City may review and modify restrictions to allow 25 percent use, as long as the development avoids impacts to the most biologically valuable portion of the property.
- **Focused Planning Areas.** The term “Focused Planning Areas” is used to collectively refer to those lands that are known to support biological resources or to lands that are otherwise important to preserve design and that are either already conserved, or are targeted to be wholly or partially conserved via SAP implementation. It is a term

introduced by the MHCP to refer to those areas already conserved or targeted for conservation by the MHCP. The FPA identified within this SAP generally corresponds to lands identified by the MHCP as comprising the FPA within the City, with differences being limited to either updates from improved data or changes in on-the-ground conditions between the completion of the MHCP and SAP documents. Within the City, Focused Planning Areas equate to lands identified as Preserve (both “hardline” and “softline”), which is inclusive of Pre-approved Mitigation Areas, conservation banks, or naturally vegetated lands targeted for conservation. It should be noted that the term “Focused Planning Areas” does not necessarily imply that all land within these properties will be or needs to be conserved.

### **5.2.1 Mitigation Standards for Vegetation Communities**

This SAP stipulates mitigation standards for impacts to natural vegetation communities (Table 5-2). It should be noted that impacts to wetlands and wetland habitats must be reviewed and approved by Federal or State agencies having jurisdiction over those areas and per the requirements in Section 5.2.4. The City’s SAP and the MHCP have a policy of no net loss of wetland vegetation communities. The standards for mitigating impacts to upland habitats differ according to where the impacted habitat is located. Within the WCPZ, primary emphasis is placed on avoiding impacts and minimizing any unavoidable impacts, with onsite mitigation credit applied to avoided habitats. This zone is also intended to be a “receiving area” for offsite mitigation generated elsewhere in the City. In the Offsite Mitigation Zone, there is less emphasis on impact avoidance, as long as offsite mitigation is directed to the WCPZ or Pre-approved Mitigation Areas. Conservation and management of onsite vegetation immediately adjacent to an identified preserve area may be used for onsite mitigation, if accompanied by a Preserve boundary adjustment which is found to be justifiable and biologically superior as described in Section 6.5.

All mitigation sites shall be designated as Preserve, be protected by conservation easements, have a permanent responsible party clearly designated, and be managed in perpetuity for their biological resources and value.

Table 5-2

**MITIGATION STANDARDS FOR IMPACTS TO NATURAL VEGETATION AND HABITAT**

Habitat Group	Location of Impacted Habitat	
	Coastal Zone, Wildlife Corridor Planning Zone <sup>2</sup> , Pre-approved Mitigation Areas <sup>3</sup> , and Offsite Mitigation Zone <sup>4</sup>	Agricultural Exclusion Zone <sup>5</sup>
<b>Coastal Wetlands<sup>1</sup></b> (Habitat Group A) – Salt Marsh, Salt Pan	4:1	N/A
<b>Riparian Habitats<sup>1</sup></b> (Habitat Group A) Oak Riparian Forest, Riparian Forest, Riparian Woodland Riparian Scrub	3:1 3:1	3:1 2:1
<b>Vernal Pools<sup>1</sup></b> (Habitat Group A)	4:1	2:1 to 4:1
<b>Freshwater Marsh<sup>1</sup></b> (Habitat Group A)	4:1	2:1
<b>Open Water, Natural Flood Channel, Disturbed Wetlands<sup>1</sup></b> (Habitat Group A)	2:1 to 1:1	1:1
<b>Marine Habitats, Eelgrass Beds<sup>1</sup></b> (Habitat Group A)	2:1	N/A
<b>Rare Upland</b> (Habitat Group B) - Beach, southern coastal bluff scrub, maritime succulent scrub, southern maritime chaparral, Engelmann oak woodland, coast live oak woodland, native grassland	3:1	2:1
<b>Coastal Sage Scrub</b> (Habitat Group C) - Coastal sage scrub, coastal sage/chaparral mix	3:1 <sup>6</sup>	2:1
<b>Chaparral</b> (Habitat Group D)- Chaparral, excluding southern maritime chaparral	1:1	1:1 <sup>7</sup>
<b>Annual Grassland</b> (Habitat Group E)- Annual (nonnative) grassland	0.5:1	0.5:1 <sup>7</sup>
<b>Other</b> (Habitat Group F)- Disturbed land, agricultural land, eucalyptus	<sup>7</sup>	<sup>7</sup>

## Table 5-2 Notes:

1. All impacts to riparian/wetland habitats and mitigation for such impacts must be reviewed and approved by Federal and State agencies with jurisdiction over these vegetation communities.
2. Primary conservation actions for upland habitats (groups B, C, D, or E) in WCPZ are to avoid impact as much as possible and to minimize any unavoidable impacts. Upland habitat that is conserved and managed onsite in this zone may be used to satisfy in-kind mitigation obligations associated with impacts to upland habitats located onsite.
3. Upland habitat (group B, C, D, or E) may be removed in Pre-approved Mitigation Areas. Upland habitat that is conserved and managed onsite in these areas may be used to satisfy in-kind mitigation obligations associated with onsite impacts to upland habitats. If there is any mitigation obligation that cannot be satisfied with onsite conservation, offsite mitigation must be located inside the WCPZ or other Pre-approved Mitigation Areas.

4. Upland habitat (group B, C, D, or E) may be removed in Offsite Mitigation Zone. Impacts to upland habitat in this zone must be mitigated within the WCPZ or within Pre-approved Mitigation Areas.
5. Upland habitat (group B, C, D, or E) may be removed in Agricultural Exclusion Zone. Mitigation obligations for impacts to upland habitats may be located within the WCPZ or within Pre-approved Mitigation Areas. Conservation of upland habitat onsite cannot be used to satisfy any upland mitigation requirements.
6. Impacts to coastal sage scrub in the Coastal Zone and Agency approved areas of the Offsite Mitigation Zone shall be mitigated at a 2:1 ratio (see Section 5.3).
7. May be subject to Habitat Development Fee.
8. “Up-tiering” of mitigation will be considered on a case-by-case basis and must be approved by both the City and the Wildlife Agencies.

### **5.2.2 Habitat Development Fee**

Upon adoption of the SAP, the City will implement a Habitat Development Fee program to provide a means of compensating for impacts to certain habitat areas and other undeveloped areas. Historically, the undeveloped areas supported natural habitat and if left vacant, would likely support natural habitat in the future. The money generated by the Habitat Development Fee program will be used for restoration or enhancement of certain priority areas, identified in Table 3-5. The fee program is discussed in more detail in Section 5.5.2.

### **5.2.3 Narrow Endemic Species Standards**

The MHCP defines “Narrow Endemic Species” (Table 5-3) as follows:

MHCP species that are highly restricted by their habitat affinities, edaphic requirements, or other ecological factors, and that have limited but important populations within the MHCP area, such that substantial loss of these populations or their habitat within the MHCP area might jeopardize the continued existence or recovery of that species.

MHCP policies require maximum avoidance of project impacts, minimization of impacts, and species-specific mitigation measures for unavoidable impacts, with a goal of achieving no net loss of these populations within the FPA, and no more than 20 percent total loss in the City. The MHCP narrow endemic and critical location policies are hereby incorporated into the City’s SAP in full, and are summarized as follows.

- For Narrow Endemic Species, the City will require, in priority order, maximum avoidance of project impacts, minimization of impacts, and species-specific mitigation measures for unavoidable impacts. Maximum avoidance and minimization shall be interpreted as avoidance of impacts to the degree practicable without precluding some economic or productive use of the property as supported by adequate facts. Species-specific mitigation measures for unavoidable impacts shall be designed to achieve no net loss of narrow endemic populations, occupied acreage, or population viability within Focused Planning Areas. Mitigation options for unavoidable impacts are discussed in Section 7 of this SAP.

In no case shall the City permit more than a 5 percent overall loss of a narrow endemic population or occupied acreage, whichever is most appropriate for the species as determined by the City and Wildlife Agencies, within Focused Planning Areas, or more than a 20 percent overall loss within the entire City. It will be the City's responsibility to track these losses and ensure compliance with these requirements. Translocation of narrow endemic species is not an allowable means of avoidance. However, it can be a means of achieving the no net loss policy (see Section 7.2.7).

- Any take of narrow endemic populations or occupied acreage within Focused Planning Areas discussed above must be mitigated to achieve no net loss of these populations. Any take of narrow endemic populations or occupied acreage outside of Focused Planning Areas, not to exceed 20 percent of the total within the City, must be mitigated based on species-specific criteria discussed in Section 7 of this document or designed in consultation with the Wildlife Agencies to minimize adverse effects to species viability and to contribute to species recovery.
- Areas conserved for narrow endemics shall include biologically justified buffer zones, with written concurrence from the Agencies, to allow for natural expansion and contraction of populations, persistence of pollinators, and other essential ecological functions (see MHCP Volume II). Any conserved lands that support narrow endemic species shall be added to the City's Preserve and managed for the continued viability of the population.
- Regardless of location, narrow endemic populations listed as "critical" in the MHCP Volume II must be totally avoided, and any populations that are later discovered and determined to meet the criteria for a critical population must be maximally avoided. In no case shall the City permit more than a 5 percent total loss of known or newly found critical populations of narrow endemic species, regardless of location within the City. If impacts to narrow endemics cannot be totally avoided while retaining economic or productive use of the property, then acquisition of the property for conservation purposes shall be pursued as a high priority, but only from willing sellers. Any take of major or critical populations, not to exceed 5 percent of the total within the City, must be mitigated so as to achieve a no net loss of such populations within the City.

Table 5-3

MHCP NARROW ENDEMIC SPECIES LIST<sup>1</sup>

Scientific Name	Common Name
<b>Plants</b>	
<i>Acanthomintha ilicifolia</i> (s)	San Diego thorn-mint
<i>Ambrosia pumila</i> (g)	San Diego ambrosia
<i>Arctostaphylos glandulosa</i> ssp. <i>crassifolia</i> (g)	Del Mar manzanita
<i>Baccharis vanessae</i> (g)	Encinitas baccharis
<i>Brodiaea filifolia</i> (s)	Thread-leaved brodiaea
<i>Chorizanthe orcuttiana</i> (g)	Orcutt's spineflower
<i>Corethrogyne filaginifolia</i> var. <i>linifolia</i> (g)	Del Mar Mesa sand aster
<i>Dudleya blochmaniae</i> ssp. <i>brevifolia</i> (g, s)	Short-leaved dudleya
<i>Dudleya variegata</i> (s)	Variiegated dudleya
<i>Eryngium aristulatum</i> var. <i>parishii</i> (v, s)	San Diego button-celery
<i>Hazardia orcuttii</i> (g)	Orcutt's hazardia
<i>Lotus nuttallianus</i> (g)	Nuttall's lotus
<i>Muilla clevelandii</i> (s)	San Diego goldenstar
<i>Myosurus minimus</i> ssp. <i>apus</i> (v, s)	Little mousetail
<i>Navarretia fossalis</i> (v, s)	Spreading navarretia
<i>Orcuttia californica</i> (v, s)	California Orcutt grass
<b>Animals</b>	
<i>Streptocephalus woottoni</i> (v)	Riverside fairy shrimp
<i>Branchinecta sandiegonensis</i> (v)	San Diego fairy shrimp
<i>Cicindela latesignata obliviosa</i> (g)	Oblivious tiger beetle
<i>Euplyes vestis harbisoni</i> (g)	Harbison's dun skipper butterfly
<i>Perognathus longimembris pacificus</i> (g, s)	Pacific pocket mouse
<i>Campylorhynchus brunneicapillus cousei</i> (g)	Coastal cactus wren

<sup>1</sup> Letters in parentheses indicate the nature of the endemism: g = geographic endemic; v = vernal pool endemic; s = edaphic (soil) endemic. Note that some species classified as geographic endemics for purposes of the MHCP study are more widespread in Baja California.

#### 5.2.4 Wetlands Mitigation Standards

Wetland communities within the City include vernal pools, saltpan, salt marsh, alkali marsh, freshwater marsh, riparian forest, riparian woodland, riparian scrub, freshwater, estuarine, marine, disturbed wetlands, and natural flood channel. Impacts to these communities are subject to California Fish and Game Code Section 1600 et seq. and Section 404 of the Federal Clean Water Act. Impacts to wetland communities within the Coastal Zone are also subject to Section 30233 of the California Coastal Act and applicable Local Coastal Plan regulations. Such areas are expected to continue to be regulated by these State and Federal statutes. The Army Corps of Engineers (ACOE) is expected to continue to consult with the USFWS pursuant to Section 7 of the ESA on projects that may affect federally listed species within ACOE jurisdictional wetlands or non-wetland waters of the United States. These consultations are expected to be expedited upon confirmation that the projects are consistent with the conditions of the Federal “take” permit issued to the City for fully covered species. CDFG will continue to work closely with the ACOE, USFWS, and the City to establish mitigation requirements in 1600 agreements for project impacts within the City.

This Section addresses avoidance, minimization, and mitigation measures for wetland habitats subject to development impacts. Development projects that affect wetland vegetation communities will be required to comply with these terms, which meet Federal and MHCP policies of no net loss of wetland functions and values, and the Environmental Protection Agency’s (EPA) 404(b)(1) Guidelines (40 CFR Part 230). Compliance with the City’s Plan and MHCP will constitute the full extent of mitigation measures for the take of wetland dependent covered species required or recommended by the USFWS pursuant to the ESA, NEPA, and CDFG pursuant to the CESA, NCCP Act, and CEQA.

The following standards and policies apply to all wetland vegetation communities within the City:

- **No Net Loss Policy.** For all vegetation communities listed by the MHCP as wetland vegetation communities (see Table 5-2, Habitat Group A) the City will require, in priority order, maximum avoidance of project impacts, minimization of impacts, and mitigation of impacts. Mitigation of unavoidable impacts will be designed to achieve

no net loss of both wetland vegetation acreage and biological value within the City. This is consistent with CDFG's existing wetland policies.

- **Findings for Unavoidable Impacts.** Any project that proposes to directly or indirectly impact wetlands or wetland vegetation communities anywhere within the City will fully disclose and analyze such impacts in a CEQA document and in a findings document prepared under a City implementing ordinance that addresses consistency with the SAP and MHCP. The CEQA document and findings document must fully analyze and factually substantiate that impacts to wetlands were avoided and minimized to the maximum extent possible while maintaining some economic or productive use of the property. Feasible alternatives to avoid the impacts shall be described and analyzed, and reasons that these alternatives were not pursued shall be fully described and factually substantiated.

If impacts cannot be avoided, all feasible means of minimizing encroachment into wetlands shall be fully addressed. Road or utility projects that must cross a wetland and that are to be permitted under this SAP will be required to demonstrate that the crossing will occur at the least overall biologically sensitive location and that all feasible minimization measures have been employed. In making this determination, alignment planning must consider whether avoidance of wetland impacts would result in more significant upland impacts. The alternative that has the fewest overall biological impacts is defined as that which has the least impact on sensitive biological resources and Preserve configuration, considering both wetland and upland impacts together.

As specified in the MHCP, private projects that propose to impact a wetland must demonstrate with adequate facts that the impact is essential to maintaining some economic or productive use of the property and that no feasible alternative would eliminate or minimize the impact or otherwise result in greater biological value. If impacts to wetlands cannot be avoided in an effort to retain economic or productive use of the property, an evaluation of biological functions and values shall be made based on the best available science. This evaluation shall consider rarity of the wetland type (e.g., vernal pools), presence of covered species and other listed or rare wetland species, proportion of native to nonnative vegetation, existing levels of habitat disturbance, connectivity to or isolation from other natural habitats and

preserve areas, state of natural groundwater recharge, water quality, and other relevant ecological factors (see ACOE General Regulatory Policies [33 DFG 320-330] for criteria to be considered in determining wetland functions and values). If the impacted wetlands are determined to have low biological value by the regulating agencies, then they need not be avoided so long as mitigation for the impacts will result in higher biological value than the existing condition (mitigation standards for wetlands are summarized in Table 5-2). The determination of relative biological value with and without the project shall require Agency written concurrence within 30 days of a receipt of written request for concurrence by the City. If no written reply is received or a written concurrence is received by the city from the Agencies during the CEQA public review process, the mitigation ratio reduction may be approved by the City. If the wetlands to be impacted are of high biological value, then acquisition of the property for conservation purposes shall be pursued as a high priority, but only from willing sellers.

- **Mitigation for Unavoidable Impacts.** To achieve the no net loss standard, mitigation for unavoidable impacts (e.g., wetland habitat creation) should preferably occur onsite or within the affected drainage and/or watershed. Offsite mitigation may occur as long as the mitigation site contributes to the City's preserve design and has biological function and value (e.g., by adjacency to other preserve areas). All wetland mitigation sites shall be designated as Preserve, be protected by conservation easements, and be managed in perpetuity for their biological resources and value.
- **Conservation and Buffer Requirements along the San Luis Rey River.** Wherever development or other discretionary actions are proposed in or adjacent to riparian habitats along the San Luis Rey River, the riparian area and/or other wetlands and associated natural habitats shall be designated as biological open space and incorporated into the Preserve. In addition, a minimum 100-foot biological buffer shall be established for upland habitats, beginning at the outer edge of riparian vegetation. The following uses are prohibited in the 100-foot biological buffer: (1) new development, (2) new pedestrian and bike trails or passive recreational uses not already planned, and (3) fuel modification activities for new development. In the event that natural habitats do not currently (at the time of proposed action) cover the 100-foot buffer area, native habitats appropriate to the location and soils shall be restored as a condition of project approval. In most cases, coastal sage scrub vegetation shall be the preferred habitat to restore within the biological buffer.

- **Conservation and Buffer Requirements along Tributaries and Creeks.** Wherever development or other discretionary actions are proposed in or adjacent to riparian habitats (not including the San Luis Rey River), the riparian area and other wetlands or associated natural habitats shall be designated as biological open space and incorporated into the Preserve. In addition, a minimum 50-foot biological buffer, plus a minimum 50-foot planning buffer (total width of both equals 100 feet) shall be established for upland habitats, beginning at the outer edge of riparian vegetation. The planning buffer serves as an area of transition between the biological buffer and specified land uses on adjoining uplands. Foot paths, bikeways, and passive recreational uses may be incorporated into planning buffers, but buildings, roads, or other intensive uses are prohibited. The following uses are prohibited in the 50-foot biological buffer: (1) new development, (2) foot paths, bikeways, and passive recreational uses not already planned, and (3) fuel modification activities for new development. In the event that natural habitats do not currently (at the time of proposed action) cover the 50-foot buffer area, native habitats appropriate to the location and soils shall be restored as a condition of project approval. In most cases, coastal sage scrub vegetation shall be the preferred habitat to restore within the biological buffer.

### **5.2.5 Fire and Fuel Management Standards**

For all future development projects' plans and approvals, fire breaks and fuel modification zones must be addressed in accordance with the City's Fire Ordinance (See Section 2.3.3) and must be considered part of the development footprint for determining project impacts and mitigation requirements. Fuel breaks and fuel modification zones shall not be permitted in biological and planning buffers, and cannot be counted as biological open space for the purpose of determining onsite or offsite mitigation credit. Additionally, use of grazing animals (e.g., goats) to thin or clear vegetation for the purposes of fuel management will be subject to approval by the Wildlife Agencies.

For existing, established developments with structures adjacent to open space, fire breaks and fuel modification zones currently exist in many cases and will continue to be maintained consistent with current practices, as directed by the City fire chief. In these cases, the fire breaks and fuel modification zones have historically been maintained such

that continued maintenance will not result in the loss of additional habitat. However, such areas will not be counted towards Preserve acreage requirements. Where feasible, while continuing to maintain fire safety, alternative methods of establishing fire safety zones should be implemented, including thinning, hand clearing, mowing, fire-safe native plantings, and/or the construction of fire walls. If additional fire safety modifications are required for existing developments, the City will recommend and encourage implementation of structural building upgrades or other modifications within the development area that would satisfy the safety requirements of the City fire chief. Where fire breaks and fuel modification zones have not been maintained for existing development and/or where no other options are available to resolve the fire risk, fire break and fuel modification zone clearing within the Preserve will require approval from the Wildlife Agencies, and impacts to habitat would require mitigation consistent with this SAP.

To assist property owners in reducing fire risk while minimizing impacts to sensitive biological resources, a Wildland Fire Protection MOU was established between the Wildlife Agencies, California Department of Forestry, the San Diego County Fire Chiefs' Association and the Fire Districts Association of San Diego County (February 26, 1997). This MOU authorizes specific fuel management activities for developments established prior to 1997 that are adjacent to sensitive habitats. Fuel modification activities can occur from 30 to 100 feet from structures upon approval by the City fire chief. Generally, fuel modification activities in upland habitats (e.g., coastal sage scrub) include removal of dead brush, selective thinning, and above-ground vegetation removal that retains root structure (to prevent erosion) and allows for regrowth. Riparian vegetation and vernal pool depressions shall be avoided and are not addressed in the MOU as these areas are naturally more resistant to fire and are subject to separate Federal and State regulations.

### **5.2.6 Clustering Standards for New Development**

Because this SAP has the potential to decrease the allowable development area on a parcel relative to existing City ordinances and policies (particularly in the WCPZ), the City will consider ways to offset adverse economic effects on landowners, such as (1) clustering to increase development densities on the developable portion of the property, and (2) increasing maximum allowable building heights. Such discretionary modifications to existing City policies may be approved by the City within Focused Planning Areas on a case-by-case basis through appropriate zoning actions, but will

generally apply only when the allowable development area comprises less than 50 percent of the parcel or property.

### **5.2.7 Wildlife Road Crossing Standards**

Many of the covered animal species are adversely affected by roads. A major goal of NCCP planning is to improve habitat connectivity and to reduce threats to covered species' persistence. Consequently, new roads or improvements to existing roads must include wildlife crossing improvements to accommodate safe animal movement between occupied habitats on either side of the road. Any new road should be located in the least environmentally damaging location. Any project involving new road construction, or upgrades, realignments, or improvements to existing roads that are adjacent to or within the existing or proposed Preserve, must fully disclose and analyze in a CEQA document, or in findings prepared under a City implementing ordinance, the current effects of the road(s) on habitat fragmentation, roadkill, or movements of covered species in the vicinity of the project. Any roads that currently represent threats or impediments to covered species, or any newly proposed roads that could present threats or impediments if constructed, shall be required to incorporate wildlife road-crossing improvements. Such improvements shall be designed for species of concern in the area, and may include bridges, vegetated over-crossings, enlarged culverts, or other structures shown to be effective for wildlife movement, along with appropriate fencing to keep animals off of roads and funnel them to safe crossing points (see, Bissonette et al. 2008, Dodd et al. 2004, Ng et al. 2004, Forman et al. 2003, Evink 2002, Jackson and Griffin 2000). Placement and design of such road crossings, fences, and associated improvements (e.g., vegetation restoration) will be based on site-specific wildlife movement surveys and biological criteria included as part of the CEQA process or other appropriate implementing ordinances.

### **5.2.8 Project Implementation Guidelines**

The following minimization measures and Best Management Practices (BMPs) shall be implemented by projects that may impact biological resources within the City. All projects approved under this SAP must also adhere to the zone-specific standards for which they are located.

- (1) The project applicant shall temporarily fence (with silt barriers) the limits of project impacts (including construction staging areas and access routes) to prevent additional habitat impacts and prevent the spread of silt from the construction zone into adjacent native habitats to be preserved. Fencing shall be installed in a manner that does not impact habitats to be preserved. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the Wildlife Agencies. Any riparian/wetland or upland habitat impacts that occur beyond the approved fenced shall be mitigated at a minimum 5:1 ratio. Temporary construction fencing shall be removed upon project completion.
- (2) Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.
- (3) Migratory Bird and Raptor Nest Buffers. The project applicant shall develop an educational pamphlet (in English and Spanish) for the identification of raptor nests and to guide tree pruning activities in suburban areas during the breeding season. Landscaping companies and tree trimming services that have projects in the City shall be required to use the pamphlet to educate their employees on the recognition of raptor nest trees. Trimming of trees containing raptor or migrating bird nests shall be prohibited during the raptor breeding season (January 15 to August 31). Human disturbance shall be restricted around documented nesting habitat during the breeding season based on the following:

To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat will occur outside of the breeding season (January 15 to August 31). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and federally- or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be

submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: 1) no work within 300 feet of a non-listed nesting migratory bird nest, and 2) no work within 500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g. the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant will contact the City and Wildlife Agencies to determine the appropriate buffer.

- (4) A monitoring biologist shall be onsite during: a) initial clearing and grubbing of all native habitats; and b) project construction within 500 feet of preserved habitat to ensure compliance with all conservation measures. The biologist must be knowledgeable of the covered species biology and ecology.
  
- (5) The applicant shall ensure that development landscaping adjacent to on- or off-site habitat does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include any species listed on the California Invasive Plant Council's (Cal-IPC) "Invasive Plant Inventory" List. This list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained from Cal-IPC's web site or other similar sources that may evolve over the life of this plan. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to the Preserve and water runoff from landscaped areas should be directed away from the biological conservation easement area and contained and/or treated within the development footprint. The applicant shall ensure that development lighting adjacent to all on- or off-site habitat shall be directed away from and/or shielded so as not to illuminate native habitats.

- (6) If night work is necessary, night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded and directed away from natural habitats.
- (7) The biological monitor should flush birds out of habitat areas before they are cleared.
- (8) The biological monitor shall prepare periodic construction monitoring reports and a post-construction report to document compliance.
- (9) Any planting stock to be brought onto the project site for landscape or habitat creation/restoration/enhancement shall be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (*Iridomyrmex humil*), fire ants (*Solenopsis invicta*), and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the Agencies that these pests already occur in natural areas around the project site. The stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. The applicant shall ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape or habitat creation/restoration/enhancement.
- (10) The applicant shall ensure that the following conditions are implemented during project construction:
  - a. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint;
  - b. To avoid attracting predators of covered species, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site;
  - c. Pets of project personnel shall not be allowed on the project site;
  - d. Disposal or temporary placement of excess fill, brush or other debris shall not be allowed in waters of the United States or their banks;
  - e. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent

any runoff from entering waters of the United States, and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. “No-fueling zones” shall be designated on construction plans.

### **5.3 PLANNING ZONE-SPECIFIC STANDARDS**

Sections 2.3 and 4.3 introduced several preserve planning zones within which varying biological goals and guidelines apply. This section defines the specific planning policies and standards that apply in each zone, in addition to the City wide standards described in Section 5.2. The following zone-specific standards are designed to achieve preserve design goals while minimizing unnecessary restrictions on land uses and economic gain. For the most part, these standards and guidelines apply over an entire zone; however, for some zones, more site-specific standards are also defined where necessary.

#### **5.3.1 Wildlife Corridor Planning Zone**

##### 5.3.1.1 General Development Standards

Properties within the WCPZ (see Figure 4-1) must be developed such that wildlife habitat value is maintained and enhanced. Connectivity of natural habitat throughout this zone must also be maintained for wildlife movement, particularly to allow continued connectivity of gnatcatcher and other bird species populations across the City. In order to achieve these objectives, the following standards apply to all undeveloped properties within the WCPZ. Note that, in this particular zone, absence of natural habitats on an undeveloped property doesn’t necessarily alleviate the need to adhere to these standards, because some lands not supporting natural habitat may nevertheless be critical to wildlife movement.

For redeveloping properties over 2 acres in size and with undeveloped space, the redevelopment footprint shall be limited to either the existing City-approved legal development footprint or the maximum development footprint allowed by the policies of this Plan, whichever is larger. The existing legal development footprint and the redevelopment footprint shall include fire management buffers. The City and Wildlife

Agencies will typically require documentation (approved development plans, permits, or other information) proving the legal extent of existing development.

- **Avoidance and Minimization Standards.** For all properties within this zone, removal of native habitats shall be avoided to the maximum extent feasible, without precluding reasonable use of the property. New development on existing properties larger than 2 acres within this zone shall conserve at least 50 percent of the parcel as open space, and may remove no more than 25 percent of the coastal sage scrub habitat. This standard must be applied prior to any splitting or combining of existing lots, unless it can be proven that applying the standard after combining lots provides for superior biological conservation value. Deviations from these standards can be approved only if 1) the amount of the conservation deficit is provided elsewhere within the WCPZ and is provided in addition to all other required mitigation, and 2) the alternative solution provides biologically superior conservation value as determined by the City and the Wildlife Agencies. The following conditions also apply to particular land categories within the entire WCPZ: .

SDG&E Electric Transmission Corridor and Adjacent Lands. Activities in the wildlife corridor easement areas will be limited to SGD&E Covered Activities under the SDG&E NCCP/HCP and other SDG&E legally required activities. Examples of such activities include, but are not limited to:

- Overhead Facilities
  - New Overhead Facility Alignment
  - Placement of Structures
  - Placement of Electrical Equipment on Structures
  - Insetting Poles
  - Equipment Repair and Replacement
  - Pole Anchors and Stubs
  - Insulator Washing
  - Tree Trimming
  - Pole Brushing
  - Commercial and Residential Extensions
  - Use of Helicopters
  
- Underground Facilities

- New Underground Facility Alignment
- Underground Facility Access
- Protection of Underground Facilities in Waterways
- Commercial and Residential Extensions
- Trenching
- Line Markers
- Use of Helicopters and/or Fixed Wing Aircraft for Visual Inspection
  
- Other Ground Disturbance
  - Access Roads
  - Access Roads Crossing Waterways
  - Slopes (Cut or Fill)
  - Staging and Other Work Areas
  - Geotechnical Remediation
  - Geotechnical Testing
  - Pest Control
  - Fire Control Areas
  - Vegetation Control (Mechanical and Herbicide)
  
- Substation and Regulation Stations
  - Substation and Regulator Siting
  - Staging and Other work Areas
  - Fire Control Areas
  - Geotechnical Failure Protection and Remediation

In addition to other guidelines established for the WCPZ described above, the following guidelines will apply to non-SDG&E projects within 500 feet of the center line of, but not within, the SDG&E electric transmission corridor (see Figure 5-1 for illustration of concepts):

- (1) Paved or unpaved parking lots will not be allowed on the fee-owned rights-of-way and/or areas that are protected by conservation easements or wildlife corridor easements.

- (2) New development on any parcel wholly or partially within 500 feet of the centerline of the SDG&E transmission corridor shall be avoided to the maximum extent feasible, even where such land does not support native habitat. Where development is proposed within 500 feet of the SDG&E corridor centerline, the development must be sited as far away from the corridor or other Preserve lands as feasible. The undeveloped portion of the property adjacent to the SDG&E corridor or Preserve shall be protected with a conservation easement and managed as part of the Preserve. “Development” includes all required fuel modification zones.
- (3) In no case shall new development constrict the wildlife movement/transmission corridor to less than 200 feet total width unless this restriction precludes reasonable use of the property, defined as 25 percent use of the parcel. The 200 feet can include the electric transmission corridor itself. “Development” includes all required fuel modification zones.
- (4) Impacts to coastal sage scrub habitat within 1000 feet of the SDG&E corridor centerline shall be totally avoided (including fuel modification activities), except where this would preclude reasonable use of the property, defined as 25 percent use of the parcel.

Steep Slopes. Slopes greater than 40 percent, with a minimum elevation differential of 25 feet, shall be considered undevelopable where they occur within the WCPZ, unless such designation precludes reasonable use of the property, defined as a minimum of 25 percent use of the parcel. In this case, a maximum of 25% of the property may be developed. This applies to all property within the zone and is not restricted in application to lands zoned for residential use.

Insert Figure 5-1 page 1 of 2

Figure 5-1: page 2 of 2.

- **Compensatory Mitigation Standards.** Where impacts to natural habitat within this zone cannot be avoided, they must be mitigated within the WCPZ by conservation of open space and/or by restoration or enhancement of habitat. Onsite mitigation credit is allowed and encouraged within this zone according to ratios in Table 5-2. Mitigation must contribute to conservation or enhancement of (1) gnatcatcher breeding habitat within the zone or (2) habitat connectivity across the zone. Mitigation sites should be contiguous with the SDG&E transmission corridor defined in Section 5.1.4 or adjacent to other open space within the zone. Any habitat restoration or enhancement work within an SDG&E easement or right-of-way shall be subject to review and approval by SDG&E. This shall occur in order for SDG&E to determine if the proposed restoration or enhancement proposal has the potential to affect existing or future facilities and/or operation and maintenance activities. If an approved restoration site is impacted by subsequent SDG&E activities (e.g., routine maintenance, adding facilities), onsite restoration will be required to return the site to its pre-impact condition. The responsibility for ensuring successful restoration of the site lies with the preserve manager, not SDG&E.

Restoration sites within the WCPZ that meet either of the two criteria above will be required to achieve success criteria as specified by the Wildlife Agencies (see Section 7.2.3 for guidance on preparation of restoration plans). Impacts to gnatcatcher-occupied habitat in this zone will be avoided to the maximum extent feasible and be mitigated by creating and/or restoring habitat suitable for gnatcatcher breeding and/or dispersal, that achieves required success criteria, within the WCPZ.

- **Habitat Restoration Credits and Standards.** To encourage restoration of coastal sage scrub within this zone, mitigation obligations may also be met by restoring disturbed areas, agricultural land, or annual (nonnative) grasslands to high quality coastal sage scrub habitat. High quality coastal sage scrub is defined as habitat that has either (1) the composition and structure of naturally occurring gnatcatcher breeding habitat in the vicinity of the restoration project or (2) has the vegetation composition and structure that is consistent with known gnatcatcher breeding habitat and (3) that is reasonably expected to persist on the site under natural conditions. To qualify for mitigation credit, restored coastal sage scrub must be designed to create sustainable gnatcatcher breeding habitat, and must be installed, monitored, and

managed as part of the Preserve according to standards described in Section 7.2.3. Provided that these standards are met, restored habitat within the WCPZ shall be credited toward mitigation obligations the same as conserved coastal sage scrub habitat (i.e., 1 acre of successfully restored coastal sage scrub habitat within this zone shall be counted the same as 1 acre conserved). This applies whether the impacts being mitigated are for projects inside this zone, or elsewhere in the City. Mitigation credit for restoration within this zone shall be counted as additional to any credit for purchase of vacant land within this zone. For example, if 1 acre of land is purchased and then restored, 2 credits shall be counted as mitigation. However, it would not be permissible to simply purchase vacant or disturbed land to fulfill mitigation obligations; restoration or creation must satisfy at least half the mitigation obligation when vacant or disturbed land is used for mitigation. Furthermore, acreages of existing trails or other developed areas in potential restoration sites must be subtracted from the total credit to be received unless these areas are to be restored to native habitat.

- **Landscaping Standards.** New landscaping within the WCPZ will include establishment of native shrubs favorable to gnatcatcher use during dispersal and will avoid plantings of nonnative vegetation that may inhibit gnatcatcher use or that may be invasive to the Preserve. Restoration of native habitats, particularly coastal sage scrub, is desirable anywhere within the zone and especially encouraged within the Preserve, but is not required outside of the Preserve (see Section 7.2.3 for habitat restoration guidelines, including native plant palettes for this purpose). Although full restoration of native habitats is not required outside of the Preserve, landscaping within 500 feet of the SDG&E corridor, or within 500 feet of the Preserve within the WCPZ, must include only native vegetation; no use of invasive nonnative species, or plants that require intensive irrigation, fertilizers, or pesticides, will be allowed. Table 5-4 provides a partial list of attractive, native landscape plants that are tolerant of some summer irrigation and are compatible adjacent to the Preserve. Table 5-5 provides a list of landscaping plants prohibited within 1,000 feet of the Preserve.
- **Land Acquisition Priorities.** Any land acquisition funds provided by the City, including mitigation or development fees, or funds provided to the City from regional, State, Federal, or other sources, shall be used to acquire new properties for inclusion in the Preserve, maintain and manage these properties, and enhance resource values through restoration of degraded habitats on these properties. Highest priority shall be

given to land acquisitions adjacent to the SDG&E transmission corridor, other open space areas within the WCPZ, and to lands that otherwise contribute significantly to habitat connectivity across the zone. Priority will also be given to acquiring lands where biological goals cannot be assured without precluding reasonable development use of the property.

### **5.3.1.2 Hardline Area Development Standards**

#### **El Corazon**

Significant conservation and restoration in the western portion of this City-owned parcel (Figure 4-1) is critical to the functional stepping-stone corridor across the City and essential to achieving biological goals in the WCPZ. A minimum of 120 acres of contiguous biological open space shall be conserved on the property, including at least 45 acres west of the SDG&E transmission corridor and 75 acres along Garrison Creek on the northern portion of the site. As shown in Table 3-5, a total of 64 acres in the western portion of El Corazon have been identified as priority coastal sage scrub restoration sites (Sites 7, 8, and 8A) to meet the 164-acre habitat restoration requirements of this SAP. Restoration will be planned so as to consolidate as large and contiguous a block of breeding gnatcatcher habitat as possible, taking advantage of existing patches of coastal sage scrub and maintaining line-of-sight connectivity with other sage scrub habitats adjacent to the property. Based on restoration potential and size of the area, low intensity restoration as defined in Section 7.2.3 (e.g., no irrigation or container planting) will occur in this area due to the presence of existing intermixed coastal sage scrub species. However, longer-term monitoring (at least 5 years) and maintenance may be required to ensure achievement of biological goals.

The open space shall *average* a *minimum* of 800 feet wide from east to west for that portion lying south of Garrison Creek and west of the SDG&E transmission corridor, and the narrowest portion of this open space corridor shall be no less than 500 feet wide. The whole of Garrison Creek and associated natural habitats shall be conserved on the property, with a minimum 100-foot buffer of uplands conserved adjacent to the wetlands vegetation. A corridor of open space averaging at least 300 feet wide shall extend east from the main block of open space for approximately 3,000 linear feet along the north side of Oceanside Boulevard. At least 35 acres of the existing disturbed or nonnative

habitats within the biological open space shall be restored as functional coastal sage scrub habitat capable of supporting breeding gnatcatchers.

No structures shall be allowed within the 120 acres of open space. Some trails may be allowed within the El Corazon open space (see Section 5.3.1.2), and existing service roads will continue to be maintained, as necessary. Impact acreages for these allowable uses will not count towards the 120-acre conservation commitment. The following minimization measures will be incorporated into the project design: (1) trails and paths will be located away from sensitive habitats and restoration areas, to the maximum extent possible and will be limited to a maximum of 6 feet in width, (2) access areas and trails will be clearly marked, (3) signs will be posted to discourage off-trail access and use, (4) where sensitive species are present, close trails as necessary during the breeding season to prevent undue harassment or nest abandonment, (5) invasive, nonnative plants (see Table 5-5 for a list of prohibited species) or plants that require intensive irrigation, fertilizers, or pesticides, will be prohibited within 500 feet of the Preserve, (6) landscaping will incorporate native shrub species (see Table 5-4 for examples), and (7) runoff from landscaped areas will be directed away from the Preserve and will be contained and/or treated within the landscaping footprint.

### **Old Drive-in Theater Site**

The old drive-in theater site (also known as the Pavilions Development Site) is situated in a key location of the stepping-stone corridor. This site provides one of the potential gnatcatcher dispersal routes from habitat areas south of SR-76 to habitat areas north of the San Luis Rey River. Any future development of this site shall incorporate the following development standards: (1) preservation of a minimum of a 200-foot-wide corridor along the eastern property boundary, which encompasses an existing 100-foot-wide transmission line corridor and storm drain, (2) coastal sage scrub habitat restoration within the 200-foot-wide corridor, and (3) preparation of a fire management plan for the corridor to ensure that the coastal sage scrub restoration is implemented compatible with public safety.

### **5.3.1.3 Priority Restoration Areas**

In addition to all pertinent general Preserve guidelines, the following areas have specific restoration requirements that shall be incorporated into future area-specific directives as

conserved lands are added to the Preserve, although these requirements may be adjusted based on future information. Similar requirements may apply to other, smaller lands within the WCPZ as well (see Table 3-5 and Figure 3-8), but specific restoration requirements are not presented for them at this time, pending site-specific development plans and additional biological information.

- **Vista de la Valle Mitigation Area and Adjacent SDG&E Easements (Site 4: Table 3-5, Figure 3-8).** The 50-acre Vista de la Valle mitigation area has an existing obligation to restore approximately 25 acres of coastal sage scrub. Additional restoration (approximately 12 acres) is recommended on the adjacent lands owned by or under easement to SDG&E for its electrical substation and transmission lines. This restoration should be contiguous with the Vista de la Valle mitigation area to the extent feasible, while allowing for existing and future public utility purposes and activities by SDG&E. The feasibility of any proposed restoration work will be assessed in conjunction with SDG&E to determine if the proposal is acceptable and appropriate. Surveys for sensitive plants (e.g., *Brodiaea filifolia* and *Ambrosia pumila*) must be performed prior to preparation of a restoration plan to ensure that restoration will not adversely affect any extant populations. Based on restoration potential and size of the area, low intensity restoration as defined in Section 7.2 (e.g., no irrigation or container planting) is expected to be adequate in this area. However, longer-term monitoring (at least 5 years) and maintenance may be required to ensure achievement of biological goals.
- **Eternal Hills Cemetery (Site 9: Table 3-5, Figure 3-8).** Approximately 11.7 acres of coastal sage scrub restoration is required on this property, north and east of the existing cemetery development. Although this area is mapped as disturbed land in the MHCP database, Scheidt (2003) recently remapped it as primarily annual grasslands with native grassland inclusions. Additionally, a major population of *Brodiaea filifolia* occurs in the northeast portion of the property, and other sensitive plant species have potential to occur. The sage scrub restoration plan must avoid removal of native grasslands or sensitive plant species, while increasing the block of functional gnatcatcher breeding habitat. Based on restoration potential and size of the area, low intensity restoration as defined in Section 7.2 is expected to be adequate in this area. However, longer-

term monitoring (at least 5 years) and maintenance are required to ensure achievement of biological goals.

- **Mesa Ridge Property (Site 5: Table 3-5, Figure 3-8).** This area west of the Vista de la Valle mitigation area supports annual grasslands on steep and erodible slopes. It consequently has low potential for restoration, but its location makes it important to gnatcatcher dispersal between other habitat patches. To increase its function as dispersal or foraging habitat for gnatcatchers, low intensity enhancement via hydroseeding of some sage scrub species is required on about 8 acres. Surveys for *Brodiaea filifolia* are required here as well.
- **Grassland Slopes above Mission Boulevard (Site 6: Table 3-5, Figure 3-8).** This area west of Mesa Ridge property supports annual grasslands on steep and erodable slopes. It has moderate potential for restoration and functions primarily as potential dispersal and foraging habitat for gnatcatchers. To increase its function as dispersal or foraging habitat, low intensity enhancement via hydroseeding of some sage scrub species is required on about 8 acres of slopes above Mission Boulevard.
- **Four-acre City Acquisition Parcel along El Camino Real (Site 12: Table 3-5, Figure 3-8).** Approximately 1 acre of coastal sage scrub restoration is required for disturbed portions of this parcel, to increase the size and quality of its existing gnatcatcher breeding habitat. High intensity restoration is recommended for the northern portion of the site. Based on the property's accessible location and small size, this site requires diligent management to reduce adverse edge effects due to trespass, trampling, litter, and off-road use. Rocks or other barriers will be placed at strategic locations to limit vehicle entry.

### 5.3.2 Pre-approved Mitigation Areas

Pre-approved Mitigation Areas (PAMAs) inside and outside of the WCPZ have significant resource values (Figures 3-2 to 3-5). Only certain City-owned lands inside the WCPZ are shown as PAMA in order to identify candidate areas to which offsite mitigation may be directed. However, all privately owned habitat lands inside the WCPZ are candidates for offsite mitigation, subject to conditions discussed in Section 5.3.1 above.

Therefore, land conserved by development projects occurring in a PAMA will qualify for onsite mitigation credit, and development projects occurring outside of a PAMA will be allowed to mitigate “offsite” in a PAMA. Development is allowed, although not encouraged, in PAMAs and is subject to planning guidelines to avoid, minimize, and fully mitigate impacts. At least 50 percent of a parcel located within a PAMA must be conserved as biological open space, and no more than 25 percent impact to coastal sage scrub habitat will be allowed. Unavoidable impacts may be mitigated by onsite habitat protection and management, or offsite protection within a PAMA or within the WCPZ. PAMAs are considered the second best option after undeveloped lands in the WCPZ for acquisition with funding sources described in Section 5.1.6.

Table 5-4

**NATIVE LANDSCAPING SHRUBS SUITABLE FOR USE  
ADJACENT TO PRESERVE AREAS**

<b>Scientific Name</b>	<b>Common Name</b>
<i>Adolphia californica</i>	Adolphia
<i>Arctostaphylos glandulosa</i> ssp. <i>crassifolia</i>	Del Mar manzanita
<i>Atriplex lentiformis</i> ssp. <i>lentiformis</i>	Big saltbush
<i>Comarostaphylis diversifolia</i> ssp. <i>diversifolia</i>	Summer holly
<i>Encelia californica</i>	Coastal sunflower
<i>Heteromeles arbutifolia</i>	Toyon
<i>Malosma laurina</i>	Laurel sumac
<i>Mimulus aurantiacus</i>	Red monkeyflower
<i>Opuntia littoralis</i>	Prickly pear cactus
<i>Opuntia prolifera</i>	Coastal cholla
<i>Prunus ilicifolia</i> ssp. <i>ilicifolia</i>	Hollyleaf cherry
<i>Rhus integrifolia</i>	Lemonadeberry
<i>Rhus ovata</i>	Sugar bush
<i>Sambucus mexicana</i>	Mexican elderberry

Table 5-5

**COMMON INVASIVE EXOTIC PLANT SPECIES  
PROHIBITED FOR PLANTING WITHIN 1,000 FEET OF PRESERVE AREAS  
WITHIN THE WILDLIFE CORRIDOR PLANNING ZONE**

<i>Acacia</i> spp. Acacia	<i>Conyza canadensis</i> Horseweed	<i>Mesembryanthemum chilensis</i> Ice plant	<i>Salsola australis</i> Russian thistle
<i>Ailanthus altissima</i> Tree-of-heaven	<i>Cortaderia jubata</i> Andean pampas grass	<i>Muehlenbeckia complexa</i> Mattress vine	<i>Schinus molle</i> California pepper
<i>Arundo donax</i> Giant reed	<i>Cortaderia selloana</i> Pampas grass	<i>Myoporum laetum</i> Myoporum	<i>Schinus terebinthifolius</i> Brazilian pepper
<i>Atriplex semibaccata</i> Australian saltbush	<i>Cotoneaster pannosa</i> Cotoneaster	<i>Nicotiana glauca</i> Tree tobacco	<i>Silybum marianum</i> Milk thistle
<i>Bambusa</i> spp. Bamboo	<i>Cynara cardunculus</i> Artichoke thistle	<i>Pennisetum clandestinum</i> Kikuygrass	<i>Spartium junceum</i> Spanish broom
<i>Brassica</i> spp. Mustard	<i>Cynodon dactylon</i> Bermuda grass	<i>Pennisetum setaceum</i> Fountain grass	<i>Tamarix</i> spp. Tamarisk, salt cedar
<i>Carduus</i> spp. Thistle	<i>Delairea odorata</i> German Ivy	<i>Phoenix canariensis</i> Canary Island palm	<i>Ulex europaeus</i> Gorse
<i>Carpobrotus edulis</i> Iceplant	<i>Dipsacus</i> spp. Teasel	<i>Phragmites communis</i> Common reed	<i>Vinca major</i> Periwinkle
<i>Centaurea solstitialis</i> Yellow starthistle	<i>Eucalyptus</i> spp. Gum, eucalyptus	<i>Pyracantha angustifolia</i> Pyracantha	<i>Washingtonia robusta</i> Fan palm
<i>Chenopodium</i> spp. Goosefoot, lambsquarter	<i>Foeniculum vulgare</i> Fennel	<i>Raphanus sativus</i> Wild radish	<i>Xanthium strumarium</i> Cocklebu
<i>Chrysanthemum</i> spp. Chrysanthemum	<i>Hedera helix</i> English ivy	<i>Ricinus communis</i> Castor bean	Also refer to the California Invasive Plant Council's <i>Exotic Plant Species of Greatest Ecological Concern in California</i> . Nonnative grasses in San Diego County are too numerous to list all individually.
<i>Cirsium</i> spp. Thistle	<i>Lepidium latifolium</i> Perennial pepperweed	<i>Robinia pseudoacacia</i> Black locust	
<i>Conium maculatum</i> Poison hemlock	<i>Melilotus</i> spp. Sweet clover		

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### 5.3.3 Agricultural Exclusion Zone

Ongoing agricultural practices may continue within the Agricultural Exclusion Zone (Figure4-1), as long as they do not remove existing natural habitats. Discretionary actions, conversions to nonagricultural uses, or removal of habitat will be subject to the following conservation guidelines, in addition to the Citywide conservation policies presented in Section 5.2:

- **Stephens' Kangaroo Rat Surveys.** Any discretionary project in this zone shall require a reconnaissance survey by a qualified and permitted Stephens' kangaroo rat biologist to determine the property's potential to support this species and to look for diagnostic sign of kangaroo rats (burrows and scats). If sign of kangaroo rat occupancy is found, a trapping survey shall be performed using accepted USFWS protocols to verify which species is present (endangered Stephens' kangaroo rats or other non-listed species). Any Stephens' kangaroo rat populations found in this zone shall be treated consistent with the Narrow Endemic Policy, and all conditions listed for this species in MHCP Volume II shall apply.
- **Arroyo Toad Surveys.** Any discretionary project that proposes the conversion of agricultural land to non-agricultural use will require arroyo toad surveys, avoidance, and minimization measures consistent with the conditions of coverage for this species (see Appendix A and MHCP Volume II).
- **Avoidance and Minimization Standards.** These standards apply for narrow endemic species and for wetland and riparian vegetation communities, as discussed in Section 5.2.
- **Maintaining Connectivity.** Any discretionary action shall also require an assessment of wildlife movement and habitat linkages across the property, and the project shall be designed to maintain or enhance such movement corridors and habitat linkages (e.g., by preserving riparian habitat or conserving and restoring upland habitat not impacted by development) in coordination with the City and Wildlife Agencies. Particular focus shall be on maintaining or creating functional linkages to the San Luis Rey River from other habitat areas inside or outside of the City.

- **Compensatory Mitigation.** Any removal of natural habitats in this zone requires mitigation within the WCPZ, a Pre-approved Mitigation Area, or an existing mitigation bank within the City according to all other applicable mitigation guidelines included in this SAP (Table 5-2).

#### 5.3.4 Offsite Mitigation Zone (Figure 4-1)

Impacts to biological resources within this zone must be mitigated within the WCPZ or Pre-approved Mitigation Areas. Onsite mitigation credit is generally *not* allowed within this zone, with the following exceptions:

- **Pre-approved Mitigation Areas.** Lands designated as Pre-approved Mitigation Areas that lie within Offsite Mitigation Zone may receive onsite mitigation credit.
- **Narrow Endemic Species.** Onsite mitigation credit may be allowed if the onsite mitigation will conserve a significant population of a narrow endemic species.
- **Wildlife Agency Approved Site.** Lands that contain critical wetlands, gnatcatcher habitat, or habitat for other covered species, may receive onsite mitigation credit provided that written approval from the Wildlife Agencies is obtained.

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As mentioned in Section 3.2.3.2 a few east-west local movement corridors connect to the north-south regional corridor (Figure 3-6). All of these local corridors are located in this zone. Development projects that occur within a local gnatcatcher corridor will be evaluated on a case-by-case basis such that the function of these local corridors are not impacted.

#### 5.3.5 Coastal Zone

The following conservation standards will be applied to activities and discretionary projects on properties within the Coastal Zone.

- **Environmentally Sensitive Habitat Areas (ESHA).** Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined by Section 30107.5 of the California Coastal Act, shall be protected against any

significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

- **Coastal Sage Scrub.** Coastal sage scrub is a resource of particular importance to the ecosystems of the Coastal Zone, due in part to the presence of the gnatcatcher and other sensitive species. Activities shall be located to minimize impacts to coastal sage scrub and maximize protection of the gnatcatcher. Properties containing coastal sage scrub in the Coastal Zone shall conserve a minimum of 67 percent of the coastal sage scrub and 75 percent of the gnatcatchers onsite. Conservation of gnatcatchers shall be determined in consultation with the Wildlife Agencies.
- **No Net Loss of Habitat.** There shall be no net loss of coastal sage scrub, chaparral, or perennial native grassland within the Coastal Zone. Mitigation for impacts to any of these vegetation communities, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas, where habitat functions have been lost, may be substituted for creation subject to consultation and concurrence of the Wildlife Agencies and the California Coastal Commission. Development shall be consistent with the ESHA policy described above, unless proposed impacts are specifically identified in this SAP.
- **Upland Habitat Mitigation Requirements.** Where impacts to ESHA areas within the Coastal Zone area allowed, mitigation shall be provided as follows:
  - The no net loss of habitat standard shall be satisfied, as described above. Typically this will consist of creation of the vegetation communities being impacted at a ratio of at least 1:1. Substantial restoration of highly degraded habitat, where the functions and values of the vegetation community have been lost, may be substituted for the creation component subject to consultation and concurrence from the Wildlife Agencies and the CCC. Substantial restoration contrasts with enhancement activities, which include weeding or planting of areas that retain their biological character and value.
  - Onsite preservation is not eligible for mitigation credit in the Coastal Zone. However, onsite restoration may be used to satisfy the creation component of required mitigation if the restoration meets the “substantial” standard discussed above.

- Offsite areas that may be utilized to satisfy the required mitigation include areas that are disturbed and suitable for restoration or enhancement, or that are devoid of habitat value and therefore suitable for the 1:1 creation/substantial restoration component.
- Impacts to coastal sage scrub within the Coastal Zone shall be mitigated at an overall ratio of 2:1, with the creation component satisfying half of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the SAP.
- Impacts to chaparral and native grasslands within the Coastal Zone shall be mitigated respectively at ratios of 1:1 and 3:1, with the creation component satisfying the whole obligation and one-third of the obligation, respectively.
- Mitigation for impacts within the Coastal Zone should be provided within the Coastal Zone when possible, particularly the 1:1 creation component in order to meet the no net loss standard described above. Mitigation measures on land outside the Coastal Zone may be acceptable if such mitigation would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios. Offsite mitigation will be directed, when appropriate, to the WCPZ, a Pre-approved Mitigation Area, or conservation bank within the City. As a condition of approval., mitigation lands inside and outside of the Coastal Zone shall be permanently protected by a conservation easement, and have a management plan approved by the City, the Wildlife Agencies, and the Coastal Commission. The Preserve Management Plan shall ensure adequate funding to protect the Preserve as open space and to maintain the biological values of the mitigation areas in perpetuity. Management provisions and funding for mitigation required to address habitat impacts shall be in place prior to the impacts for which the mitigation is required. At a minimum, monitoring reports shall be required as a condition of development approval after the first and third year of habitat mitigation efforts.
- Habitat mitigation requirements other than the creation or substantial restoration component may be partially or wholly fulfilled by in-kind habitat acquisition

and/or retirement of development credits that would add biological value to the City's Preserve.

- If any conflict should arise between the provisions of this SAP and policies of the LCP within the Coastal Zone, the more restrictive policy shall take precedence.
  
- **Wetlands.** Pursuant to California Public Resources Code Section 30121 and Title 14, California Code of Regulations Section 13577(b), 'wetland' means lands within the Coastal Zone, which may be periodically or permanently inundated with shallow water and includes saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. Wetland shall include land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity, or high concentrations of salts or other substances in the substrate. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions.

Wetlands in the Coastal Zone shall be delineated according to the definitions and boundary descriptions in Section 13577 of the California Code of Regulations.

No impacts to delineated wetlands shall be allowed in the Coastal Zone except as provided in California Public Resources Code Section 30233.

- **Wetland Mitigation Requirements.** If impacts to wetlands within the Coastal Zone are allowed consistent with California Public Resources Code Section 30233, mitigation shall be provided at a ratio of 3:1 for riparian impacts and 4:1 for saltwater or freshwater wetland or marsh impacts.
  
- **Highly Constrained Properties.** There may be properties within the Coastal Zone that are entirely or almost entirely constrained by ESHAs. In these cases, one of the following additional standards shall apply:
  - If more than 80 percent of the property acreage is covered with ESHAs, at least 75 percent of the property shall be conserved.

- If the City, with the concurrence of the Wildlife Agencies and the Coastal Commission through an LCP amendment, approves a hardline Preserve boundary for any of these properties as part of the SAP, then the amount of onsite preservation as identified in the hardline boundary shall apply.
  
- **Buffer Zones.** Buffers shall be provided between all preserved habitat areas and development. Minimum buffer widths within the Coastal Zone shall be provided as follows:
  - 100 feet for wetlands (including Buena Vista Lagoon)
  - 50 feet for riparian areas
  - 20 feet for all other native habitats
  - Fuel modification zone buffer (as described in Section 2.3.3 and 5.2.5)

Buffer widths shall be measured from the edge of preserved habitat nearest the development to the closest point of development. For wetlands and riparian areas possessing an unvegetated bank or steep slope (greater than 40 percent with a 25 foot elevation differential), the buffer shall be measured from the top of the bank or steep slope rather than the edge of habitat, unless there is at least 50 feet between the riparian or wetland area and the toe of slope. If the toe of the slope is less than 50 feet from the wetland or riparian area, the buffer shall be measured from the top of the slope. In circumstances where application of this buffer would preclude reasonable use of a property, alternative buffer solutions may be negotiated with the City, Coastal Commission, and Wildlife Agencies.

Any proposed reductions in buffer widths for a specific site shall require sufficient information to determine that a buffer of lesser width will protect the identified resources. Such information shall include, but is not limited to, the size and type of the development and/or proposed mitigation that will also achieve the purposes of the buffer. Any proposed buffer reduction in the Coastal Zone must be approved by both the Wildlife Agencies and the Coastal Commission.

No development, grading, or alterations, including clearing of vegetation, shall occur in the buffer area, except for recreation trails and public pathways within the first 15 feet of the buffer closest to the development, provided that construction of the trail or

pathway and its proposed use is consistent with the preservation goals of the adjacent habitat and that appropriate measures are taken for physical separation from sensitive areas.

Buffer areas that do not contain native habitat shall be landscaped using native plants. Signage and physical barriers such as wall and fences shall be required to minimize edge effects of development.

- **Grading and Landscaping Requirements.** Permitted new developments within the Coastal Zone shall comply with the following requirements:
  - Grading activity shall be prohibited during the rainy season: October 1<sup>st</sup> to April 1<sup>st</sup> of each year.
  - To reduce erosion, all graded areas shall be landscaped prior to October 1<sup>st</sup> of each year with either temporary or permanent landscaping materials. Landscaping shall be maintained and replanted if not well established by December 1<sup>st</sup> following the initial planting.
  - The October 1<sup>st</sup> grading season deadline may be extended with the approval of the City Engineer subject to implementation of special erosion control measures designed to prohibit discharge of sediments offsite during and after the grading operation. Extensions beyond November 15<sup>th</sup> may be allowed in areas of very low risk of impact to sensitive coastal resources and may be approved either as part of the original coastal development permit or as an amendment to an existing coastal development permit.
  - If any of the responsible resource agencies prohibit grading operations during the summer grading period in order to protect endangered or rare species or sensitive environmental resources, then grading activities may be allowed during the winter by a coastal development permit or permit amendment, provided that appropriate BMPs are incorporated to limit potential adverse impacts from winter grading activities.

#### **5.4 CORRECTIVE ACTIONS**

The following corrective actions for unmitigated take of habitat are hereby incorporated by reference. The City will ensure that the required remedial actions will be undertaken

by the responsible party and future development on these properties will not be permitted until the habitat has been restored or properly mitigated as determined by the City and the Wildlife Agencies.

- **Property south of Loma Alta Creek west of the terminus of Olive Drive.** Approximately 18 acres of coastal sage scrub was illegally graded along Loma Alta Creek in 1997 without authorization by the City or Wildlife Agencies. The USFWS and the City are requiring the following remedial actions of the property owner: (1) restore the impacted 18 acres of onsite high-quality coastal sage scrub habitat or (2) purchase 36 acres of credits in the WCPZ, or a Pre-approved Mitigation Area. Once corrective action is completed, not less than 75% of coastal sage scrub must be conserved under any proposal for impact.
- **Property at the northeast corner of Melrose Drive and Oceanside Blvd..** Approximately 5-10 acres of coastal sage scrub was illegally graded on a portion of the property northeast of the intersection of Oceanside Boulevard and Melrose Drive in 1997, without authorization by the City or Wildlife Agencies. The City of Oceanside and U. S. Fish and Wildlife Service are requiring the following remedial actions of the property owner: (1) determine the exact acreage of removal through review of historic aerial photos and other available records, (2) restore onsite between 5-10 acres of high quality coastal sage scrub habitat, or (3) purchase up to 20 acres of mitigation credits in the WCPZ, or a Pre-approved Mitigation Area.

## 5.5 IMPLEMENTATION COST AND FINANCING

Public and private funds will be required to fully implement the SAP. This section examines implementation costs which will require public funding from various sources, as well as costs associated with privately owned habitat areas which may require public funds for biological habitat management according to SAP guidelines.

### 5.5.1 Estimated Program Cost

Implementation of the City's SAP will require funding for: one-time, initial costs of habitat acquisition, restoration management and monitoring; and on-going, annual costs of habitat management, monitoring, and program administration. Estimated costs of these activities are summarized in Tables 5-6 and 5-7 and illustrated in Figures 5-2 and 5-3. All

estimates are in year 2008 dollars. Future inflation or cost escalation must be considered in preparing budgets or in establishing endowments for ongoing management. These are discussed below.

**Habitat Acquisition.** The MHCP Subregional Plan identified potential acquisition areas, several of which are located in the City of Oceanside. The MHCP identified two priorities of acquisition areas. Priority 1 areas are those which will be acquired with either Federal or State funds, and Priority 2 areas are those which will be acquired through a regional funding program, when that is implemented for the MHCP. In addition, this SAP identifies additional areas of Priority 3, which are recommended for acquisition by public or private organizations seeking sites for offsite mitigation. It should be noted that acquisition of any priority area would provide additional conservation beyond the targets set by this SAP and enhance its biological objectives. However, acquisition is not strictly required to meet those targets, since the potential acquisition areas will be subject to conservation and mitigation guidelines, consistent with the goals of the SAP.

There are approximately 98 acres of Priority 1 acquisition areas in the WCPZ, with an estimated market value of \$7.1 to \$8.7 million (see Table 5-6). The estimates are based on sales of similar, unimproved land in north San Diego County, which, though they may have access to transportation and other infrastructure, frequently have physical constraints or biological resources that require mitigation. The City has also identified approximately 32 acres of Priority 2 acquisition, with an estimated value of \$0.8 to \$0.9 million. These areas may be acquired if external funds are available, such as the proposed regional funding program. Priority 3 areas total 44 acres, with an estimated value of \$2.6 to \$3.2 million.

**Habitat Restoration.** As discussed in Section 3.2.4 (see Figure 3-8 and Table 3-5), priority areas for coastal sage scrub restoration total 171.2 acres, with a requirements for completing at least 164 acres of restoration. About 18.5 acres of restoration are either planned or completed, leaving 152.7 acres of potential restoration areas that currently (2008) do not have active restoration plans. The estimated cost to complete restoration of these areas is \$9.8 million. This excludes areas already planned for restoration under separate funding (see Table 3-5). This planning-level estimate is likely to be conservative, based on three levels of effort applied to potential sites by visual inspection. Detailed restoration plans must be developed for individual sites, in order to determine actual restoration work and cost

Table 5-6

**PUBLICLY FUNDED ONE-TIME & ANNUAL COSTS OF IMPLEMENTATION**

(Costs in constant 2008 dollars.)	Approximate Land Area	Estimated Cost	Funding Source (See Notes below.)
<b>One-Time Costs (x \$ Million)</b>			
Habitat Acquisition			
Priority 1 - in Oceanside [1]	98 Ac.	\$7.1 - \$8.7 Mill.	Federal / State
Priority 2 - in Oceanside [2]	32	\$0.8 - \$0.9	Regional
Priority 3 - in Oceanside [3]	44	\$2.6 - \$3.2	Regional
Habitat Restoration [4]	153 Ac.	\$9.8	Project / City / Regional
Management Start-Up Cost [5]			
City-Owned, Conserved Habitat Lands [6]		\$0.6	City / Regional
SLR River Flood Control Project Area [7]		\$0.1	City / Regional
Priority 1 and 2 Lands (When acquired) [8]		\$0.1	City / Regional
Other Lands [9]		\$0.1	City / Regional
Endowment for Permanent Management [10]		\$21.3	Regional
<b>Total Cost</b>		<b>\$42.5 - \$44.8 Mill.</b>	
<i>Total by Funding Source</i>			
City of Oceanside (Primary) / Regional (Secondary)		\$1.0 Mill.	
Project, City, or Regional		\$9.8	
Regional		\$24.7 - \$25.4	
Federal and/or State Government		\$7.1 - \$8.7	
<b>Total Cost</b>		<b>\$42.5 - \$44.8 Mill.</b>	
<b>Annual Cost at Buildout (x \$1000)</b>			
Habitat Management and Monitoring		<i>Acres Managed</i>	
City-Owned, Conserved Habitat Lands [6]	845 Ac.	\$342.1 Thous.	City / Regional
SLR River Flood Control Project Area [7]	160	70.8	City / Regional
Priority 1 and 2 Lands (When acquired) [8]	130	49.3	City / Regional
Other Lands [9]	148	56.5	City / Regional
SAP Program Administration	---	120.0	City / Regional
<b>Total</b>	1,283 Ac.	<b>\$638.7 Thous.</b>	

Source: City of Oceanside; Final MHCP Plan; Onaka Planning & Economics.

Note: Figures may not add to totals as shown due to rounding. Costs to acquire Priority 1, 2 and 3 lands are estimated based on recent sales of mitigation and other vacant land in north San Diego County. See Table 5-7 for additional data on costs of habitat management. Annual costs are estimated at buildout of the Preserve. Prior to buildout, annual costs would be less, depending on phasing, which is discussed in Sec. 7.

*City* City of Oceanside to take initial and primary responsibility for funding.

*City / Regional* City of Oceanside to take initial and primary responsibility for funding. City funding may be replaced with MHCP regional funding program, if and when it is implemented.

*Project / City / Regional* Public or private project mitigation may provide partial funding for habitat restoration. City will also establish a habitat mitigation fee program to provide additional funding. When implemented MHCP regional funding program would provide additional funds for habitat restoration.

*Regional* Regional funding sources, such as TransNet habitat mitigation and the MHCP regional funding program, when it is implemented. Project mitigation may also be used for these purposes. Except for project mitigation, no City funds would be used.

*Federal / State* Federal and State wildlife agencies will fund Priority 1 acquisition.

[Continue next page.]

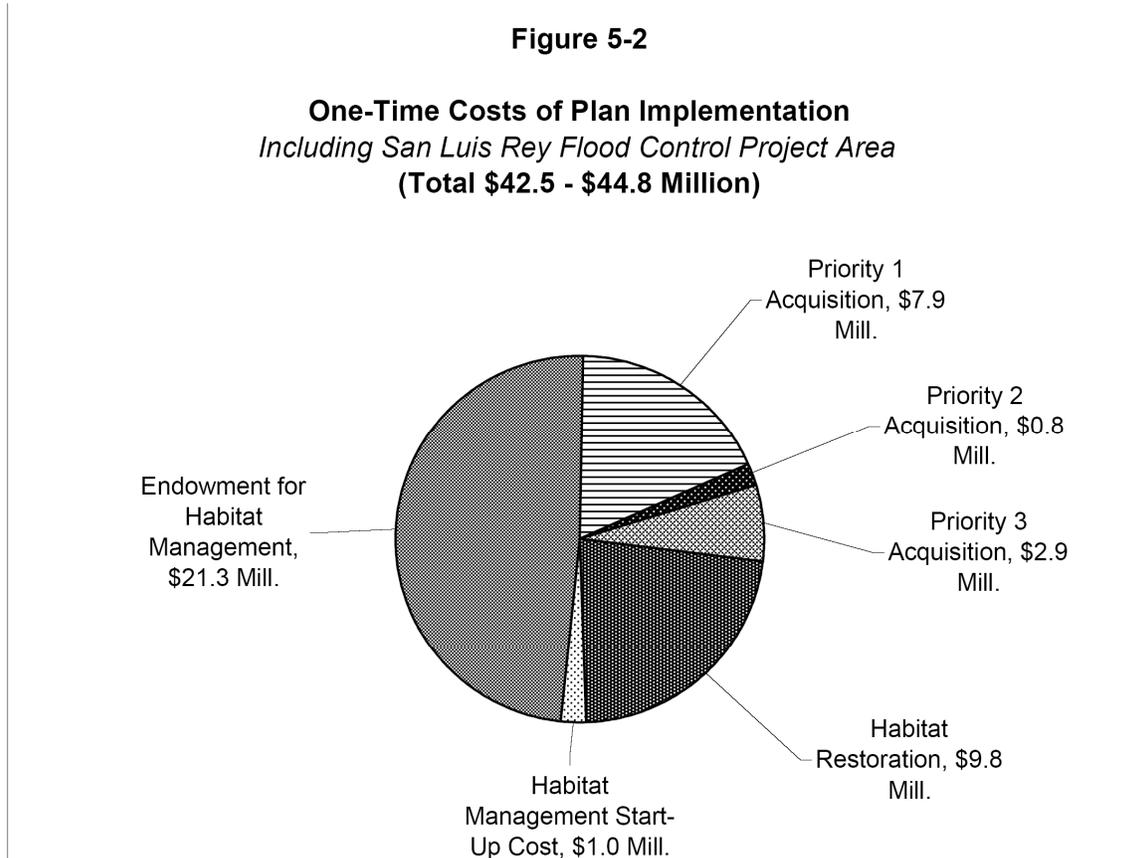
**Table 5-6 (continued)**

(Costs in constant 2008 dollars.)	Approximate Land Area	Estimated Cost	Funding Source (See Notes below.)
<ol style="list-style-type: none"> <li>1. MHCP Priority 1 acquisition areas in Oceanside; proposed for acquisition by federal or State agency. Some of these lands may be conserved privately as mitigation, eliminating the need for public acquisition.</li> <li>2. MHCP Priority 2 acquisition areas in Oceanside; proposed for acquisition through a regional funding program, project mitigation, or other available sources.</li> <li>3. MHCP Priority 3 acquisition areas in Oceanside; proposed for acquisition through a regional funding program, project mitigation, or other available sources. Management of Priority 3 lands, when acquired, will be funded by the purchasers of those lands.</li> <li>4. Acres and cost represent areas which have not been restored as of November 2008 or which do not have a planned or active restoration program. See Table 3-5 for a full list of restoration sites, including areas which have been restored to date and which have active plans for restoration. Where appropriate, City will direct mitigation actions to restore areas where restoration has not been planned or completed. City will also establish a habitat mitigation fee program, proceeds of which will be used for restoration.</li> <li>5. One-time costs to initiate management and monitoring program, such as purchase of equipment; may be expended over several years.</li> <li>6. Funding for the management and monitoring of city-owned lands, excluding San Luis Rey River Flood Control Project Area. The City is currently expending funds for the maintenance of open space areas; these costs are included in this estimate for the buildout of the Preserve. Annual expenditures prior to buildout will range between the current and the estimated buildout expenditures.</li> <li>7. Biological management of the San Luis Rey River Flood Control Project Area; excludes floodway clearing work. This is a preliminary estimate based on draft OSMP analysis; a more detailed estimate is currently being developed.</li> <li>8. When acquired, these lands will be managed and monitored with City funds, or funds from a regional funding program, if and when it is implemented.</li> <li>9. Includes SDG&amp;E transmission corridors, areas currently maintained by homeowners associations (HOAs), and other privately owned habitat areas which do not have an identifiable source of funding for management and monitoring.</li> <li>10. Amount of endowment fund required to fund annual costs in perpetuity, assuming net interest revenue of 3.0% per year, after adjustment for inflation.</li> </ol>			

It should be noted that both public and private entities will undertake restoration programs. For example, portions of El Corazon will be restored by the City or by others under agreement with the City (Figure 3-8, Sites 7, 8 and 8A). There is an existing, private-sector restoration obligation for a portion of a mitigation area on El Camino Real south of SR-76 (Site 4). Thus, although the entire cost of restoring potential sites which currently do not have active restoration plans is included in the budget for Plan implementation (Table 5-6), alternative funding sources, such as revenues from the proposed Habitat Development Fee (see below), mitigation for public or private projects, and Federal and State grants for habitat restoration, will be used for restoration of candidate sites.

**Habitat Management.** As habitat lands are incorporated into the Preserve, both one-time (start-up) and annual (on-going) costs will be incurred to manage, monitor, and administer the Preserve. In general, the fee owner of habitat land or the organization which conserved habitat land as mitigation for project impacts will be responsible for management of that land in perpetuity. The City will be responsible for the management

of habitat lands which it contributes directly to the Preserve or which are conserved as mitigation for City projects. Funding for the management of City's habitat lands which are conserved as mitigation for non-City projects will be provided by the project proponent.



The City has initiated preparation of an Open Space Management Plan (OSMP), which is one of the implementing actions for this SAP. Estimated costs of habitat management and monitoring were obtained from a preliminary study conducted for the OSMP, using a cost estimating program developed by the Center for Natural Lands Management (CNLM), updated to reflect 2008 prices and current estimates of habitat areas to be contributed by public and private sectors. These costs are summarized in Table 5-7 and illustrated in Figure 5-3.

Regional or local public funding of on-going management and monitoring, contingency for adaptive management, and administration will be needed for the following types of habitat lands:

- a. City-owned habitat, other than San Luis Rey River Flood Control Project area - examples include El Corazon and the Water Utilities Administration land adjacent to MCB Camp Pendleton.
- b. The San Luis Rey River Flood Control Project area, extending from the Pacific coast to College Boulevard - biological management of the project area and associated mitigation areas will be performed as part of SAP implementation; floodway clearing will be funded separately, as part of the flood control management program.
- c. Priority 1 habitat lands to be acquired by Federal or State wildlife agencies; Priority 2 acquisition lands may also need to be managed with public funds, if other sources, such as funds for project mitigation, are not available.
- d. SDG&E fee-owned rights-of-way lands included in the Preserve; SDG&E is not conducting habitat management or biological monitoring on their lands included in the Preserve, but may allow their lands to be used for the wildlife corridor. Funding will be needed for management and maintenance of these properties as the preserves are approved.
- e. Biologically important habitat owned by existing homeowners' associations.
- f. Other privately owned habitat which will be conserved under the SAP, but which may require some level of public funding for management and monitoring.

Table 5-7

**ESTIMATED INITIAL AND ONGOING COSTS OF HABITAT MANAGEMENT**

[Estimated need for future funding for habitat management; excludes administration of SAP program and costs which are currently funded and anticipated to continue in the future.]

Habitat Land by Ownership	Area (Acres) [1]	In Thousands of Dollars	
		Initial Cost	On-Going Annual Cost [2]
<b>City of Oceanside</b>			
(1) City-Owned, Conserved Habitat Land (Excludes San Luis Rey Flood Control Project (SLR-FCP) Area)	845	\$ 629.2	\$ 342.1
(2) San Luis Rey River Flood Control Project Area [3]	160	125.5	70.8
<b>State of California</b>			
(3) Department of Fish and Game	82	---	---
(4) Other State Lands	104	---	---
<b>Other Local Agencies</b>			
(5) Special Districts (except SDG&E) [4]	66	---	---
(6) SDG&E [5]	12	8.3	4.3
<b>Private</b>			
(7) Existing Conservation Bank (Excl. former TET lands)	188	---	---
(8) Endowed City Management Lands [6]	145	---	---
(9) Mitigation Lands with Existing Funding	376	---	---
(10) Mitigation Lands with Future Funding	439	315.3	166.7
(11) Existing Homeowners' Association Open Space	69	48.3	25.1
(12) Other Lands with Unspecified Management Program	67	49.9	27.2
<b>Total</b>	<b>2,553 [7]</b>	<b>\$ 1,176.5</b>	<b>\$ 636.1</b>
<b>Summary by Source of Funding</b>			
A. Requiring Public Funding under MHCP/NCCP			
A.1 City-owned, Conserved Habitat Land	845	629.2	342.1
A.2 San Luis Rey River Flood Control Project Area	160	125.5	70.8
A.3 Priority 1 and 2 Lands (When acquired) [8]	130	93.3	49.3
A.4 Other Lands [9]	148	106.6	56.5
<b>Subtotal Public Funding</b>	<b>1,283</b>	<b>\$ 954.5</b>	<b>\$ 518.7</b>
B. Endowed City Management Lands [6]	145	---	---
C. State and Public Agencies (Not funded by MHCP) [10]	252	---	---
D. Privately Funded [11]	873	222.0	117.4
<b>Total</b>	<b>2,553 [7]</b>	<b>\$ 1,176.5</b>	<b>\$ 636.1</b>

Source: Cost analysis conducted for Draft Oceanside Open Space Management Plan (2005), updated with new habitat acres and inflation adjustment (Nov. 2008).

SLR-FCP San Luis Rey River Flood Control Project Area

--- Indicates that habitat management is funded by others; no additional public funds are needed.

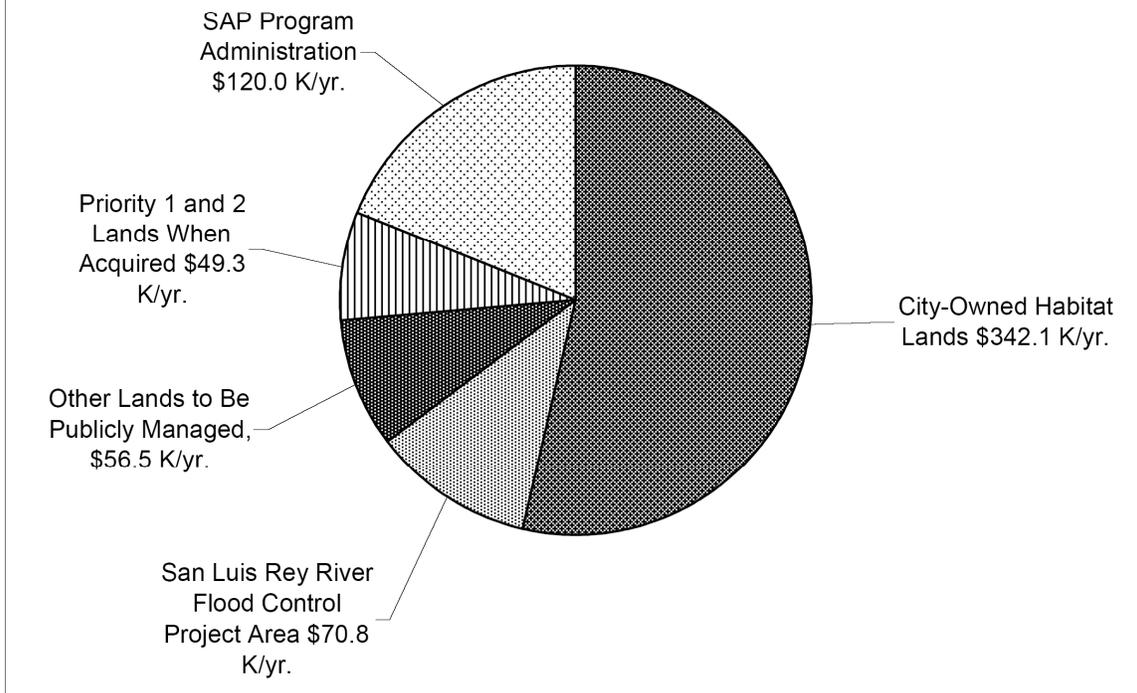
[continued next page]

**Table 5-7 (continued)**

1. Land areas used to estimate management cost are net areas of natural habitat, excluding disturbed and other areas without natural vegetation. List includes San Luis Rey River Flood Control Project Area (160 acres), which is located outside the focused planning area (FPA).
2. This is estimated annual, recurring cost at buildout of the preserve system. Annual cost in initial years will be less, depending on the schedule of incorporation of habitat lands into the preserve system. See Sec. 7 for phasing of preserve assembly.
3. Management and monitoring of the San Luis Rey River Flood Control Project Area is assumed to occur within the MHCP/SAP framework; clearing of the floodway for flood control management will be funded separately.
4. Includes land owned by school districts and transit district.
5. Land with natural habitat (excluding disturbed) in electric transmission corridors owned by SDG&E.
6. Former Environmental Trust lands, which would be managed by the City or another qualified entity, using existing endowments; no additional public funds will be used for management.
7. Total in focused planning area (FPA) is 2,393 acres.
8. City to provide funds for management and monitoring of both Priority 1 and 2 habitat lands, when they are acquired. There are 97.9 acres of Priority 1 and 31.9 acres of Priority 2 lands for potential acquisition (updated from the Final MHCP Plan). Initial and ongoing costs of management and monitoring are prorated by area from mitigation lands with future funding (10).
9. Includes SDG&E transmission corridors (6), homeowners' association-owned open space (11), and other privately-owned habitat lands with unspecified management programs (12).
10. Categories (3), (4), and (5) above.
11. Mitigation lands with funding to be identified in the future (10), less lands acquired as Priority 1 and 2.

**Figure 5-3**

**Annual Costs of Plan Implementation**  
*Including San Luis Rey Flood Control Project Area*  
**(Est. \$638,700 Per Year)**



Including the San Luis Rey Flood Control Project area, it is estimated that, at build out of the Preserve, the total cost to manage habitat lands that may require funds from the City or other public sources is approximately \$518,700 per year (Table 5-7). Final need for public financing may be lower than this amount, if some publicly owned habitat lands, such as those in PAMAs owned by the City, are sold to others for mitigation, with the purchaser of mitigation credits providing funding for perpetual management.

Management and monitoring programs also require one-time expenditures to cover start-up costs, such as purchase of equipment and fencing installation. For habitat lands that may require public funds, initial costs are estimated to total \$954,500 (Table 5-7). It is anticipated that start-up costs will be incurred in increments over a number of years, as habitat lands in different locations are contributed or assembled into the Preserve.

**SAP Program Administration.** Implementation of the SAP will require oversight by a biologist or a planner with knowledge of conservation planning. Including overhead for clerical support, the projected annual budget for this effort is \$120,000. Thus, together with costs of habitat management and monitoring, total annual cost is estimated to be \$638,700 (Table 5-6).

**Endowment to Fund On-going Costs.** The MHCP proposes that an endowment be established from the proceeds of a regional funding program, so that on-going costs of management, monitoring, and administration could be funded in perpetuity. The endowment must be sufficient to yield interest revenues over and above that required to "grow" the fund in pace with price inflation. Assuming a *net* interest revenue of 3%, after adjusting for inflation, an endowment of about \$21.3 million will be needed to fund annual management costs of \$638,700 in perpetuity. The endowment may be established any time during the applicable term of the permit issued by the Wildlife Agencies for this SAP. Alternatively, the cities participating in MHCP or the City, with respect to habitat lands in its SAP, may commit permanent funding of habitat management and monitoring on an on-going basis.

In summary, excluding habitat areas which have existing funding for restoration and management, the remaining cost to complete the Preserve and manage it in perpetuity is estimated to be between \$42.5 and \$44.8 million (Table 5-6). Of this range, \$21.3 million represents an endowment to fund annual management and monitoring costs in perpetuity. That is, the endowment may be replaced by an annual expenditure of \$638,700 (in 2008 dollars) in perpetuity.

### 5.5.2 Financing of Implementation Costs

**Responsibility for Funding SAP Implementation.** Implementation costs identified above will be funded by the City, other public agencies, and project proponents seeking mitigation for biological impacts. The following discussion identifies the primary parties responsible for components of implementation costs, with particular emphasis on costs for which the City will provide funding or will provide assurance that funding is obtained.

*Habitat Acquisition.* As noted above, Federal and State governments have committed to acquiring habitat areas of Priority 1 in the MHCP study area, including those in the City of Oceanside. The City of Oceanside will seek the purchase of Priority 2 and 3 areas only if funding is available from a regional funding program or from an alternate funding source. The City's general funds are not pledged for these acquisitions. State, regional, and local agencies may also purchase, out of project funds, mitigation sites in Priority 2 or 3. No additional public funds are needed or identified for acquisition.

*Habitat Restoration.* The SAP includes the requirement to restore 164 acres of coastal sage scrub and identifies 171.2 acres of potential restoration sites in the WCPZ (Table 3-5). Excluding sites for which restoration has been completed or for which there is an active plan for restoration, candidate sites total 152.7 acres, with estimated restoration cost of \$9.8 million.

To achieve this requirement, the City will adopt a Habitat Development Fee program (see below), which is projected to generate slightly over one-half of this cost. The City will also encourage public and private projects to direct, where appropriate, offsite mitigation actions toward restoration of coastal sage scrub. The City may seek Federal and State grants and other assistance for habitat restoration, including, when established, the MHCP's regional funding program; however, restoration activities funded by Federal or State grants must remain separate from those undertaken for offsite mitigation of project-related impacts.

*Habitat Management.* As noted above, responsibility for habitat management lies in general with the fee owner of habitat land incorporated in the Preserve. Management responsibility may be transferred to the project proponent seeking offsite mitigation or to an agency-approved, non-profit organization dedicated to habitat management.

The City will be responsible for the management of habitat lands which it owns and which are incorporated into the preserve, including biological management of San Luis Rey River Flood Control Project area and the associated mitigation areas. If mitigation credits associated with established Wildlife Agency approved mitigation banks on City-owned land are sold to others for offsite mitigation, the City will ensure that funds are established for management of such land in perpetuity and will, if necessary, undertake management using income from those funds.

The City will also commit or obtain from others funds to manage selected habitat lands, which do not, or may not, have adequate funding for biological management. These include electric transmission corridors owned by SDG&E (and subject to a separate habitat conservation plan), natural habitat in open spaces owned by existing homeowners' associations (HOAs), and other areas to be incorporated in the Preserve, for which no funding source has been identified for habitat management (see Table 5-7). However, actual management of these lands will depend on obtaining legal access from the fee owner and on resolving issues such as management objectives, safety and liability.

*Program Administration.* The City will fund the administrative work needed to implement the SAP, such as keeping records of areas impacted, conserved, or restored; preparing annual reports; and holding regular meetings with the Wildlife Agencies and annual public meetings.

*Endowment to Fund On-going Costs.* Under this SAP, a party responsible for habitat management will be required to fund such management in perpetuity. In many cases, and particularly for project proponents seeking mitigation for biological impacts, this requirement will be met by establishing a non-wasting endowment which is sufficient to both fund on-going costs and to increase the endowment to correct for any inflation which would otherwise reduce its purchasing power. All endowments must be sized appropriately to cover all reasonably foreseeable needs within the preserve, including restoration of impacts to habitat from maintenance or repair actions taken by SDG&E or other utility agencies, provided the actions are done in accordance with approved plans and permits. However, in the case of the City, as is also the case for Federal and State agencies charged with conservation and management of habitat lands, the in-perpetuity funding requirement will be met through future funding commitments implemented through the biennial budget, rather than through establishment of an endowment.

**Local Public Financing of Plan Implementation.** To implement this SAP, the City will secure or obtain funding for up to \$10.8 million of one-time costs and \$638,700 of annual recurring costs. Table 5-8 describes the proposed funding sources to meet these needs. The City will use its general or other City fund to pay for both one-time and on-going costs of managing and monitoring habitat lands for which it is responsible, as well as for program administration. The City of Oceanside appropriates funds for its operations and programs through a biennial budget. At any given time, the City will have committed funding for those one-time and on-going costs of habitat management and program administration to be expended over a two-year period. Thus, the first appropriations for implementing the SAP will be made for the two-year budget period following its approval and adoption, which are anticipated to be Fiscal Years 2010-11 and 2011-12.

The City will continue to fund those portions of one-time and on-going costs of habitat management and program administration throughout the life of the SAP. However, when a regional funding program, similar to that described in the MHCP, is established, then the City will obtain funds from that program and reduce the burden on the general or other City fund.

To fund up to \$9.84 million of habitat restoration, the City will, first, adopt a Habitat Development Fee program, whose revenues will be used to restore selected areas from the list of priority restoration sites shown in Table 3-5. The City will, where appropriate, direct offsite mitigation required as a condition of project approval to coastal sage scrub restoration in WCPZ. Finally, the City will seek funding from Federal, State, and non-governmental sources for restoration of priority sites. The City will maintain record of all restoration activities, whether funded by the City or by others, which contribute toward the total of 164 acres of coastal sage scrub restoration required by this SAP. If the requirement has not been met within 35 years after adoption of the SAP, the City will adopt a detailed funding program, subject to approval from the Wildlife Agencies, to complete the remaining restoration effort over the subsequent 10 years, including, if necessary, appropriations from the general or other City fund for this purpose.

Table 5-8

## LOCAL PUBLIC FINANCING FOR PLAN IMPLEMENTATION

Funding Need		Source of Funds	
<b>One-Time Cost</b>			
Management Start-Up Cost		City Fund [1]	
City-Owned, Conserved Habitat Lands	\$ 629,000	<i>Start-up costs will be funded on as-needed basis, as habitat lands are incorporated into the preserve system.</i>	
SLR Flood Control Project Area [2]	125,000		
Priority 1 and 2 Lands (When acquired)	93,000		
Other Lands	107,000		
Subtotal	<b>\$ 954,000</b>	Subtotal	<b>\$ 954,000</b>
Habitat Restoration		Habitat Development Fee Program	7,290,000
<i>Habitat restoration will occur over time as access is obtained to candidate restoration sites and as demand for mitigation or other sources provide funding for restoration.</i>		<i>Estimated revenues through buildout [3]</i>	
		Other funds, including directed offsite mitigation by public or private projects, federal and State grants, and MHCP regional funding program, if implemented [4]	2,555,000
Subtotal	<b>\$ 9,845,000</b>	Subtotal	<b>\$ 9,845,000</b>
<b>Total One-Time Cost</b>	<b>\$ 10,799,000</b>	<b>Total One-Time Cost</b>	<b>\$ 10,799,000</b>
<b>Annual Recurring Cost</b>			
Habitat Management		City General Fund [1]	
City-Owned, Conserved Habitat Lands	342,100	<i>Management costs will be incurred as habitat lands are incorporated into the preserve system over time.</i>	
SLR River Flood Control Project Area	70,800		
Priority 1 and 2 Lands (When acquired)	49,300		
Other Lands	56,500		
SAP Program Administration	120,000		
<b>Total Annual Recurring Cost</b>	<b>\$ 638,700</b>	<b>Total Annual Recurring Cost</b>	<b>\$ 638,700</b>

Source: See Tables 3-5, 5-6, and 5-7 for cost data.

SLR San Luis Rey River

Note: Annual recurring cost is estimated at the buildout of the Preserve. Prior to buildout, annual cost will be less, depending on the phasing of preserve assembly; see Sec. 7 for discussion of phasing.

1. The City will use its general or other fund to meet the funding needs as identified. However, if regional funding is available, the City will replace its funds with regional funds, as applicable.
2. Estimate only; funds are currently being expended to initiate biological management of the project area.
3. Potential total impact to Group F habitat (agriculture, disturbed) in the City is 2,804 acres (see Table A-4). Assuming that 65% of potential impact could occur through the City's buildout and a habitat impact mitigation fee of \$4,000 per acre, estimated fee revenues collected through buildout is \$7.29 million.
4. Estimated cost of restoring candidate areas, which are not already in progress or planned for restoration, totals \$9.85 million, of which a portion will be funded with revenues from the proposed Habitat Development Fee Program. The City will secure funds for the remaining restoration work from a variety of sources, including directed offsite mitigation, federal or State grants for restoration, and the MHCP regional funding program, when it is implemented.

**Habitat Development Fee Program.** As one of the measures to implement the SAP, the City will adopt a Habitat Development Fee program, which will levy fees on conversion of agricultural and other vacant, disturbed land to urban use. The fee is justified by the following considerations: (1) vacant lands, such as agricultural and disturbed lands, have historically supported native habitats and species; (2) these lands currently provide

biological value to species addressed by the SAP, for example, as buffers, migration corridors, or foraging areas; and (3) these lands have the potential for reversion to native vegetation in the future if left undeveloped or if restored.

Conversion of agricultural or vacant, disturbed lands to urban use would negate existing benefits of open space and preclude the possibility of future habitat restoration, resulting in indirect, adverse impact on SAP species. Because these impacts are less severe than development in natural habitat areas, agricultural and vacant, disturbed lands are assigned, for purposes of the Habitat Development Fee program, an implicit mitigation ratio of 0.1:1, or 0.1 acre of conservation for one acre of impact.

The amount of Habitat Development Fee would be set annually based on the current average cost of offsite mitigation for impact to upland habitat. For this SAP, it is estimated that the average price of an acre of upland habitat used as mitigation is \$40,000 and the fee for impact to one acre of agricultural or vacant, disturbed land is set at 10% of this value, or \$4,000 per acre. A final determination of Habitat Development Fee would be made in conjunction with a fee study report to be prepared by the City, following adoption of the SAP, and updated annually to reflect changes in the price of mitigation land.

Payment of Habitat Development Fee may also be used to provide an alternative form of mitigation for impacts to natural habitat areas, which are otherwise subject to compensatory mitigation summarized in Table 5-2. Initially, however, it is assumed that fees are levied only on conversion of agricultural and vacant, disturbed lands. The option to include fees for development of natural habitat areas (for example, habitat groups D and E) may be examined in the fee study report to be prepared prior to adoption of the Habitat Development Fee program, or subsequently, depending on the availability of mitigation lands and opportunities for habitat restoration.

A review of potentially developable lands in the City indicates that there are approximately 2,800 acres of agricultural and vacant, disturbed lands in the Agricultural Exclusion Zone (AEZ) and the parts of the Offsite Mitigation Zone (OMZ) that are not included in Pre-approved Mitigation Areas (PAMAs) (see Appendix Table B-4). If 65% of these lands are impacted, with payment of the proposed Habitat Development Fee of \$4,000 per acre, then \$7.29 million in fees would be collected through build out of the City.

Developable agricultural or vacant, disturbed lands also exist in the WCPZ, in Pre-approved Mitigation Areas, and in the Coastal Zone. However, with few exceptions, development in these planning zones are subject to onsite mitigation and open space requirements, which would in practice satisfy the implicit mitigation ratio of 0.1 to 1 for impacts to agricultural and disturbed lands. Exceptions may exist among parcels less than 2 acres in the WCPZ and parcels without natural habitat in the Coastal Zone. In these cases, if there is insufficient onsite mitigation, impact to agricultural and vacant, disturbed land would be subject to payment of Habitat Development Fee.

**Illustrative Schedule of Expenditures for Publicly Funded Habitat Management.** As noted above, in the absence of a MHCP regional funding program, the City will assume responsibility for up to 1,283 acres of habitat lands (see Tables 5-7 and 5-8) and fund the administration of the SAP, with an estimated combined cost of \$638,700 per year at buildout. Some of these habitat lands are already conserved, or will be conserved prior to adoption of the SAP. Other areas will be brought into the Preserve as conditions are met for active conservation and management. For example, when habitat lands identified for Priority 1 or 2 acquisitions are acquired and either the title transferred to the City, or other arrangements are made for performing management functions, the City will fund both the start-up and on-going management in accordance with this SAP.

Table 5-9 shows an illustrative schedule for initiating conservation and management activities on both City-owned habitat lands and other areas for which the City would assume management responsibility. Currently, 445 acres of City-owned habitat lands are conserved and under active management. In addition, *biological* management, together with flood control management, has been initiated on the 160-acre San Luis Rey River Flood Control Project area.

In the first five years after adoption of the SAP (Phase I), the City plans to bring key habitat areas in El Corazon project area into conservation, undertaking both one-time and on-going management actions. Other City-owned habitat areas are planned to be brought into conservation in later years, approximately as shown in Table 5-9. Although Priority 1 lands will be acquired by federal or State wildlife agencies, it is assumed for purposes of this analysis that those lands will be acquired and transferred to the City during a second five-year period after adoption of the SAP (Phase II). Similarly, it is assumed that Priority 2 lands will be purchased during the following 15-year period (Phase III).

The City proposes to manage habitat lands owned by existing (i.e., historical) homeowners' associations and other habitat lands for which management responsibility cannot be specified. Some of these lands, which are protected through SDG&E easements or are included in an existing landscape maintenance district, are proposed to be added to the Preserve during Phase II, along with the SDG&E transmission corridors. This will require active coordination with SDG&E and other fee owners and easement holders to establish a framework for publicly funded habitat management.

For the remaining HOA open space and areas with unspecified management, the City will begin contacting the landowners, following adoption of the OSMP, in order to obtain access for publicly funded habitat management. For planning purposes, it is assumed that conservation of these habitat lands would be completed during Phase IV.

The illustrative phasing plan for City-managed habitat lands provides a guide to future funding needs and will be adjusted as necessary in response to actual conditions, such as acquisition by federal and State agencies and obtaining access to habitat lands owned by SDG&E and others. As individual habitat areas are readied for conservation, funding for one-time and on-going management will be appropriated through the City's biennial budget.

**Habitat Conservation Through On- and Offsite Mitigation.** Under this SAP, development in the WCPZ would be limited so that any mitigation obligation must be met through conservation and/or restoration of habitat somewhere within the WCPZ, as detailed in Section 4.3.1.1. In addition, onsite conservation and/or restoration in a Pre-approved Mitigation Area could also be used to satisfy mitigation obligations. However, onsite conservation in the Offsite Mitigation Zone could not be used to satisfy mitigation obligations, except under special circumstances, such as protection of narrow endemic species. Onsite conservation in the Coastal Zone is encouraged, but also would not qualify as mitigation, unless it is accompanied by substantial habitat restoration, approved by the Wildlife Agencies and the City.

Impacts to rare upland habitats and coastal sage scrub throughout the City and chaparral and grassland in the WCPZ and Offsite Mitigation Zone must be mitigated through purchase or conservation of habitat lands in the WCPZ, PAMA, or other approved mitigation areas, as described previously in this document.

## 5.6 PROJECTED CONSERVATION SUMMARY

Appendix Tables B-1 through B-3 show the distribution of natural habitat by group, planning zone, ownership, management responsibility, projected conservation or impact, and estimated need for on- and offsite mitigation. Of 2,393 acres of natural habitat to be included in the Preserve, about 60% (1,445 acres) are located in the WCPZ, 32% (754 acres) in the Offsite Mitigation Zone, and 8% (194 acres) in the Coastal Zone (Table B-1). About 35% (845 acres) of those 2,393 acres are owned by the City, 3% (78 acres) by special districts or by SDG&E, 8% (186 acres) by the State, and 54% (1,283 acres) by private individuals and organizations (Tables B-2 and B-3).

Of the 1,283 acres of privately owned natural habitat to be included in the Preserve, 55% (709 acres, including lands formerly managed by The Environmental Trust) have already been conserved, with funding secured for habitat management, and 34% (439 acres) will be conserved in the future, with funding for management to be required as part of the development approval to be issued by the City. About 11% (136 acres) of the 1,283 acres are either existing homeowners' association open space lands, which have limited management programs, or lands with undetermined management programs. These may require public funding for management, as addressed earlier in this section.

Appendix Table B-5.1 is a list of habitat locations, or patches, with the current (2008) conservation status and the proposed method of conservation for any patch that is not currently conserved. For habitats to be conserved in the future, particularly in the WCPZ and Pre-approved Mitigation Areas, onsite conservation through avoidance or mitigation will be key methods of habitat protection. Sale of credits for future offsite mitigation will provide additional conservation, but will be a supplemental source. Also, habitat acquisition with Federal, State, and/or regional sources of funds would result in larger sizes and better connectivity of habitat areas than would be possible under onsite mitigation only.

It is important to note that assembly of the proposed Preserve can be completed, even if there were to be no offsite mitigation or public acquisition. However, though offsite mitigation and acquisition areas are not needed for achieving the overall conservation goals, habitat areas in the WCPZ and Pre-approved Mitigation Areas represent opportunities for project proponents to secure offsite mitigation, when such mitigation is needed for project development.

TABLE 5-9

## ILLUSTRATIVE SCHEDULE OF EXPENDITURES FOR HABITAT MANAGEMENT UNDER THE DIRECTION OF THE CITY OF OCEANSIDE

	Total or Buildout	Conserved at SAP Adoption	Phase I Years 1-5	Phase II Years 6-10	Phase III Years 11-25	Phase IV Year 26 & After
<b>A. City-owned Habitat Land</b>						
Habitat Area Conserved During a Phase (Acres)	845 Ac.	445 Ac.	82 Ac.	56 Ac.	178 Ac.	84 Ac.
One-time Management Start-up Cost	\$630,000	\$331,000 [1]	\$61,000	\$42,000	\$133,000	\$63,000
On-going, Annual Management Cost	\$342,100 /Yr.	\$180,000 /Yr. [2]	\$180,000 /Yr. <i>increasing to</i> \$213,100 /Yr.	\$213,100 /Yr. <i>increasing to</i> \$235,900 /Yr.	\$235,900 /Yr. <i>increasing to</i> \$308,100 /Yr.	\$308,100 /Yr. <i>increasing to</i> \$342,100 /Yr.
<b>B. San Luis Rey River Flood Control Project Area</b>						
Project Area (Acres)	160 Ac.	160 Ac.	---	---	---	---
One-time Management Start-up Cost	\$125,000	\$125,000 [1]	---	---	---	---
On-going, Annual Management Cost	\$70,800 /Yr.	\$70,800 /Yr. [2]	\$70,800 /Yr.	\$70,800 /Yr.	\$70,800 /Yr.	\$70,800 /Yr.
<b>C. Habitat to Be Acquired by Others</b>						
Land Acquired During a Phase (Acres) [3]	130 Ac.	---	---	98 Ac.	32 Ac.	---
One-time Management Start-up Cost	\$93,000	---	---	\$70,000	\$23,000	---
On-going, Annual Management Cost	\$49,300 /Yr.	---	---	<i>From none</i> <i>increasing to</i> \$37,200 /Yr.	<i>increasing to</i> \$37,200 /Yr.	\$49,300 /Yr.
<b>D. Other Lands to Be Managed by City</b>						
Habitat Area (Acres)						
SDG&E transmission corridor	12 Ac.	---	---	12 Ac.	---	---
Existing homeowners' association lands	69	---	---	13	---	56 Ac.
Other private lands	67	---	---	2	---	65
<i>Total</i>	<i>148 Ac.</i>	---	---	<i>27 Ac.</i>	---	<i>121 Ac.</i>
One-time Management Start-up Cost	\$106,000	---	---	\$19,000	---	\$87,000
On-going, Annual Management Cost	\$56,500 /Yr.	---	---	<i>From none</i> <i>increasing to</i> \$10,200 /Yr.	\$10,200	<i>increasing to</i> \$10,200 /Yr. \$56,500 /Yr.
<b>E. SAP Program Administration</b>						
Annual Administration Cost	\$120,000 /Yr.	---	\$120,000 /Yr.	\$120,000 /Yr.	\$120,000 /Yr.	\$120,000 /Yr.
<b>TOTAL</b>						
Habitat Area Conserved During a Phase (Acres)	1,283 Ac.	605 Ac.	82 Ac.	181 Ac.	210 Ac.	205 Ac.
One-time Management Start-up Cost	\$954,000	\$456,000 [1]	\$61,000	\$131,000	\$156,000	\$150,000
On-going, Annual Management and Administration Cost	\$638,700 /Yr.	\$250,800 /Yr. [2]	\$370,800 /Yr. <i>increasing to</i> \$403,900 /Yr.	\$403,900 /Yr. <i>increasing to</i> \$474,100 /Yr.	\$474,100 /Yr. <i>increasing to</i> \$558,400 /Yr.	\$558,400 /Yr. <i>increasing to</i> \$638,700 /Yr.

Note: Estimated costs are in 2008 dollars; actual amounts expended will vary depending on inflation. Endowed City management lands, formerly The Environmental Trust lands, are excluded from this table, since funding for management has already been secured.

1. Some or all of the estimated start-up cost has been or are being expended for management activities which are currently under way.
2. Estimated cost of management for land already conserved; actual expenditure may vary.
3. For this illustrative schedule, it is assumed that Priority 1 lands would be acquired during Phase II and Priority 2 lands during Phase III.