



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
760-839-4671

Notice of Exemption

To: Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Hwy, Room 260
San Diego, CA 92101
MS: A-33

From: City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025

Project Title/Case No: Vegetation Removal Permit / PL25-0180

Project Location - Specific:

11 Stonepointe Drive, Escondido, California 92025

Project Location - City: Escondido **Project Location - County:** San Diego

Description of Project:

The Project consist of a Vegetation Removal Permit for the removal of occupied Coastal Sage Scrub. The subject site was originally approved in 2006 (2006-04 VRP) under an earlier Vegetation Removal Permit and 4(d) incidental take permit under the "de-minimus" exemption provided by the Draft Subarea Plan for unoccupied coastal sage scrub. The Draft Subarea plan in coordination with the wildlife agencies allotted the City of Escondido the ability to issue incidental take permits for the removal of 5% Coastal Sage Scrub in the subregion pending the implementation of the overall plan. Due to the expiration of the "take permit" in 2006 and inability to use the 5% allowance, the applicant was subject to review of a Vegetation Removal Permit once more. Per the Escondido Municipal Code, the permit required an updated biology report which determined the on-site coastal sage scrub was occupied by a lone Gnatcatcher. This information was provided to the U.S. Fish & Wildlife Agency for a determination of the Project under the Endangered Species Act 10(a)(1)(b) as a "no take". Staff further coordinated with the California Department of Fish & Wildlife who also had no additional concerns beyond conditioning for a pre-construction survey. Following these coordination efforts, staff has evaluated the Project and determined there are no unusual circumstances involved in the Project, it remains consistent with the development standards and use of the property as envisioned.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Marrokal Design & Remodeling, LLC

Address: 9474 Kearny Villa Road, Suite 205
San Diego, CA 92126

Telephone: 858-549-9000

☒ Private entity ☐ School district ☐ Local public Agency ☐ State agency ☐ Other special district

Exempt Status:

The Project qualifies for the following exemptions which have been determined to not have a significant effect on the environment, and they are declared categorically exempt from the requirement for the preparation of environmental documents. Pursuant to CEQA Guidelines Section 15303 (New Construction) and 15304 (Minor Alterations to Land).

Reasons why project is exempt:

Class 3 (New Construction) consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. One single-family residence, or a second dwelling unit in a residential zone.

Class 4 (Minor Alterations to Land) consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. The single-family residence will include a fuel management plan within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance.

Lead Agency Contact Person: Oscar Romero, Principal Planner

Telephone/Extension: 760-839-4801

Signature: _____

Oscar Romero
Principal Planner

Date

☐ Signed by Lead Agency

Date received for filing at OPR:

☐ Signed by Applicant



Development Services Department
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4671 Fax: 760-839-4313

August 25, 2025

Fareeha Waqas
7114 Blakstad Court
San Diego, CA 92026

Re: Vegetation Removal Permit (VRP) Case No. PL25-0180 – 11 Stonepointe Dr.
(APN: 272-690-01-00)

Dear Mr. and Mrs. Waqas:

The Planning Division reviewed and approved the Vegetation Removal Permit application and supplemental documents for the request to remove 0.54 acres of Coastal Sage Scrub (CSS) and select trees on the project site referenced above. The subject site was originally approved for the development of a single-family residence in adherence of the approved Vegetation Removal Permit (VRP), and the 4(d) Habitat Loss Incidental Take Permit (2006-04 VRP). The reviews and approvals of the original permit were completed pursuant to the City of Escondido's Draft Subarea Plan and coordination with the federal and state wildlife agencies. The Draft Subarea plan in coordination with the wildlife agencies allotted the City of Escondido the ability to issue incidental take permits for the removal of 5% Coastal Sage Scrub in the subregion pending the implementation of the overall plan. Since the last approval, the city has exhausted the available 5% of Coastal Sage Scrub within the Subarea Plan requiring this project to be subject to a Vegetation Removal Permit under Article 55, Section 33-1068.C and concurrent review by the U.S. Fish & Wildlife and California Department of Fish & Wildlife.

As a result, Mrs. Fareeha ("applicant") submitted an application for a Vegetation Removal Permit (PL25-0180) on June 6, 2025. As part of the review and required submittal material, the Applicant retained a biologist as required per Article 55, Section 33-1068.C in a renewed submittal. The "Project" scope of work consists of the removal of 0.54-acres of CSS from a vacant parcel within a 10-lot subdivision for the development of a single-family residence on a 1.13-acre site zoned RE-40 with a General Plan designation of Estate I. The biologist conducted a biological survey on April 24, 2024 resulting in the observation of a California Gnatcatcher within "good quality" Coastal Sage Scrub habitat (Attachment A). The California Gnatcatcher (*Poliophtila californica californica*; gnatcatcher) is a federally threatened species and removal of habitat was subject to the U.S. Fish & Wildlife Agency review under Section 10(a)(1)(b) of the Endangered Species Act.

The applicant submitted the biological study and supplemental documents to the U.S. Fish & Wildlife Agency on February 5, 2025 for the determination of the project as requiring an "incidental take permit." The U.S. Fish & Wildlife Agency reviewed the project and evaluated whether the project would decrease the loss of more than 20 percent of Gnatcatcher habitat within a territory to substantially increase the risk of mortality or interfere with breeding activity, whereas the loss of less than 20 percent was determined to be permissive and not credited to a substantial increase in mortality or decrease in reproductive output, and not considered a "take." As a result, the U.S. Fish & Wildlife Agency issued a letter on March 25, 2025, stating the project in accord with the Endangered Species Act would not be

subject to an "incidental take permit" (Attachment B). Furthermore, the project would be required to adhere to the conservation measures implemented as conditions of approval and designed in accord with the approved plans. In addition, the California Department of Fish & Wildlife were also consulted and provided conservation measures to be implemented as conditions of the project (Attachment C).

The Project was determined to not be a "take" permit from the U.S. Fish & Wildlife Agency and remained subject to the cities Vegetation Removal Permit under Article 55, Section 33-1068.C(b) Evaluation Criteria below, and Required Findings pursuant to Section 33-168.C(c) (Attachment D).

Evaluation Criteria

- 1) The removal of vegetation on-site is necessary for the subject property to be developed. The design was evaluated and assessed for the development of a single-family home via various entitlements (Vegetation Removal Permit, Grading, Landscaping) to ensure the design avoided and impacted the least amount of habitat. The U.S. Fish & Wildlife Agency have determined that the removal of less than 20 percent of Gnatcatcher habitat within a territory will not result in a substantial increase in mortality or decrease in reproductive output. Per a 2024 survey, the Gnatcatcher territory is roughly 15 acres and the removal of 0.54 acres of CSS will result in less than 4 percent reduction of Gnatcatcher territory and comply with the threshold of less than 20 percent.
- 2) The development proposed at the subject property would not result in the fragmentation or isolation of biological species or habitat. The subject site is within a Focused Planning Area, but is not a critical area for conservation of habitat or Gnatcatcher's nor is it a linkage between habitats. The project will remove 0.54 acres of CSS, but only 0.225 acre will be completely cleared/graded and 0.31 acres will be cleared by 50 percent as part of the Fire Protection Plan limit. As a result, the project has been designed to preserve on-site habitat to a self-sustaining level. The development of the parcel as a single-family home maintains consistent character throughout the neighborhood.
- 3) The project will be subject to purchasing 0.54 acres of occupied CSS credits from the Red Mountain Bank which will result in a no net loss of habitat as required per the U.S. Fish & Wildlife Agency.
- 4) The development of the property requires discretionary approval of the Vegetation Removal Permit as well as the grading permit. The building permit and landscape permit are ministerial.
- 5) The proposed project is reasonably designed considering site characteristics and plant species involved such that all feasible methods to avoid removing vegetation, or to protect or transplant mature trees, have been incorporated, and adequate replacement of the vegetation is conditioned to be provided at a location to be provided by the director.

ENVIRONMENTAL DETERMINATION

This project has been determined to be exempt from further environmental review, pursuant to California Environmental Quality Act (CEQA) Guidelines section 15303 (New Construction) and 15304 (Minor Alterations to Land). A Notice of Exemption has been prepared for the Project, a copy of which is attached to this letter as Exhibit "F." Approval of the subject project includes approval of the CEQA exemption.

The City of Escondido hereby notifies the applicant that the San Diego County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption for the Project. The applicant shall remit to the City of Escondido Planning Division a check payable to the "San Diego County Clerk" in the amount of \$50 within two working days of the date of this letter. Per CEQA Guidelines section 15062, the filing of a Notice of Exemption and the posting with the San Diego County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's determination that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations period will apply.

CONCLUSION

The owner, or his/her authorized agent, shall sign the Acknowledgement and Acceptance of Conditions of Approval form enclosed with this letter, and submit such form within 10 days of receipt of this letter. Approval of this Vegetation Removal Permit, including the Conditions of Approval applied to it, may be appealed as prescribed in Section 33-1303 of the Escondido Zoning Code. If no appeal is filed, the approval shall become final on the 11th day following the date of this letter.

Please be advised that if you seek judicial review of the final decision in this matter pursuant to Code of Civil Procedure section 1094.5, the time within which judicial review must be sought is governed by California Code of Civil Procedure section 1094.6.

Please feel free to contact me at (760)-839-4081, or via email at Oscar.Romero@escondido.org, if you have any questions.

Sincerely,



Christopher McKinney
Deputy City Manager/Interim Director of Development Services

Attachments:

- A. Biology Report
- B. U.S. Fish & Wildlife Letter
- C. California Department of Fish & Wildlife
- D. Findings
- E. Conditions of Approval
- F. Notice of Exemption

cc:

Christopher McKinney, Deputy City Manager/Interim Director of Development Services
Veronica Morones, City Planner
Oscar Romero, Principal Planner

Attachment A

April 9, 2025

Steve Walton
Marrokal Custom Home Division
Director of Business Operations
E: swalton@marrokal.com
C: 619.261.1473

**Subject: Biological Letter Survey Report for a Proposed Residential Development
Located at 11 Stonepointe Dr, Escondido, CA 92025**

Dear Mr. Walton

Klutz Biological Consulting (KBC) is pleased to provide this general biological survey and impact report for Assessor Parcel Number (APN) 272-690-01, located within the City of Escondido (City), California (Figure 1). It is understood the subject property is being considered for the construction of a new single-family residential development on undeveloped vacant land. This letter summarizes the biological resources present within the study area and quantifies the impacts to sensitive biological resources. Recommended mitigation measures are included but will be finalized through consultation with the City and the United States Fish & Wildlife Service (USFWS).

It is understood the project parcel was previously considered for a similar development in 2007 which was approved by the City and the USFWS, but the original applicant did not follow through with the construction of the home and their approvals have expired (Appendix A). Per the City's most recent communication, the current project will be assessed as a new development and prior approvals (including previously purchased mitigation credits) do not apply to the current proposed residential development (City of Escondido 2024). Specifically the Vegetation Removal Permit (VRP) that was issued and approved in 2007 was valid for one year and subsequently has expired. Mitigation credits for the removal of 0.72-acre of Coastal Sage Scrub Habitat (CSS) that was previously purchased as part of the Interim Habitat Loss (4d) Permit process for the removal of CSS habitat no longer is applicable. Also of note, since the approval in 2007, the process for the removal of native habitat (less than 1 acre) has changed and the original California Environmental Quality Act (CEQA) analysis is no longer in conformance with current CEQA Guidelines and Wildlife Agency requirements (State and Federal).

Survey Methods and Limitations

The study area is comprised of the subject property and a 100-foot buffer, which includes native vegetation, adjacent single-family residences, hardscape, and ornamental landscaping. A general survey of the study area was conducted by Korey Klutz on April 24th, 2024, between 2:30 p.m. and 3:30 p.m. Weather conditions during the survey consisted of temperatures between 74 and 76-degrees Fahrenheit, 5 percent cloud cover, and winds between 1 to 3 mph. The survey was conducted by slowly walking meandering transects within, and around the study area where feasible, while recording all plant and wildlife species observed. Following the general biological survey, USFWS focused protocol coastal California gnatcatcher (CAGN) surveys were conducted. These surveys were

conducted between May and June and consisted of surveying the site over six site visits to determine the presence/absence of the CAGN (Appendix B).

Prior to the survey, a desktop analysis of the California Natural Diversity Database (CNDDDB; CDFG 2024) United States Geologic Service (USGS) 7.5' Quadrangle was also conducted to identify sensitive species known to occur in the general vicinity of the study area. Although the study area was surveyed, it should be noted that some sensitive resources may not have been detected due to the duration and season of the survey event. Rare annual plants may not have been apparent, and any wildlife species that are not active during the day (e.g. strictly nocturnal), are secretive in their habits, or use the study area only periodically may not have been detected during the survey. The entirety of the 100-foot buffer was surveyed directly on foot where possible and indirectly with binoculars as to avoid trespass on adjacent private properties.

Survey Results

Physical Characteristics

The study parcel is located east of Interstate 15 and north of the San Pasqual River Valley within a previously developed residential community (Figures 1 & 2). Elevation within the parcel ranges from approximately 640 feet above mean sea level (amsl) along the northeastern property boundary to approximately 700 feet amsl adjacent to Stonepointe Drive. The property is generally moderately sloped from west to east and then abruptly falls off within a small canyon to the east. The property primarily supports Diegan coastal sage scrub habitat and urban/developed lands with ornamental vegetation.

Soils within the study area are mapped as occurring within the Cienega soil series which are comprised of coarse sandy loams, with slopes that range between 15 and 75% (Bowman 1973 and Soil Survey Staff 2018).

Vegetation Communities

The study area contains two distinct landcover types including Diegan coastal sage scrub (disturbed and undisturbed), and urban\developed lands (Figure 3). Each of the landcover types are discussed in more detail below.

Diegan Coastal Sage Scrub - Diegan Coastal Sage Scrub— Diegan coastal sage scrub consists predominantly of low- growing, aromatic, and generally soft-leaved shrubs. Diegan coastal sage scrub is a native plant community characterized by soft, low, aromatic shrubs and subshrubs characteristically dominated by drought-deciduous species. This community typically occurs on sites with low moisture availability, such as dry slopes and clay-rich soils that are slow to release stored water. The representative species in this habitat type are California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), black sage (*Salvia mellifera*), and laurel sumac (*Malosma laurina*). On-site, this habitat type has been disturbed by the adjacent residential development but does also have a direct connection to higher quality habitat east to open space lands associated with the San Pasqual River Valley.

Urban\Developed Lands - Urban/developed lands refer to any built areas that are maintained. This includes lands previously disturbed or are associated with fuel management, neighboring homes, ornamental vegetation gates, paved roads, and hardscape features (Figure 3).

General Wildlife Observations

Wildlife species observed during the survey included 30 bird species, and one reptile. Common species observed included Song sparrow (*Melospiza melodia*), California towhee (*Melospiza crissalis*), Spotted towhee (*Pipilo maculatus*), House sparrow (*Passer domesticus*), Anna's hummingbird (*Calypte anna*), Allen's hummingbird (*Selasphorus* sp.), Bewick's wren (*Thryomanes bewickii*), and House wren (*Trigologytes aedon*). These species are all commonly observed within and adjacent to developed areas. Of note, two special status bird species were observed, including one lone male coastal California gnatcatcher (CAGN) (*Polioptila californica californica*) and a Cooper's hawk (*Accipiter cooperii*). A full compendium of wildlife species observed can be found in Appendix B.

Sensitive Plant and Wildlife Species

Sensitive biological resources are those defined as follows: (1) species that have been given special recognition by federal, state, or local conservation agencies and organizations due to limited, declining, or threatened population sizes; (2) species and habitat types recognized by local and regional resource agencies as sensitive; (3) habitat areas or plant communities that are unique, are of relatively limited distribution, or are of particular value to wildlife; (4) wildlife corridors and habitat linkages; and (5) those species covered under the City's Multiple Species Conservation Program (MSCP) plan.

Six plant species were identified by the CNDDDB search as potentially occurring within the project vicinity. Sensitive plants species detected by the literature search included wart-stemmed ceanothus (*Ceanothus verrucosus*), California adolphia (*Adolphia californica*), San Diego ambrosia (*Ambrosia pumila*), San Diego sagewort (*Artemisia palmeri*), southern tarplant (*Centromadia parryi* ssp. *australis*) and smooth tarplant (*Centromadia pungens* ssp. *laevis*). No sensitive plant species were observed during the survey effort. No threatened or endangered plant species were detected on the subject property. There is a low potential for sensitive plant species including threatened or endangered plant species to occur on-site (Appendix C).

Sixteen sensitive wildlife species were also identified by the CNDDDB search as potentially occurring within the project vicinity. These species include arroyo toad (*Anaxyrus californicus*) southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), Bell's sage sparrow (*Artemisiospiza belli belli*), orangethroat whiptail (*Aspidoscelis hyperythra*), coastal whiptail (*Aspidoscelis tigris stejnegeri*), Swainson's hawk (*Buteo swainsoni*), coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*), rosy boa (*Charina trivirgata*), red-diamond rattlesnake (*Crotalus ruber*), southwestern willow flycatcher (*Empidonax traillii extimus*), western pond turtle (*Emys marmorata*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), San Diego desert woodrat (*Neotoma lepida intermedia*), coast horned lizard (*Phrynosoma blainvillii*), coastal California gnatcatcher (*Polioptila californica californica*), western spadefoot (*Spea hammondi*), and least Bell's vireo (*Vireo bellii pusillus*). Of these species the California rufous-crowned sparrow, Bell's sage sparrow, orangthroat whiptail, coastal whiptail, rosy boa, red-diamond rattlesnake, San Diego black-tailed jackrabbit, San Diego desert woodrat, coast horned lizard, coastal California gnatcatcher (CAGN) and western spadefoot all have moderate potential to occur onsite (Appendix C). However, except for one lone male CAGN, none of these sensitive wildlife species were detected during the seven surveys within the study area. The lone male CAGN was observed during the final focused survey and was exhibiting territorial calling while traveling throughout the property from one California sagebrush to another.

Based on the survey results and the conclusion by Ms Guiterrez, the study parcel supports good quality CAGN habitat. The Diegan coastal sage scrub habitat consists of dense shrubs that connect with a larger tract of DCSS in a canyon to the east. Although the site is surrounded by landscaped and developed lands on three sides one black capped male CAGN was documented on site during the 2024 focused surveys. The male was territorial calling and traveling throughout the property suggesting the study area supports one CAGN territory.

Critical Habitat

A portion of the property is mapped as Critical Habitat for the CAGN by the USFWS (Figure 3).

Jurisdictional Waters and Wetlands

Wetlands or waters do not occur within the study area as observed in the field. Wetlands or waters as regulated by the United States Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB) or the California Department of Fish and Wildlife (CDFW) do not occur on-site.

Project Impact Analysis

Vegetation Communities

The proposed development will primarily impact both developed lands and Diegan coastal sage scrub (Table 1). However, Diegan coastal sage scrub (Tier II) habitat that occurs in the southwest portion of the parcel will be selectively thinned as part of the required brush management activities in accordance with BMZ regulations.

Table 1 Project Impacts to Vegetation Communities

<u>Development Footprint and Brush Management Impacts</u>	Square Footage	Acres
Developed/Disturbed Lands	11,763	0.31
Diegan Coastal Sage Scrub	21,978	0.54
Impacts to CAGN USFWS Critical Habitat	16,497	0.38

Sensitive Species

The project as proposed will impact occupied CAGN habitat. Impacts to 0.54-acre of occupied CAGN habitat will require species specific mitigation and additional consultation and approvals from both the City and the USFWS.

Sensitive Habitats

Implementation of the project will Impacts to 0.54-acre of Diegan coastal sage scrub habitat and 0.38-acre of USFWS Critical Habitat. These impacts will require habitat-based mitigation.

Mitigation

The project as proposed will require both species specific and habitat-based mitigation for impacts to CAGN occupied habitat and the loss of Diegan coastal sage scrub habitat. A combined mitigation ratio of 1:1 is proposed to fully mitigate project impacts. The preservation of 0.54-acre of Diegan coastal sage scrub habitat will be

purchased at an off-site mitigation bank. These mitigation credits will be sufficient to fully mitigate impacts to CAGN occupied Diegan coastal sage scrub habitat and USFWS CAGN critical habitat impacts. Impacts to developed/disturbed lands are not considered significant and will not require mitigation.

If you have questions regarding the analysis or conclusions presented herein, please contact me at (760) 492-3342.



Korey Klutz
Principal Biologist

Attachments

Figure 1 – Regional Location

Figure 2 – Project Location

Figure 3 – Biological and Jurisdictional Resources

Figure 4 – Project Impacts

Appendix A – Previous Section 7 Consultation Record

Appendix B – 2024 CAGN USFWS Protocol Survey Results

Appendix C – Special Status Species with Potential to Occur

References

Bowman, R. (1973). *Soil Survey of the San Diego Area, California, Part 1*. Accessed May 2018:
https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA638/0/part1.pdf

California Department of Fish and Game (CDFG). (2024). California Natural Diversity Database. Rarefind, Version 5. Accessed January 2024.

Soil Survey Staff. (2018). Natural Resources Conservation Service, United States Department of Agriculture. Official Soil Series Descriptions. Accessed May 2018:
https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/survey/class/data/?cid=nrcs142p2_053587



Asghar & Waqas Single Family Residential Development	
Date Printed: 5/8/2024	Author: klutch

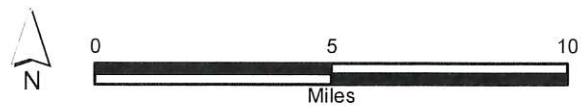
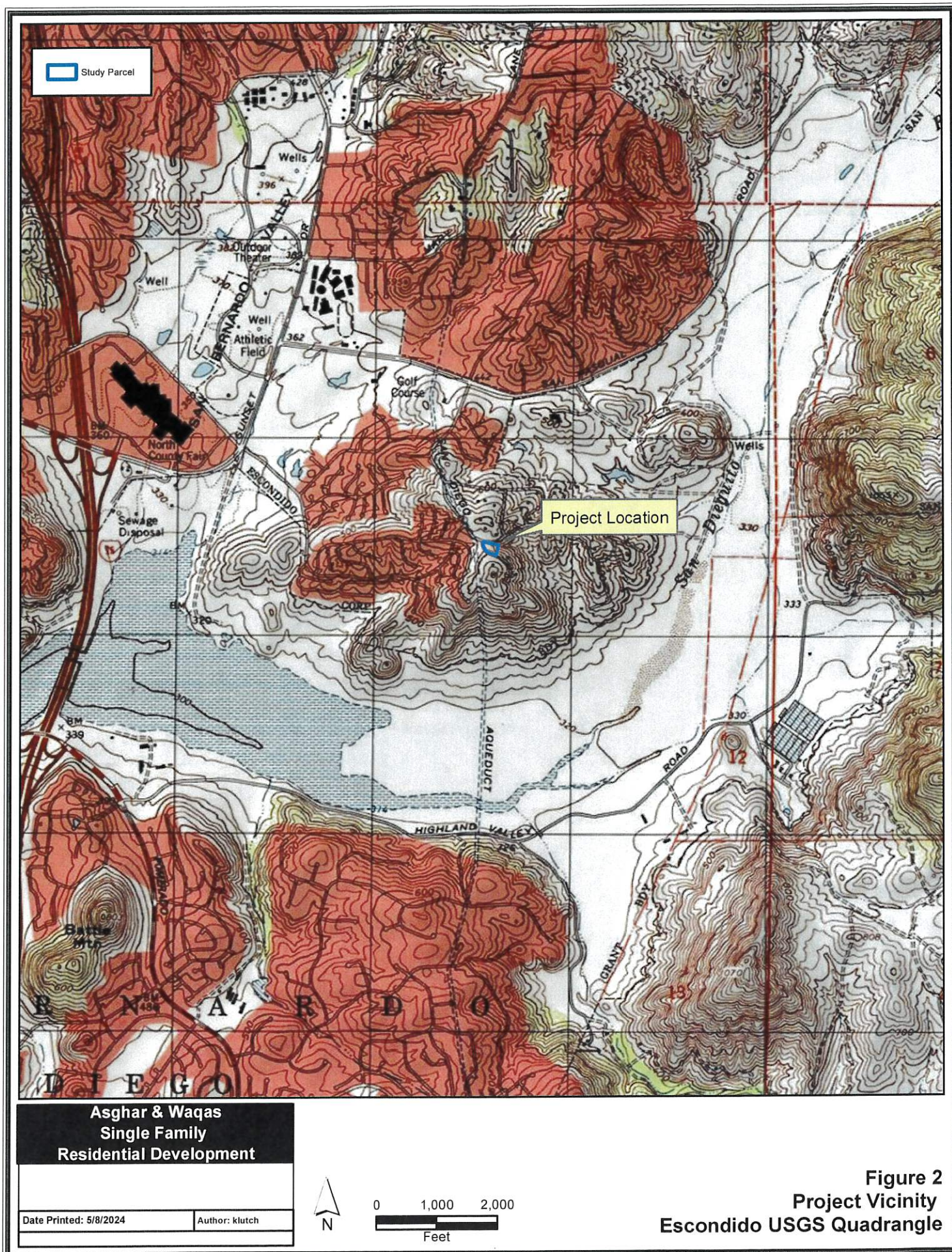
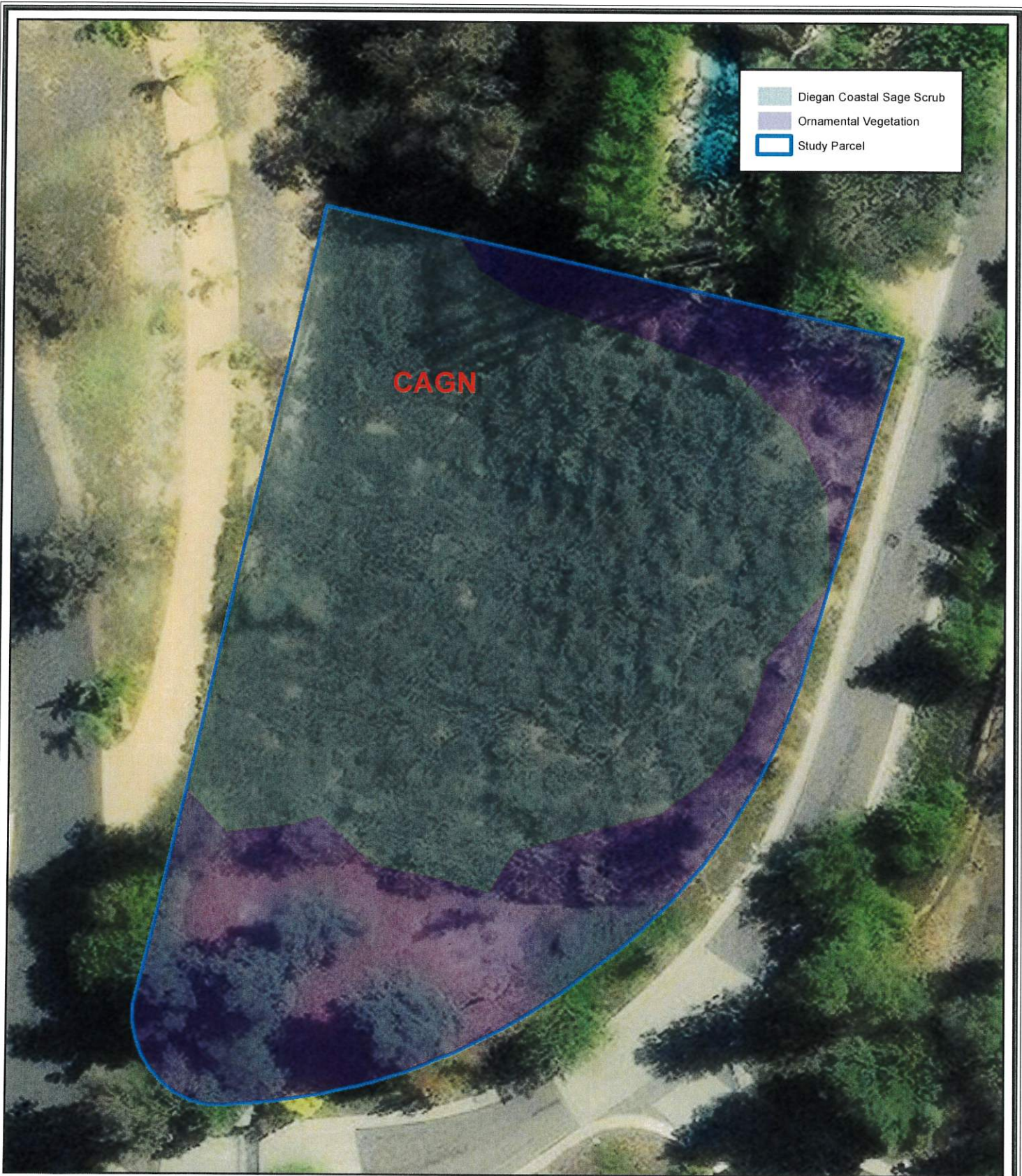


Figure 1
Regional Vicinity





**Asghar & Waqas
Single Family
Residential Development**

1 inch = 38 feet

Date Printed: 9/24/2024

Author: klutch

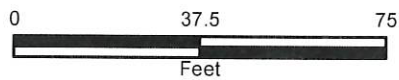


**Figure 3
Biological Resources**

Project Impacts

Diegan Coastal Sage Scrub

Ornamental Vegetation

Study Parcel

SITE PLAN



Asghar & Waqas
Single Family
Residential Development

1 inch = 38 feet

Date Printed: 9/24/2024

Author: klutch



Figure 4
Project Impacts to
Biological Resources

Updated Zones and Maps after the Revised for US Fish and Wildlife

	Total	Impact House/Zone 1	Impact Zone 2	Avoided	Neighbors Driveway	total lot to center of private road	Total Lot to ROW as Indicated.
CSS	26,411	9,806	13,558	3,047			
ORN	15,081	5,772	7,827	1,437	45		
Total	41,492	15,578	21,385	4,484	45	49,223	41,492

Attachment B



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer to:
2025-0068294-S7-TA-SD

March 25, 2025
Sent Electronically

Fareeha Waqas
7114 Blakstad Court
San Diego, California 92126

Subject: 11 Stonepointe Drive Project, City of Escondido, San Diego County, California

Dear Fareeha Waqas:

This letter responds to your February 3, 2025, email request for our review of the 11 Stonepointe Drive Project (project), in the City of Escondido (City), San Diego County, California for consistency with the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). Following extensive coordination with the U.S. Fish and Wildlife Service (Service), you (Applicant) have committed to a project design and will implement significant conservation measures (CMs) that will avoid, minimize, and mitigate potential impacts to the federally threatened coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher) and its habitat.

Section 9 of the Act prohibits “take” (e.g., harm, harassment, pursuit, injury, kill) of federally listed wildlife. Take incidental to otherwise lawful activities on private lands can be permitted under the provisions of section 10 of the Act. The project proponents, in coordination with our office, have attempted to design the project in a manner that avoids killing, injuring, or otherwise harming gnatcatchers, including modification of gnatcatcher habitat in a manner that significantly affects the breeding, feeding, and sheltering behaviors of individual gnatcatchers on site. Our analysis of these general criteria, as provided below, confirms that the project proponents have designed their project so that it can be implemented consistent with the Act, specifically that it can be implemented in a manner that will not require an incidental take permit under section 10 of the Act.

The project includes construction of a single-family home (including brush management zones) on a 0.95-acre project site (Figure 1). The project site has an undeveloped road easement along the northern border that could be developed in the future. In 2007, a similar project was approved by the City, the Service, and California Department of Fish and Wildlife through an Interim Habitat Loss Permit (HLP) to applicant John Hua (City Case Number 2006-04-VRP) pursuant to section 4(d) of the Act. While the original project was never built, 0.72 acre of mitigation credit was purchased at the Daley Ranch mitigation bank.

The 0.95-acre project site is composed of 0.6 acre of coastal sage scrub and 0.35 acre of ornamental vegetation. Although the project site is generally bordered by residential development and roads on all sides, it is part of an archipelago of coastal sage scrub that extends to the west and east. The project site is also in the Schooler *et al.* softline Focused Planning Area (FPA) described in section 4.4 of the City's draft Multiple Habitat Conservation Plan Subarea Plan (SAP). This FPA consists of three large properties, and a series of smaller properties, that support high quality coastal sage scrub and a core gnatcatchers population. The draft SAP states that a maximum of 25 percent of the habitat on the three large properties may be developed. However, the project site is not in one of these large properties.



Figure 1. Project Footprint and Fire Zones.

While surveys in 2006 for the 2007 HLP were negative, in 2024 one male gnatcatcher was observed during the last of six protocol surveys during the breeding season (Klutz Biological 2024). Based on this survey and a subsequent site visit on February 13, 2025, the coastal sage scrub to the west or east of the project site appears to support a gnatcatcher territory that extends onto the project site.

The project will impact 0.54 acre of coastal sage scrub. In addition, the project construction could disturb nesting gnatcatchers and could lead to degradation of adjacent undisturbed habitat as a result noise, light, increase in human activity, introduction invasive plant species.

The Applicant will implement the following conservation measures to avoid and minimize impacts to the gnatcatcher and its habitat:

- CM 1. The Applicant will mitigate impacts to 0.54 acre of coastal sage scrub by purchasing 0.54 acre of gnatcatcher occupied coastal sage scrub credits at the Red Mountain Bank and will submit proof of credit purchase to the Service prior to initiating project impacts.
- CM 2. Project construction will occur during daylight hours.
- CM 3. The Applicant will temporarily fence (including downslope silt barriers) the limits of project impacts (including construction staging areas and access routes) and install other appropriate sediment trapping devices to prevent additional impacts to gnatcatcher habitat and the spread of silt from the construction zone into habitat to be avoided. Fencing and sediment trapping devices will be installed in a manner that does not impact habitat to be avoided. The Applicant will submit to the Service for approval, at least 5 working days prior to initiating project impacts, the final plans for initial vegetation clearing and project construction. These final plans will include photographs that show the fenced limits of impact, sediment trapping devices, and all areas to be avoided. If work occurs beyond the fenced limits of impact, all work will cease until the problem has been remedied to the satisfaction of the Service. Temporary construction fencing and sediment trapping devices will be removed upon project completion.
- CM 4. All vegetation clearing and project construction in or within 500 feet of gnatcatcher habitat will occur from September 1 (or sooner if a Service-approved project biologist¹ demonstrates to the satisfaction of the Service that all nesting is complete) to February 14 to avoid the gnatcatcher breeding season. If project construction (other than vegetation clearing) cannot be restricted to outside of the gnatcatcher breeding season, CM 5, CM 6.b, and CM 6.c will be followed.
- CM 5. Construction noise levels at the edge of occupied gnatcatcher habitat will not exceed an hourly limit of 60 decibel (dBA) L_{eq} or ambient level (whichever is greater).
- CM 6. The project biologist will be on site during initial vegetation clearing and during project construction within 500 feet of gnatcatcher habitat in the FPA to ensure

¹ The designated project biologist for conservation measures CM 4, CM 6 and CM 7.l will be a trained ornithologist with at least 40 hours in the field observing gnatcatchers and documented experience locating and monitoring gnatcatcher nests. In order to receive Service approval, the biologist's name, address, telephone number, and work schedule on the project must be submitted to the Service at least 5 working days prior to initiating project impacts.

compliance with all CMs. The contract of the project biologist will allow direct communication with the Service at any time regarding the proposed project. The project biologist will be provided with a copy of this letter. The project biologist will be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Resident Engineer to ensure that issues relating to biological resources are appropriately and lawfully managed. The project biologist will perform the following duties:

- a. For construction outside the gnatcatcher breeding season, perform a minimum of three focused preconstruction surveys, on separate days, to determine the presence of gnatcatchers in the project impact footprint. Surveys will begin a maximum of 30 days prior to performing vegetation clearing, and one survey will be conducted the day immediately prior to the initiation of vegetation clearing. If any gnatcatchers are found in the project impact footprint, the project biologist will direct workers to begin initial vegetation clearing in an area away from gnatcatchers. In addition, the project biologist will passively flush birds toward areas of appropriate vegetation that is to be avoided. It will be the responsibility of the project biologist to ensure gnatcatchers will not be injured or killed by initial vegetation clearing/grubbing. The project biologist will record the number and map the location of gnatcatchers disturbed by initial vegetation clearing/grubbing or construction and report these numbers and locations to the Service with 24 hours.
- b. If construction is necessary during gnatcatcher breeding season, perform a minimum of three focused surveys, on separate days, to determine the presence of gnatcatcher nest building activities, egg incubation activities, or brood rearing activities within 500 feet of construction. The surveys will begin a maximum of 7 days prior to project construction and one survey will be conducted the day immediately prior to the initiation of work. Additional surveys will be done once a week during project construction in the gnatcatcher breeding seasons. These additional surveys may be suspended as approved by the Service. The Applicant will notify the Service at least 7 days prior to the initiation of surveys and within 24 hours of locating any gnatcatchers.
- c. If an active gnatcatcher nest is found within 500 feet of project construction, the project biologist will initiate nest monitoring and postpone work within 500 feet of the nest and contact the Service to discuss: (i) the best approach to avoid/minimize impacts to nesting birds (e.g., sound walls, noise monitoring) and (ii) a nest monitoring program acceptable to the Service. Subsequent to these discussions, work may be initiated subject to implementation of the agreed upon avoidance/minimization approach and nest monitoring program. Nest monitoring will occur according to a

schedule approved by the Service. The project biologist will determine whether bird activity is being disrupted. If the project biologist determines that bird activity is being disrupted, the Applicant will stop work and coordinate with the Service to review the avoidance/minimization approach. Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued nest monitoring. Nest monitoring will continue until fledglings have dispersed, as approved by the Service.

- d. Oversee installation of and inspect temporary fencing and erosion control measures within or up-slope of avoided and/or preserved areas a minimum of once per week during installation and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately.
- e. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
- f. Train all contractors and construction personnel a maximum of 14 days prior to project construction on the biological resources associated with the projects and ensure that training is implemented by construction personnel. At a minimum, training will include: (i) the purpose for resource protection; (ii) a description of the gnatcatcher and its habitat; (iii) the conservation measures given in the biological opinion that should be implemented during project construction to conserve the sensitive resources; including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (iv) best management practices in CM 15; (v) the protocol to resolve conflicts that may arise at any time during the construction process; and (vi) the general provisions of the Act, the need to adhere to the provisions of the Act, and the penalties associated with noncompliance with the Act.
- g. Halt work, if necessary, and confer with the Service to ensure the proper implementation of species and habitat protection measures. The project biologist will report any noncompliance issue to the Service within 24 hours of its occurrence.
- h. Submit bi-weekly letter reports (including photographs of impact areas) via regular mail or email to the Service during clearing of gnatcatcher habitat and/or project construction within 500 feet of avoided habitat. The bi-weekly reports will document that authorized impacts were not exceeded and general compliance with all conditions. The reports will also outline the duration of gnatcatcher monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports

will specify numbers, locations, and sex of gnatcatchers (if present), observed gnatcatcher behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to gnatcatchers. Raw field notes should be available upon request by the Service.

- i. Submit a final report to the Service within 60 days of project completion that includes: (i) as-built construction drawings with an overlay of habitat that was impacted and avoided, (ii) photographs of habitat areas that were to be avoided, and (iii) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all conditions of this biological opinion was achieved.

CM 7. The Applicant will ensure that project landscaping does not include nonnative plant species that may be invasive to native habitats. Nonnative plant species excluded are any species listed on the Cal-IPC's "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 website](#). In addition, landscaping will not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to FPA areas, and water runoff from landscaped areas will be directed away from FPA and contained and/or treated within the identified stormwater management facilities in project plans. The Applicant will submit a draft list of species to be included in the landscaping to the Service at least 45 working days prior to initiating project landscaping and will allow the CFWO an opportunity to verify that no Cal-IPC invasive plants are proposed for use. The Applicant will submit to the Service the final list of species to be included in the landscaping within 30 days of receiving concurrence on the draft list of species, if any changes are necessary.

CM 8. The Applicant will ensure that the following best management practices are implemented during project construction in order to minimize potential impacts to the gnatcatcher and its critical habitat:

- a. Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.
- b. To avoid attracting predators of the gnatcatcher, the project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site.
- c. Pets of project personnel will not be allowed on the project site.
- d. Disposal or temporary placement of excess fill, brush or other debris will not be allowed in waters of the U.S. or their banks.

- e. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas outside of waters of the U.S. within the fenced project impact limits. These designated areas will 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 U.S. and will be shown on the construction plans. Fueling of equipment will take place within areas greater than 100 feet from waters of the U.S. Contractor equipment will be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" will be designated on construction plans.
 - f. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.
- CM 9. To avoid and minimize the presence of brown-headed cowbirds (*Molothrus ater*; cowbird) on site and reduce their potential to parasitize gnatcatcher nests, trash will be removed as required to prevent overflow of trash from closed trash receptacles. All trash cans will have secure lids to prevent scattering of litter. The dumpsters and recycling enclosures will be fitted with lids and kept closed to avoid attraction of scavenging mammals and birds including rats, opossum, raccoon, ravens, crows, gulls, and cowbirds. Spoil, trash, or any debris will be removed off site to an approved disposal facility.

Gnatcatchers are non-migratory territorial birds, and territory size in coastal southern California appears to increase with increasing distance from the coast, so that territories range in size from less than 2.5 acres along the coast to over 20 acres inland (Preston *et al.* 1998). Removal of a substantial portion of a gnatcatcher pair's breeding territory would force the pair to expand their existing territory or establish a new territory, particularly during the breeding season, when territorial boundaries are better defined (Preston *et al.* 1998). Because the territory of the gnatcatcher observed in 2024 may extend onto the project site, it is likely that any gnatcatcher pair affected by significant habitat loss within its territory would be forced to compete with other resident gnatcatchers when attempting to expand an existing territory or establish a new territory.

We have little information regarding the effect of different amounts of habitat removal on gnatcatcher survival or reproductive output, so we used our best professional judgment to estimate that the loss of more than 20 percent of gnatcatcher habitat within a territory will substantially increase the risk of mortality or interfere with gnatcatcher breeding activity, whereas loss of less than 20 percent of a territory may force a gnatcatcher pair to adjust its territory slightly or result in a limited increase in territorial interactions with neighboring pairs, but will not result in a substantial increase in mortality or decrease in reproductive output (i.e., effects would not rise to the level of take).

Based on the 2024 survey, project site distance from the coast (i.e., about 14 miles) and existing habitat conditions, we estimate the gnatcatcher territory size in the project area to be about 15 acres. Therefore, the 0.54 acre of coastal sage scrub to be impacted by the project is estimated

to only comprises about 4 percent of the gnatcatcher territory in the project area. Project impacts to this territory may force this pair to adjust its territory boundary slightly or result in a limited increase in territorial interactions with any neighboring pairs but are not expected to result in a substantial increase in mortality or reproductive output (i.e., effects would not rise to the level of take).

The of 0.54 acre of coastal sage scrub to be impacted, 0.225 acre will be completely cleared/graded (Zone 1) and 0.31 acre will be only 50 percent cleared (Zone 2) (Figure 1). Zone 1 and Zone 2 will extend into the road easement that may be developed in the future. In addition, about 0.06 acre of coastal sage scrub in the road easement will not be impacted by the project. Impacts from any future development in road easement are not addressed in this letter and will require separate review.

According to Table 5-2 of the draft SAP, mitigation for coastal sage scrub within a FPA is at a 2:1 ratio. However, because 0.31 acre will only be 50 percent cleared and could still be used by gnatcatchers and 0.72 acre of credit was purchased at the Daley Ranch Bank in the City for the 2007 HLP, impacts to 0.54 acre of gnatcatcher occupied coastal sage scrub will be mitigated at a 1:1 ratio by purchasing 0.54 acre of gnatcatcher occupied coastal sage scrub credit at the Red Mountain Bank (CM 1).

Potential effects associated with the implementation of the proposed project include edge effects to gnatcatchers in the FPA adjacent to the project impact footprint. During construction activities, edge effects may include construction-related noise, light, and/or dust. Following construction, edge effects to the gnatcatcher may include increased human disturbance (e.g., trampling of habitat by human trespass into the onsite preserve); noise and light from development and vehicles; exposure to urban pollutants (fertilizers, pesticides, herbicides, and other hazardous materials); soil erosion; hydrological changes (e.g., surface and groundwater level and quality); and increased occurrence of nonnative plants and animals.

Noise associated with the use of heavy equipment during construction of the proposed project has the potential to disrupt gnatcatcher behaviors in adjacent habitat by masking intraspecific communication and startling birds (Dooling and Popper 2007). To avoid/minimize noise impacts, construction activities adjacent to occupied gnatcatcher habitat will be kept below 60 dBA hourly L_{eq} during the breeding season or ambient levels [whichever is greater (CM 5)]. If a gnatcatcher nest is found within 500 feet and it is determined that construction activities are disrupting nesting behavior, culpable activities will be suspended, and measures taken to avoid/minimize impacts to nesting gnatcatchers (CM 6.b, CM 6.c).

Light that alters natural light patterns in ecosystems can lead to increased predation, disorientation, and disruption of inter-specific interactions (Longcore and Rich 2004). Construction will occur during daylight hours, which will preclude the need for nighttime lighting for construction activities (CM 2). Permanent lighting installed for the project will be selectively placed, shielded, and directed away from the FPA.

Construction activities may generate dust that could decrease plant vigor within gnatcatcher habitat. Dust will be minimized through implementation of dust control measures such as watering (CM 8.f).

The project could increase the cover and number of invasive nonnative plant species in the onsite preserve. Nonnative species often out-compete and exclude native species, potentially altering the structure of the vegetation, degrading or eliminating upland habitat used by the gnatcatcher, and providing food and cover for undesirable nonnative animals (Bossard *et al.* 2000). Invasive nonnative plants will not be used in project landscaping (CM 13). In addition, the project may result in accumulation of trash and food, attracting more predators and nest parasitizing brown-headed cowbirds than occur onsite under baseline conditions and that may prey on gnatcatchers, as well as an increased frequency of intrusion into onsite gnatcatcher habitat by humans and domestic animals that may damage or destroy gnatcatcher nests. The potential for an increase in parasitism by cowbirds will be minimized through the implementation of a trash control program (CM 9).

Implementation of these CMs is anticipated to minimize indirect impacts resulting from the project to the point where potential effects of indirect effects are anticipated to have an insignificant effect on gnatcatcher survival and reproduction.

In summary, when considering potential impacts to gnatcatcher, we have determined that the proposed project is in compliance with the Act and agree that an incidental take permit pursuant to section 10 of the Act is not required for the project. We appreciate the Applicant's efforts to coordinate with the Service to ensure compliance with the Act and your commitment to implement measures in support of gnatcatcher recovery. Should you have any questions regarding this letter, please contact [David Zoutendyk](#)² of this office at 760-431-9440, extension 222.

Sincerely,

DAVID
ZOUTENDYK

Digitally signed by
DAVID ZOUTENDYK
Date: 2025.03.25
16:32:33 -07'00'

for Jonathan D. Snyder
Assistant Field Supervisor

² david_zoutendyk@fws.gov.

LITERATURE CITED

- Bossard, C., J. Randall, and M. Hoshovsky (eds.). 2000. Invasive plants of California's wildlands. University of California Press. Berkeley, California. 360 pp.
- Dooling, R.J. and A.N. Popper. 2007. The effects of highway noise on birds. Prepared by Environmental BioAcoustics LLC for the California Department of Transportation, Sacramento, California. 74 pp.
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- Longcore, T. and C. Rich. 2004. Ecological light pollution. *Front Ecological Environment* 2:191-198.
- Preston, K., P. Mock, M. Grishaver, E. Bailey, and D. King. 1998. California gnatcatcher territorial behavior. *Western Birds* 29:242-257.

Attachment C

Oscar Romero

From: Rehner, Katrina@Wildlife <Katrina.Rehner@Wildlife.ca.gov>
Sent: Thursday, April 24, 2025 12:45 PM
To: Oscar Romero
Cc: Burlaza, Melanie@Wildlife
Subject: RE: Removal of CSS

Good afternoon Oscar,

Thank you for meeting with us yesterday to provide input on the 11 Stonepointe Drive Project (Project), in the City of Escondido (City). In 2007, a similar project was approved by the City, the United States Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife through an Interim Habitat Loss Permit (HLP pursuant to section 4(d) of the ESA). However, the original project was never constructed and the HLP has since expired; they are now seeking permits and approvals. We appreciate the opportunity to provide comments on regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

The Project site does support at least one coastal California gnatcatcher (*Poliophtila californica californica*), a California State Species of Special Concern (SSC) and federal Endangered Species Act (ESA)-listed species, breeding territory. To comply with federal ESA regulations, the USFWS has provided conservation measures for the Project proponent to implement to avoid and minimize impacts to the gnatcatcher and its habitat via letter (ECOS #2025-0068294-S7-TA-SD). As gnatcatcher is a Species of Special Concern and not currently listed under CESA, CDFW does not have any further permitting requirements or conservation measures to provide in regard to impacts to gnatcatcher. We support and second the guidance and measures already provided by USFWS on this matter.

Based on the habitat information provided, the Project may impact Crotch's bumble bee (*Bombus crotchii*), a candidate species to be listed under CESA. Project activities involving ground and vegetation disturbance could result in potential significant impacts, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality. Impacts to CESA-listed or candidate species and their habitat meet the definition of endangered, rare, or threatened under CEQA (CEQA Guidelines § 15380). Impacts to CESA listed species and their habitats may result in a mandatory finding of significance because the Project has the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines § 15065). If Crotch's bumble bee is present within or near the Project site, Project activities could result in take. To help the Project applicant avoid unlawful taking of Crotch's bumble bee, CDFW recommends the following based on the latest guidance:

- The City should include conditions to first avoid impacts on Crotch's bumble bee. If Crotch's bumble bee is present, a qualified biologist shall identify the location of all nests in or adjacent to the Project site. If nests are identified, no-disturbance buffer zones shall be established around nests to reduce the risk of disturbance or accidental take. If the Project (and/or subsequent tiered projects) cannot avoid impacts, the City shall require the Project to consult with CDFW to determine if a CESA Incidental Take Permit (ITP) is required. Early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP.

In addition, CDFW has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSAA) with the

applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the City's CEQA documentation for the project. Whether an LSAA is required to satisfy the requirements of section 1600 et seq. can only be determined at the time a formal Notification package is submitted to the Department. If any proposed Project activities impact drainages or channels that include associated riparian resources, we strongly encourage the Project proponent to consider submitting a streambed notification package to the Lake and Streambed Alteration Program.

Please reach out if you have any additional questions or anything else we can help with. Thanks.

Best,
Katrina

Katrina Rehner

Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
South Coast Region 5
(310) 387-9260



From: Oscar Romero <Oscar.Romero@escondido.gov>
Sent: Wednesday, April 16, 2025 12:54 PM
To: Lubcke, Glen@Wildlife <Glen.Lubcke@Wildlife.ca.gov>
Cc: Burlaza, Melanie@Wildlife <Melanie.Burlaza@Wildlife.ca.gov>; Gray, Andrew@Wildlife <Andrew.Gray@wildlife.ca.gov>; Rehner, Katrina@Wildlife <Katrina.Rehner@Wildlife.ca.gov>
Subject: RE: Removal of CSS

Some people who received this message don't often get email from oscar.romero@escondido.gov. [Learn why this is important](#)

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Hi Glen,

I appreciate the quick response. I'm providing the applicants original biology report as well as the letter received from US F&W. Let me know if we can touch base early next week.

Thanks,



Oscar Romero
Principal Planner
Development Services Department
Direct: 760-839-4801
Cell: 760-803-6615
www.escondido.gov

Attention: The Development Services Department operates its front counter Monday through Thursday 8 a.m. to 5 p.m. and is available via email (planning@escondido.gov) or phone 760-839-4671. The front counter is closed on **FRIDAY**.

From: Lubcke, Glen@Wildlife <Glen.Lubcke@Wildlife.ca.gov>
Sent: Wednesday, April 16, 2025 12:38 PM
To: Oscar Romero <Oscar.Romero@escondido.gov>
Cc: Burlaza, Melanie@Wildlife <Melanie.Burlaza@Wildlife.ca.gov>; Gray, Andrew@Wildlife <Andrew.Gray@wildlife.ca.gov>; Rehrer, Katrina@Wildlife <Katrina.Rehrer@Wildlife.ca.gov>
Subject: RE: Removal of CSS

Hi Oscar –

Thanks for reaching out. We would need a little more information to understand the project, the impacts, and whether or not the mitigation is appropriate. Also, is this in any way related to the unauthorized grading that occurred in the past couple of months? We have two different situations involving what looks like unauthorized grading (one incident occurred on a conservation bank).

Send over any information that you can and I will have one of our staff follow up with a meeting invite. Thanks again, Oscar.

Glen

Glen M. Lubcke | Environmental Program Manager
California Department of Fish and Wildlife - South Coast Region 5
3883 Ruffin Road | San Diego, CA 92123
Phone (858) 204-8774
Glen.Lubcke@wildlife.ca.gov



From: Oscar Romero <Oscar.Romero@escondido.gov>
Sent: Wednesday, April 16, 2025 12:22 PM

To: Lubcke, Glen@Wildlife <Glen.Lubcke@Wildlife.ca.gov>

Subject: Removal of CSS

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Hi Glen,

I work for the City of Escondido and have a few questions regarding the removal of unoccupied CSS. The US F&W has provided a "No Take Permit" and will be requiring mitigation be purchased with an outside mitigation bank and a few other conditions. I would like to confirm that the state would not need to review or add anything further to the review of the project.

I'm available to jump on a call sometime this week if you are.

Thanks,



Oscar Romero
Principal Planner
Development Services Department
Direct: 760-839-4801
Cell: 760-803-6615
www.escondido.gov

Attention: The Development Services Department operates its front counter Monday through Thursday 8 a.m. to 5 p.m. and is available via email (planning@escondido.gov) or phone 760-839-4671. The front counter is closed on **FRIDAY**.

Attachment D

Attachment "D"

PLANNING CASE NOS. PL25-0181

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for the following exemptions which have been determined to not have a significant effect on the environment, and they are declared categorically exempt from the requirement for the preparation of environmental documents. Pursuant to CEQA Guidelines Section 15303 (New Construction) and 15304 (Minor Alterations to Land) for the proposed project meets the following criteria:
 - a. Class 3 consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. One single-family residence, or a second dwelling unit in a residential zone.
 - b. Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. The single-family residence will include a fuel management plan within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance.
3. The Project also does not trigger Section 15300.2 (Exceptions) of the CEQA Guidelines, which would disqualify the use of an exemption for the following reasons:
 - a. Location – The exemptions proposed are Class 3 (New Construction) and Class 4 (Minor Alterations of Land) exemptions for a project that does not include an impact to environmental resources of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The subject property was approved in 1982 as Lot #1 in a 10-lot subdivision per Tract 510, Planned

Unit Approval (82-08-PUA). Several of the lots have since been developed as single-family residences outside the conservation area of the Draft Subarea Plan. The subject site is within a Focused Planning Area; however, it is not a critical area for conservation of habitat or Gnatcatcher's, nor is it a linkage between habitats. The property is more clearly defined as an area of disturbed land and not precisely mapped under environmental concern and available to the development of a single-family home.

- b. Cumulative Impact – The Project consists of removing Coastal Sage Scrub from a vacant lot approved under a 10-lot subdivision for the development of a single-family home. The development of a single-family home within a previously approved tract map (tract 510) is permitted via the Escondido Zoning Code and Draft Subarea Plan. The Project is consistent with the surrounding area, and maintains similar character as those projects envisioned for this area of the plan.
 - c. Significant Effect – The Project consist of a Vegetation Removal Permit for the removal of occupied Coastal Sage Scrub. The subject site was originally approved in 2006 under an earlier Vegetation Removal Permit and 4(d) incidental take permit under the “de-minimus” exemption provided by the Draft Subarea Plan for unoccupied coastal sage scrub. Due to the expiration of the “take permit” in 2006, the applicant was subject to submittal and review of a Vegetation Removal Permit once more. Per the Escondido Municipal Code, the permit required an updated biology report which determined the on-site coastal sage scrub was occupied. This information was provided to the U.S. Fish & Wildlife Agency for review and consideration of required permitting. The site was assessed with a determination of the Project as a “no take.” Following this determination, staff has evaluated the Project and determined there are no unusual circumstances involved in the Project, it will be subject to the conditions of approval and remain consistent with the development standards and use of the property as envisioned.
 - d. Hazardous Waste Site – The Project is not located within a Hazardous Waste Site pursuant to Section 65962.5 of the Government Code.
 - e. Historical Resource – This exception is not triggered for the development of a new single-family home.
4. The Director of Development Services, or their designee, has independently considered the full administrative record before it, which includes but is not limited to materials and evidence submitted by the applicant and other interested parties, and input provided by other City departments and public agencies. No substantial evidence has been submitted that would support a finding that any above-described exemptions are not applicable to the Project. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Vegetation Removal Permit Findings (Escondido Zoning Code Section 33-1068.C(c))

The Director of Development Services, or their designee, has reviewed the record, including applicable CEQA findings, and makes the following findings for a Vegetation Removal Permit:

1. *The proposed vegetation removal is in compliance with all applicable state and federal requirements;*

The Project consist of a Vegetation Removal Permit for the removal of occupied Coastal Sage Scrub. The subject site was originally approved in 2006 (2006-04 VRP) under an earlier Vegetation Removal Permit and 4(d) incidental take permit under the "de-minimus" exemption provided by the Draft Subarea Plan for unoccupied coastal sage scrub. The Draft Subarea plan in coordination with the wildlife agencies allotted the City of Escondido the ability to issue incidental take permits for the removal of 5% Coastal Sage Scrub in the subregion pending the implementation of the overall plan. Due to the expiration of the "take permit" in 2006 and inability to use the 5% allowance, the applicant was subject to review of a Vegetation Removal Permit once more. Per the Escondido Municipal Code, the permit required an updated biology report which determined the on-site coastal sage scrub was occupied by a lone Gnatcatcher. This information was provided to the U.S. Fish & Wildlife Agency for a determination of the Project under the Endangered Species Act 10(a)(1)(b) as a "no take". Staff further coordinated with the California Department of Fish & Wildlife who also had no additional concerns beyond conditioning for a pre-construction survey. Following these coordination efforts, staff has evaluated the Project and determined there are no unusual circumstances involved in the Project, it remains consistent with the development standards and use of the property as envisioned.

2. *Environmental review for the proposed clearing of vegetation has been completed in conformance with the California Environmental Quality Act (CEQA);*

The development proposed at the subject property would not result in the fragmentation or isolation of biological species or habitat. The site is within a Focused Planning Area, but is not a critical area for conservation of habitat or Gnatcatcher's nor is it a linkage between habitats. The project will remove 0.54 acres of CSS, but only 0.225 acre will be completely cleared/graded and 0.31 acres will be cleared by 50 percent as part of the Fire Protection Plan limit.

The subject property was originally approved as one of ten lots on a 10-lot subdivision (Tract 510) and approved as a Negative Declaration (ER 917). The project was conditioned to adhere to Article 55 Grading Ordinance with no additional environmental concerns. The project will be categorically exempt and filed as a Notice of Exemption for Class 3 (New Construction) and 4 (Minor Alteration in Land Use).

3. *The proposed clearing of vegetation is not premature with respect to future discretionary approvals and preservation options;*

The Project is not premature, the subject site has been evaluated and found to be in compliance with the Draft Subarea Plan as well as the Escondido Zoning Code. The

subject site was not found to be within a conservation area and previously approved for development of a single-family home within a 10-lot subdivision (82-.

4. *The proposed clearing is not under a current work order issued for violations of this ordinance; or appropriate corrective measures have been incorporated into the permit application to correct the noticed violation of the stop work order issued by the city;*

The site is not subject to a current work order for corrective measures, the applicant has submitted for a Vegetation Removal Permit in order to develop a single-family home.

5. *The public safety will not be compromised by the requested vegetation removal due to plant pests or diseases, soil erosion, or increase in the flow of surface water;*

The public safety of the surrounding properties will not be impacted by the subject project. All required measures have been evaluated and assessed for conformance.

6. The proposed project is reasonably designed considering site characteristics and plant species involved such that all feasible methods to avoid vegetation or to protect or transplant mature trees, have been incorporated, and adequate replacement of the vegetation is conditioned to be provided at a location approved by the director.

Per the requirements of Article 55 and the Draft Subarea Plan, the project site has been designed in compliance with all development standards.

Attachment E

ATTACHMENT "E"

PLANNING CASE NOS. PL25-0180

Conditions of Approval

Planning Conditions:

1. This Vegetation Removal Permit is valid for a period of 12 months from the date of this letter. Extensions of time may be granted by the Director of Development Services for periods not to exceed 12 months upon submittal of a written request prior to the original expiration date, which includes the reason why the extension of time is needed.
2. The approval is subject to Wildlife Agencies concurrence within 30 days of this approval.
3. Verification of credit purchase 0.54 acres of occupied CSS will be required prior to grading permit issuance.
4. The landscaping for the development shall avoid the use of invasive exotic plant species and only include acceptable, fire retardant native plant material as noted in the Fire Protection Plan and Landscape and Irrigation Plan.
5. The Applicant will be required to hire a biologist and provide bi-weekly reports to the city regarding vegetation removal.
6. Pursuant to the staff report for TR 510, a 20-foot-wide rear yard setback is required from the road easement. A portion of the proposed home is encroaching within this required setback; an Administrative Adjustment application will be required to allow a 25% reduction in the 20-ft rear yard setback off the road easement.
7. The approval is subject to Wildlife Agencies' concurrent review of ongoing reviews and subject to bi-weekly reports to the city regarding vegetation removal.
8. The Applicant will mitigate impacts to 0.54 acre of coastal sage scrub by purchasing 0.54 acre of Gnatcatcher occupied coastal sage scrub credits at the Red mountain Bank and will submit proof of credit purchase to the Service and city prior to initiating any projects.
9. The project will be subject to a landscape plan where the development will avoid the use of invasive exotic plant species and only include acceptable, fire retardant native plant material as provided in the Fire Protection Plan. All landscaping will be in adherence of the approved Fire Protection Plan.
10. The City of Escondido hereby notifies the applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062.

Conditions per U.S. Fish & Wildlife and California Department of Fish & Wildlife

11. The Applicant will mitigate impacts to 0.54 acre of coastal sage scrub by purchasing 0.54 acre of Gnatcatcher occupied coastal sage scrub credits at the Red mountain Bank and will submit proof of credit purchase to the Service prior to initiating project impacts.
12. The project construction will occur during daylight hours.

13. The Applicant will temporarily fence (including downslope silt barriers) the limits of project impacts (including construction staging areas and access routes) and install other appropriate sediment trapping devices to prevent additional impacts to Gnatcatcher habitat and the spread of silt from the construction zone into habitat to be avoided. Fencing and sediment trapping devices will be installed in a manner that does not impact habitat to be avoided. The Applicant will submit to the Service for approval, at least 5 working days prior to initiating project impacts, the final plans for initial vegetation clearing and project construction. These final plans will include photographs that show the fenced limits of impact, sediment trapping devices, and all areas to be avoided. If work occurs beyond the fenced limits of impact, all work will cease until the problem has been remedied to the satisfaction of the Service. Temporary construction fencing and sediment trapping devices will be removed upon project completion.
14. All vegetation clearing and project construction in or within 500 feet of Gnatcatcher habitat will occur from September 1 (or sooner if a Service-approved project biologist (1) demonstrates to the satisfaction of the Service that all nesting is complete) to February 14 to avoid the Gnatcatcher breeding season. If project construction (other than vegetation clearing) cannot be restricted to outside of the Gnatcatcher breeding season, all conditions applied will be followed.
15. Construction noise levels at the edge of occupied Gnatcatcher habitat will not exceed an hourly limit of 60 decibels (Dba) L_{eq} or ambient level (whichever is greater).
16. The project biologist will be on site during initial vegetation clearing and during project construction within 500-feet of Gnatcatcher habitat in the Focused Planning Area to ensure compliance with all conditions. The contract of the project biologist will allow direct communication with the Service at any time regarding the proposed project. The project biologist will be provided with a copy of this letter. The project biologist will be available during pre-construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Resident Engineer to ensure that issues relating to biological resources are appropriately and lawfully managed. The project biologist will perform the following duties:
 - A. For construction outside the Gnatcatcher breeding season, perform of three construction surveys, on separate days, to determine the presence of Gnatcatchers in the project impact footprint. Surveys will begin a maximum of 30 days prior to performing vegetation clearing, and one survey will be conducted the day immediately prior to the initiation of vegetation clearing. If any Gnatcatchers are found in the project impact footprint, the project biologist will direct workers to begin initial vegetation clearing in an area away from Gnatcatchers. In addition, the project biologist will passively flush birds toward areas of appropriate vegetation that is to be avoided. It will be the responsibility of the project biologist to ensure Gnatcatchers will not be injured or killed by initial vegetation clearing/grubbing. The project biologist will record the number and map the location of Gnatcatchers disturbed by initial vegetation clearing/grubbing or construction and report these numbers and locations to the Service within 24 hours.
 - B. If construction is necessary during Gnatcatcher breeding season, perform a minimum of three focused surveys, on separate days, to determine the presence of Gnatcatcher nest building activities, egg incubation activities, or brood rearing activities within 500

feet of construction. The surveys will begin a maximum of 7 days prior to project construction and one survey will be conducted the day immediately prior to the initiation of work. Additional surveys may be suspended as approved by the Service. The Applicant will notify the Service at least 7 days prior to the initiation of surveys and within 24 hours of locating any Gnatcatchers.

- C. If an active Gnatcatcher nest is found within 500 feet of project construction, the project biologist will initiate nest monitoring and postpone work within 500 feet of the nest and contact the Service to discuss: (i) the best approach to avoid/minimize impacts to nesting birds (e.g., sound walls, noise monitoring) and (ii) a nest monitoring program acceptable to the Service. Subsequent to these discussions, work may be initiated subject to implementation of the agreed upon avoidance/minimization approach and nest monitoring program. Nest monitoring will occur according to a schedule approved by the Service. The project will determine whether bird activity is being disrupted. If the project biologist determines that bird activity is being disrupted, the Applicant will stop work and coordinate with the Service to review the avoidance/minimization approach. Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued nest monitoring. Nest monitoring will continue until fledglings have dispersed, as approved by the Service.
- D. Oversee installation of and inspect temporary fencing and erosion control measures within or up-slope of avoided and/or preserved areas a minimum of once per week during installation and daily during all rain events to ensure that any breaks in the fence or erosion control measure are repaired immediately.
- E. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
- F. Train all contractors and construction personnel a maximum of days prior to project construction on the biological resources associated with the projects and ensure that training is implemented by construction personnel. At a minimum, training will include: (i) the purpose for resource protection; (ii) a description of the Gnatcatcher and its habitat; (iii) the conservation measures given in the biological opinion that should be implemented during project construction to conserve the sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site fencing); (iv) best management practices in CM 15; (v) the protocol to resolve conflicts that may arise at any time during the construction process; and (vi) the general provisions of the Act, the need to adhere to the provision of the Act, and the penalties associated with noncompliance issue to the Service within 24 hours of its occurrence.
- G. Halt work, if necessary, and confer with the Service to ensure the proper implementation of species and habitat protection measures. The project biologist will report any noncompliance issue to the Service within 24 hours of its occurrence.
- H. Submit bi-weekly letter reports (including photographs of impact areas) via regular mail or email to the Service during clearing of Gnatcatcher habitat and/or project construction within 500 feet of avoided habitat. The bi-weekly reports will document those authorized impacts were not exceeded and general compliance with all conditions. The reports will also outline the duration of Gnatcatcher monitoring, the location of construction activities, the type of construction that occurred, and

equipment used. These reports will specify the numbers, locations, and sex of Gnatcatchers (if present), observed Gnatcatcher behavior (especially to avoid, minimize, and mitigate impacts to Gnatcatchers. Raw field notes should be available upon request by the Service.

17. The applicant will ensure that project landscaping does not include nonnative plant species that may be invasive habitats. Nonnative plant species excluded are any species listed on the Cal-IPC's "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. Landscaping will not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to FPA areas, and water runoff from landscaped areas will be directed away from FPA and contained and/or treated within the identified stormwater management facilities in project plans. The Applicant will submit a draft list of species to be included in the landscaping to the Service at least 45 working days prior to initiating project landscaping and will allow the CFWO an opportunity to verify that no Cal-ipc invasive plants are proposed for use. The Applicant will submit to the Service the final list of species to be included in the landscaping within 30 days of receiving concurrence on the draft list of species, if any changes are necessary.
18. The Applicant will ensure that the following best management practices are implemented during project construction in order to minimize potential impacts to the Gnatcatcher and its critical habitat:
 - A. Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.
 - B. To avoid attracting predators of the Gnatcatcher, the project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site.
 - C. Pets of project personnel will not be allowed on the project site.
 - D. Disposal or temporary placement of excess fill, brush or other debris will not be allowed in waters of the U.S. or their banks.
 - E. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas outside of waters of the U.S. within the fenced project impact limits. These designated areas will 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 U.S. and will be shown on the constructions plans. Fueling of equipment will take place within areas greater than 100 feet from waters of the U.S. Contractor equipment will be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" will be designated on construction plans.
 - F. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.
19. To avoid and minimize the presence of brown-headed cowbirds (*Molothrus ater*; cowbird) on site and reduced their potential to parasitize Gnatcatcher nests, trash will be removed as required to prevent overflow of trash from closed trash receptacles. All trash cans will have secure lids to prevent scattering of litter. The dumpsters and recycling enclosures will be fitted with lids and kept closed to avoid attraction of scavenging mammals and birds including rats,

- opossum, raccoon, ravens, crows, gulls, and cowbirds. Spoil, trash, or any debris will be removed off site to an approved disposal facility.
20. If Crotch's bumble bee is present, a qualified biologist shall identify the location of all nests in or adjacent to the Project Site. If nests are identified, no-disturbance buffer zones shall be established around nests to reduce the risk of disturbance or accidental take. If the Project (and/or subsequent tiered projects) cannot avoid impacts, the City shall require the Project to consult with CDFW to determine if a CESA Incidental Take Permit (ITP) is required. Early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP.

Engineering Conditions of Approval

GENERAL

15. The applicant shall provide the City Engineer with a current Preliminary Title Report covering subject property.
16. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
17. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
18. The Developer shall be responsible to repair or replace any driveway approach, curb and gutter, sidewalk, or other damages as a result of construction activities for this subject project.

GRADING

19. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 1 copy of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
20. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.

21. Cut slope setbacks from adjacent structures will be half the height of the cut slope, and shall be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches as needed.
22. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
23. Lot drainage shall meet the requirements of current Escondido Design Standards, to the satisfaction of the City Engineer, and shall include the construction of necessary brow ditches. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
24. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
25. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third-party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed, as part of building structure will be permitted as part of the Building Department plan review and permit process.

DRAINAGE

26. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
27. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin shall be submitted with the drainage study and approved as part of the grading plan check.
28. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
29. All site drainage with emphasis on the parking and drive way areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention basins within or along the perimeter of the parking

and driveway area as the primary method of storm water treatment and hydro-modification compliance. The landscape plans shall reflect these areas of storm water treatment.

30. All on-site storm drains, detention basins, and all post-construction BMP's facilities are private. The responsibility for maintenance of these storm drains shall be that of the property owner or property owner's association.
31. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts of the building shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
32. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

UTILITIES (WATER SUPPLY / SEWER)

33. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make all arrangements with the Rincon Del Diablo Municipal Water District as necessary to provide water service for domestic use and fire protection.
34. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
35. A private sewer pump and force lateral will be required to discharge into a private sewer manhole
 - a. Private M.H. to be constructed per City Standards (Modified S-1-E)
 - b. Private M.H. to be constructed on owner's property and located at an appropriate elevation to be able to gravity flow to the existing 8" sewer main in Stonepointe Dr. (per record drawing P-1571).
36. Private M.H. will gravity flow and discharge into existing 8" public sewer (per S-2-E)
 - c. Proposed 4-inch private gravity sewer lateral to attach to existing sewer stub-out located approximately 3 feet east of existing public M.H. in Stonepointe Dr.
 - d. Sewer cleanout to be installed 18" inside property line of proposed sewer lateral.
37. The following notes are to be directly on the Building Plan B23-2738:
 - A. *"The property owner/home owner's association is solely responsible for all maintenance, repair or replacement of the private sewer force lateral and pump. The property owner/home owner's association is responsible for all odor control*

issues related to the grinder pump and sewer force lateral. In the event that the private grinder pump fails and/or City Staff is called out for odor issues the property owner/home owners association shall reimburse the City for all time and material associated with responding to the call"

B. *"City of Escondido Utilities Department does not approve private water or sewer. All private water and sewer will be reviewed by the Building Department prior to City approval."*

38. The on-site sewer lateral to the proposed building will be considered a private sewer system. The property owner shall be responsible for all maintenance of this lateral to the main in Stonepointe Dr.
39. Sewer laterals shall be 4-inch PVC minimum with a standard clean-out at the right-of-way per standard drawing S-2-E and at all angle points, and shall be designed and constructed per the current UPC.
40. Trees or deep-rooted bushes shall not be planted within ten (10) feet of the sewer lateral or any water service.
41. The location of all sewer laterals shall be shown on the grading plan.

LANDSCAPE

42. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the first submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees.
43. Permanent landscaping shall be installed along the project and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs, shall be maintained by the property owner.

REPAYMENTS AND FEES / CASH SECURITY AND FEES

44. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public to private property and improvements, install or maintain BMP's, and stabilize and/or close-up a non-responsive of abandoned project. Any moneys used by the City for clean-up or damage will be drawn from this security. The remaining portion of this clean-up security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, retaining wall, landscaping, and best management practices item of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.
45. The developer will be required to pay all development and plan check fees of the City then in

effect at the time, and in such amounts as may prevail when building permits are issued.

MISCELLANEOUS REQUIREMENTS / SURVEYING AND MONUMENTATION

46. A current preliminary title report shall be submitted with the grading plans.

Attachment F



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
760-839-4671

Notice of Exemption

To: Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Hwy, Room 260
San Diego, CA 92101
MS: A-33

From: City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025

Project Title/Case No: Vegetation Removal Permit / PL25-0180

Project Location - Specific:

11 Stonepointe Drive, Escondido, California 92025

Project Location - City: Escondido **Project Location - County:** San Diego

Description of Project:

The Project consist of a Vegetation Removal Permit for the removal of occupied Coastal Sage Scrub. The subject site was originally approved in 2006 (2006-04 VRP) under an earlier Vegetation Removal Permit and 4(d) incidental take permit under the "de-minimus" exemption provided by the Draft Subarea Plan for unoccupied coastal sage scrub. The Draft Subarea plan in coordination with the wildlife agencies allotted the City of Escondido the ability to issue incidental take permits for the removal of 5% Coastal Sage Scrub in the subregion pending the implementation of the overall plan. Due to the expiration of the "take permit" in 2006 and inability to use the 5% allowance, the applicant was subject to review of a Vegetation Removal Permit once more. Per the Escondido Municipal Code, the permit required an updated biology report which determined the on-site coastal sage scrub was occupied by a lone Gnatcatcher. This information was provided to the U.S. Fish & Wildlife Agency for a determination of the Project under the Endangered Species Act 10(a)(1)(b) as a "no take". Staff further coordinated with the California Department of Fish & Wildlife who also had no additional concerns beyond conditioning for a pre-construction survey. Following these coordination efforts, staff has evaluated the Project and determined there are no unusual circumstances involved in the Project, it remains consistent with the development standards and use of the property as envisioned.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Marrokal Design & Remodeling, LLC

Address: 9474 Kearny Villa Road, Suite 205
San Diego, CA 92126

Telephone: 858-549-9000

☒ Private entity ☐ School district ☐ Local public Agency ☐ State agency ☐ Other special district

Exempt Status:

The Project qualifies for the following exemptions which have been determined to not have a significant effect on the environment, and they are declared categorically exempt from the requirement for the preparation of environmental documents. Pursuant to CEQA Guidelines Section 15303 (New Construction) and 15304 (Minor Alterations to Land).

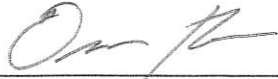
Reasons why project is exempt:

Class 3 (New Construction) consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. One single-family residence, or a second dwelling unit in a residential zone.

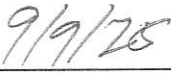
Class 4 (Minor Alterations to Land) consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. The single-family residence will include a fuel management plan within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance.

Lead Agency Contact Person: Oscar Romero, Principal Planner

Telephone/Extension: 760-839-4801

Signature: 

Oscar Romero
Principal Planner



Date

☐ Signed by Lead Agency

Date received for filing at OPR:

☐ Signed by Applicant

