

MITIGATION MEASURES CONSENT AGREEMENT

Weisberg Planned Development Permit Case No.: PL16-0084

Assessor's Parcel Number (APN): 700-0-060-150

In accordance with §15063 of the California Environmental Quality Act (CEQA) Guidelines, the Ventura County Planning Division, in consultation with other appropriate public agencies, prepared an Initial Study, and has determined that the proposed project referenced above could have significant environmental impacts with respect to biological resources. However, the Initial Study identified 13 mitigation measures that could reduce the impacts to a less-than-significant level. Provided that you accept the mitigation measures, the Planning Division may prepare a Mitigated Negative Declaration (MND) for the proposed project [CEQA Guidelines, §15070(b) (1) and – (2)].

The following list includes a summary of the potentially significant environmental impacts of the proposed project and the mitigation measures necessary to reduce the impacts to a less-than-significant level, which were identified in the Initial Study:

MND Section 4, Biological Resources: The proposed project has the potential to make a cumulatively considerable contribution to significant cumulative impacts related to special status plant species, protected birds, special status wildlife, woodrat nests, Environmentally Sensitive Habitat Area (ESHA), the San Diego woodrat, protection against adjacent ESHA buffer, avoiding proliferation of invasive plants, restoration of unpermitted clearing of ESHA, ESHA buffers from landscaping and maintenance within the fuel modification zone, wildlife movement corridors, light and glare to wildlife migration corridors and wildlife habitat, and permanent preservation of ESHA in the Santa Monica Mountains (M) overlay zone. Impacts will be less than significant with the implementation of the following mitigation measures:

Mitigation Measure BIO-1 Pre-Construction Special Status Plant Surveys

Purpose: To avoid, minimize, and mitigate impacts to any special status plant species that were not observed during previous surveys of the site, but which could still occur.

Requirement: If any special status plant species are located within impact areas associated with the development footprint¹, impacts to the special status species will be minimized through relocation of the special status plants to a suitable area on the subject property. Prior to land-clearing activities associated with the proposed project, pre-construction field surveys for special status plant species

¹ The development footprint includes temporary or permanent vegetation disturbance associated with a project, including but not limited to the building site, roads/road improvements, grading, septic systems, wells, drainage improvements, fire hazard brush clearance area(s), landscaping, fences/walls, storage/stockpile areas, construction staging areas, fire department turnarounds, utility trenching and other graded areas.

shall be conducted to clearly determine and to mark off the exact locations and numbers of plants onsite in the development footprint to be relocated. A Qualified Biologist familiar with the flora of the Santa Monica Mountains shall conduct the surveys. Surveys shall be conducted two weeks prior to construction to flag locations of special status plants within and immediately adjacent to the project site. Translocation of the rare plants shall occur within suitable habitat on the subject property outside of impacted areas. Seed and bulb collecting and salvage are recommended for those species, with additional plantings occurring elsewhere onsite as mitigation. The basic mitigation strategy for each rare plant species includes:

- Collect seeds or propagules from onsite plants to replace impacted plants onsite; and;
- Salvage existing plants to be impacted, and translocate them to suitable planting area(s) onsite.

Mitigation plantings shall be maintained and monitored for a period of five (5) years after initial planting. Revised site plans shall be submitted with the locations of these rare plants.

Documentation: The Permittee shall submit a signed contract to the Planning Division demonstrating they have retained a Qualified Biologist to do the surveys at least two weeks prior to issuance of a Zoning Clearance that authorizes land-clearing activities. A revised site plan with the locations of any rare plants shall be submitted within 30 days of completion of rare plant surveys. Translocated rare plants re-established onsite shall be maintained and monitored for a period of 5 years. Within 30 days of completion of land clearing activities, a monitoring report shall be submitted with the results of the Pre-Construction surveys, photos and locations of any flagged rare plants, any seed or propagule collected, any plants that were salvaged and the locations to which they were translocated.

Timing: The Permittee shall submit the signed contract to retain a Qualified Biologist to do the surveys at least two weeks prior to land-clearing activities. Within 30 days of completion of land clearing activities, a monitoring report shall be submitted with the results of the Pre-Construction surveys, photos and locations of any flagged rare plants, any seed or propagule collected, any plants that were salvaged and the locations to which they were translocated. A revised site plan with the locations of the rare plants shall be submitted within 30 days. Translocated rare plants that are established onsite shall be maintained and monitored for a period of 5 years.

Monitoring and Reporting: Within 30 days of completion of land clearing activities, a monitoring report shall be submitted with the results of the Pre-Construction surveys, photos and locations of any flagged rare plants, any seed or propagule collected, any plants that were salvaged and the locations to which they were translocated. The mitigation plantings shall be maintained and

monitored for a period of five (5) years after initial planting. Seeding may require several seed sowing events to establish viable reproducing populations at the mitigation site. A monitoring report, which describes the progress of the plantings shall be submitted to the Planning Division by the end of each of the 5 years of required monitoring.

Mitigation Measure BIO 2: Pre-Construction Surveys for Nesting Birds

Purpose: In order to prevent impacts to birds protected under the Migratory Bird Treaty Act, land clearing and construction activities shall be regulated.

Requirement: The Permittee shall conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, “land clearing activities”), and construction to avoid nesting birds. This can be accomplished by implementing one of the following options:

- a. Timing of land clearing or construction: Prohibit land clearing or construction activities during the breeding and nesting season (February 1 – September 1), in which case the following surveys are not required; or
- b. Surveys and avoidance of occupied nests: Conduct site-specific surveys prior to land clearing or construction activities during the breeding and nesting season (February 1 – September 1). A County-approved biologist shall conduct surveys (as described below) to identify any occupied (active) bird nests in the area proposed for disturbance and 300 feet from the development footprint. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The County-approved biologist shall conduct an initial breeding and nesting bird survey 30 days prior to the initiation of land clearing or construction activities. The County-approved biologist shall continue to survey the Project site on a weekly basis, with the last survey completed no more than 3 days prior to the initiation of land clearing activities. The nesting bird survey must cover the development footprint and 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Pursuant to the recommendations of the California Department of Fish and Wildlife, the required setback is 300 feet for most birds and 500 feet for raptors. This setback can be increased or decreased based on the recommendation of the County-approved biologist and approval from the Planning Division. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that there is no evidence of a second attempt at nesting, as determined by the County-approved biologist. Land clearing activities can also occur outside of the setback areas.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial

nesting bird survey and a plan for continued surveys and avoidance of nests in accordance with the requirements set forth in this condition (above). Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys, monitoring of any occupied nests discovered, and establishment of mandatory setback areas. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

Timing: If land clearing or construction activities will occur between January 1 and September 1, the County-approved biologist shall conduct the nesting bird surveys 30 days prior to initiation of land clearing or construction activities, and weekly thereafter. The fourth survey for nesting birds shall be conducted no more than three days prior to initiation of land clearing or construction activities. The Permittee shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract to the Planning Division prior to issuance of a zoning clearance for construction. The Permittee shall submit the Mitigation Monitoring Report within 14 days of completion of the land clearing or construction activities.

Monitoring and Reporting: The Planning Division reviews the Survey Report and signed contract for adequacy prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the Project file. (PL-47)

Mitigation Measure BIO-3 Pre-Construction Surveys and Relocation of Special Status Wildlife

Purpose: To avoid significant impacts to special status wildlife that could occur during vegetation clearing and grading.

Requirement: At least two weeks prior to the initiation of ground disturbance activities (e.g., vegetation removal and grading), the Permittee shall install a silt-screen fence in accordance with BIO-7, around the development footprint. The fencing is intended to delineate ESHA, to ensure heavy equipment and construction personnel stay out of these areas, and to prevent small special-status wildlife from entering the areas under construction. Following the installation of the silt-screen fence and within two weeks prior to the initiation of ground disturbance activities, a County-approved qualified biologist, with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit, shall conduct surveys for special status wildlife including, San Diego desert woodrat (*Neotoma lepida Intermedia*), Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), coast horned lizard (*Phrynosoma blainvillii*), Allen's hummingbird (*Selasphorus sasin*), and Santa Monica grasshopper (*Trimerotropis occidentaloidea*), Santa Monica Mountains walking stick (*Timema monikensis*), and Matilija shoulderband snail (*Helminthoglypta willetti*). Individuals of these species that are found shall be relocated to suitable

undisturbed habitat, outside of the areas directly and indirectly affected by ground disturbance activities. Surveys and relocation activities shall be in accordance with the methods approved by the CDFW. The silt fencing must remain in place until the completion of grading and construction activities. .

Documentation: The Permittee shall provide to the Planning Division a signed contract with a County-approved qualified biologist that ensures that installation of the silt-screen fencing, wildlife surveys, and relocation of wildlife will be conducted within 14 days prior to, and during, any ground disturbance activities. The Permittee shall submit a memorandum to the Planning Division within 14 days of completion of the wildlife surveys, notifying the Planning Division of the results of the surveys and avoidance and relocation activities.

Timing: Prior to the issuance of a Zoning Clearance for construction of the project, the Permittee shall provide a signed contract with a County-approved qualified biologist. Within 14 days of the completion of wildlife surveys and relocation activities, the Permittee shall provide a memorandum reporting the results to the Planning Division.

Monitoring and Reporting: The Permittee shall confirm with the Planning Division that a County-approved qualified biologist, with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit, has been contracted to implement the requirements of this condition prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract and the survey reports in the Project file. The Planning Division has the authority to inspect the property during the development phase of the Project to ensure that the survey and wildlife relocation work is conducted as required and the silt fencing is maintained. If the Planning Division confirms that the required surveys are not conducted as agreed upon or the fencing is not maintained as required, enforcement actions may be enacted in accordance with § 8183-5 of the Ventura County Coastal Zoning Ordinance.

Mitigation Measure BIO-4 Woodrat Nest Avoidance and Relocation

Purpose: In order to minimize impacts to woodrats, avoidance measures shall be implemented.

Requirement: Prior to tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), a County-approved biologist with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit shall survey suitable habitat for woodrats within areas that will be subject to land clearing activities, and within 50 feet of areas that will be subject to land clearing activities.

If the County-approved biologist does not find any nests, then no further action is required.

If the County-approved biologist finds active woodrat nests during the peak nesting season (February 1 through May 31), the Permittee shall implement a 50-foot radius buffer area around the nests in which land clearing activities will be postponed until the end of peak nesting season, in order to protect the nest. If the County-approved biologist finds active woodrat nests outside of the peak nesting season, a County-approved biological consultant shall relocate the nests according to the following instructions:

- a. Create new habitat on adjacent areas not impacted by the project by providing a vertical structure using local native material such as tree and shrub trimmings stacked horizontally in areas that are under shady canopies and upslope of seasonal drainages. Piling rocks removed from the construction area can also be used to help achieve structure. If multiple nesting material structures are created they should be a minimum of 25 feet apart. The County-approved biologist shall place the new nesting material under shady areas in order to increase the chance that woodrats will use the nests. These areas should be in locations that do not presently provide this habitat structure to create new nesting opportunity and to reduce potential competition with existing woodrats.
- b. After creating habitat outside of the construction footprint, the County-approved biologist shall begin vegetation clearance around the nest to reduce woodrat dispersal back into the Project site. The vegetation clearance shall be the minimum amount necessary,
- c. Nudge the nest with a front end loader type tractor to flush the woodrats from the nest. They will usually abandon the nest and run out into adjacent off site cover.
- d. Carefully and slowly pick up the nest material with a front end loader (to allow any additional woodrats to escape) while maintaining a safe distance from the nest to reduce health hazards to the workers. (Dust masks should be used even when operating equipment.)
- e. Move the nest material to the creation area and place the nest material adjacent to the created nesting structure.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist that provides the results of the woodrat survey and a plan for avoidance or relocation of the nests in accordance with the requirements set forth in this condition (above). Along with the Survey Report, the Permittee shall provide a copy of a signed contract with the County-approved biologist who will monitor avoidance and relocation efforts during land clearing activities. Following the completion of land clearing activities, the Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist that documents the actions the County-approved biologist

implemented to avoid or relocate woodrat nests. If a woodrat nest is dismantled and new habitat is created outside the development footprint, the Survey Report shall provide a location and the approximate disturbance area created by any vegetation removal necessary to support the new habitat.

Timing: The County-approved biologist shall conduct the survey within 30 days prior to the initiation of land clearing activities. The Permittee shall submit the Survey Report and signed contract to the Planning Division, prior to issuance of a Zoning Clearance for construction of the project. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the land clearing activities.

Monitoring and Reporting: The Planning Division reviews for adequacy, and maintains in the Project file, the signed contract, Survey Report, and Mitigation Monitoring Report. If the Planning Division confirms that the required surveys and relocation measures were not conducted in accordance with the requirements of this condition, then enforcement actions may be enacted in accordance with § 8183-5 of the Ventura County Coastal Zoning Ordinance.

Mitigation Measure BIO-5 Construction Monitoring by a Qualified Biologist

Purpose: To avoid impacts to ESHA and San Diego desert woodrat (*Neotoma lepida Intermedia*), Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), coast horned lizard (*Phrynosoma blainvillii*), Allen's hummingbird (*Selasphorus sasin*), and Santa Monica grasshopper (*Trimerotropis occidentaloidea*), Santa Monica Mountains walking stick (*Timema monikensis*), and Matilija shoulderband snail (*Helminthoglypta willetti*) during construction.

Requirement: The Permittee shall retain the services of a County-approved qualified biologist, with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit, to monitor ground-disturbance activities, including (but not limited to) clearing, grubbing, grading, and trenching that may impact the ESHA and San Diego desert woodrat (*Neotoma lepida Intermedia*), Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), coast horned lizard (*Phrynosoma blainvillii*), Allen's hummingbird (*Selasphorus sasin*), and Santa Monica grasshopper (*Trimerotropis occidentaloidea*), Santa Monica Mountains walking stick (*Timema monikensis*), and Matilija shoulderband snail (*Helminthoglypta willetti*). The monitor shall conduct a pre-construction survey of the development footprint prior to commencement of ground-disturbing activities each day to ensure wildlife has not entered fenced-off areas. Pre-construction surveys shall continue until ground-disturbance activities are completed.

Documentation: The Permittee shall provide to the Planning Division a signed contract with a County-approved biologist which requires the biologist to be present on-site during the ground disturbance activities. The contract must specify: (1) when the County-approved biologist must monitor the Project site; and (2) the disturbance areas that the County-approved biologist must monitor. The Permittee shall submit a written document to the Planning Division within 14 days

of the completion of ground-disturbance activities, notifying the Planning Division of the results of the monitoring.

Timing: The Permittee shall submit a copy of the contract with the County-approved biologist to the Planning Division for review and approval, prior to executing the contract. The Permittee shall provide a copy of the executed contract with the County-approved biologist to the Planning Division, prior to the issuance of a Zoning Clearance for construction of the project. The Permittee shall submit the written document that sets forth the results of the monitoring to the Planning Division, within 14 days of the completion of ground-disturbance activities.

Monitoring and Reporting: The Permittee shall submit a copy of the contract for the monitoring to the Planning Division for review and approval prior to executing the contract. The Permittee shall submit a copy of the executed contract to the Planning Division, prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the executed contract and the monitoring reports in the Project file. The Planning Division has the authority to inspect the property during the monitoring phase of the Project to ensure that the County-approved biologist is on-site as required. If the Planning Division confirms that the County-approved qualified biologist is not monitoring the Project in compliance with this condition, enforcement actions may be enacted in accordance with § 8183-5 of the Ventura County Coastal Zoning Ordinance.

Mitigation Measure BIO-6: Compensatory Mitigation for Impacts on Environmentally Sensitive Habitat Area (ESHA)

Purpose: To mitigate potentially significant impacts to ESHA at a 2:1 mitigation to impact ratio, totaling at least 3.2 acres.

Requirement: The Permittee shall permanently protect ESHA e.g. coastal sage scrub and chaparral habitat on land located outside the project area within the Santa Monica Mountains. The Permittee shall protect the ESHA: (1) through the direct acquisition and dedication (donation) to a conservation organization²; or (2)

² For the purposes of this mitigation measure, the conservation organization must meet all of the following criteria:

- (a) It must be a public conservation agency, or a private non-profit organization chartered under the US Code, Title 26, Part 501(c)3, whose primary purpose is the preservation and protection of land in its natural, scenic, historical, recreational and/or open space condition.
- (b) If it is a private non-profit organization, then it must be either a statewide, national or international organization, or a local community-based organization with a membership of at least 500 individuals and/or businesses.

by a funding contribution to a conservation organization to accomplish this objective.

Documentation: The Permittee shall submit to the Planning Division a plan for the acquisition, protection, and long-term maintenance of the ESHA (collectively, "ESHA Protection Plan"). The ESHA Protection Plan shall include the following elements:

1. The purpose of the ESHA Protection Plan, which includes (but is not limited to) this condition stated verbatim;
2. A description of the property to be permanently protected, including (but not limited to):
 - a. the size (in acres) of the ESHA;
 - b. a description of the type of habitat on the property, including an explanation of why the habitat qualifies as ESHA; and
 - c. a map and legal description of the property (or portion of the property), on which the ESHA is located, if the specific property is known at the time the ESHA Protection Plan is developed;
3. The identity of the party responsible for the acquisition, protection, and long-term maintenance of the ESHA;
4. A schedule for acquisition of the property on which the ESHA is located;
5. The conservation easement, lease, deed, license, or other mechanism that grants, or will grant, the conservation organization the authority to protect and maintain the ESHA;
6. If applicable, the fee to be paid to the conservation organization that will be responsible for the acquisition, protection, and long-term maintenance of the ESHA; and
7. Provisions for the long-term maintenance of the ESHA, including (but not limited to) a description of the uses and maintenance activities that will be allowed within the ESHA. The following shall be prohibited within the ESHA:

(c) It must have owned and/or managed natural resource/open space property, at least 50 acres in area, for at least one year. In lieu of meeting this requirement, a Conservation Organization may provide a financial surety to ensure the stewardship of the Conservation Parcel for a period of five years.

(d) It must have the institutional and economic ability to maintain the property.

- a. Removal, mining, excavation, or disturbance of the soil or surface rocks or decaying material such as fallen trees;
- b. Dumping, filling, storing, disposal, burying or stockpiling of any natural or manmade materials;
- c. Erection of buildings or structures of any kind, including, but not limited to, fencing, corrals, advertising signs, antennas, and light poles;
- d. Placement of pavements, concrete, asphalt and similar impervious materials, laying of decomposed granite for pathways, or setting of stones, paving bricks, or timbers;
- e. Operation of dunebuggies, motorcycles, all-terrain vehicles, bicycles, mowers, tractors, or any other types of motorized or non-motorized vehicles or equipment;
- f. Removal or alteration of native trees or plants, through such activities as irrigating, mowing, draining, plowing, tilling or disking, except as necessary for controlled burns (for fuel reduction, as regulated by the Ventura County Fire Protection District), removal of non-native species and native habitat restoration or maintenance (which must be under the direction of a qualified biologist);
- g. Application of insecticides or herbicides, poisons, or fertilizers;
- h. Grazing or keeping of cattle, sheep, horses or other livestock, or pet animals;
- i. Agricultural activity of any kind including the harvesting of native materials for commercial purposes;
- j. Planting, introduction or dispersal of non-native plant or animal species;
- k. Hunting or trapping, except live trapping for purposes of scientific study or removal of non-native species;
- l. Manipulating, impounding or altering any natural watercourse, body of water or water circulation on the ESHA, and activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters;
- m. Light pollution (e.g., lighting that is directed towards the ESHA); and

- n. Other activities that damage the existing flora, fauna or hydrologic conditions.

The conservation easement, lease, deed, license, or other mechanism that grants, or will grant, the conservation organization the authority to protect and maintain the ESHA shall be recorded with the deed to the property that is the subject of the ESHA Protection Plan.

Timing: Prior to the issuance of a Zoning Clearance for construction of the project, the Permittee shall submit the ESHA Protection Plan to the Planning Division for review and approval. Prior to the issuance of a Zoning Clearance for occupancy, the conservation easement, lease, deed, license, or other mechanism that grants the conservation organization the authority to protect and maintain the ESHA shall be recorded.

Monitoring and Reporting: The Planning Division will review the ESHA Protection Plan, in order to ensure that it complies with the requirements of this condition. The Planning Division will maintain a copy of the recorded ESHA Protection Plan and the recorded easement or other instrument in the case file for the Project. (PL-34a)

Mitigation Measure BIO-7: ESHA Construction Exclusion Fencing

Purpose: In order to protect intact ESHA adjacent to the construction area, all development, ground disturbances, and vegetation removal shall be prohibited in ESHA and the boundary shall be fenced with the maximum buffer from ESHA as feasible. The extent of ESHA is delineated in the ESHA Map, which is Attachment 4 of this document.

Requirement: The Permittee shall install temporary protective fencing along the edge of the development footprint (including the fuel modification zone). The fencing must consist of durable materials and shall be staked or driven into the ground such that it is not easily moved and will perform its function for the duration of construction activities.

Documentation: The Permittee shall illustrate the ESHA habitat, setback area from ESHA, and required fencing on all grading and site plans. The Permittee shall also provide photo documentation of the fencing installed at the site prior to issuance of a Zoning Clearance.

Timing: The Permittee shall submit the site plan and grading plans with the locations of the fencing to the Planning Division for review and approval prior to Zoning Clearance for construction of the project. The Permittee shall install the fencing prior to any vegetation removal, ground disturbance activities, or construction activities (whichever occurs first). The Permittee shall maintain the fencing in place until the Resource Management Agency, Building and Safety Division issues the Certificate of Occupancy for the single family dwelling.

Monitoring and Reporting: The Planning Division maintains the site plan and grading plans provided in the Project file. The Permittee shall verify to the satisfaction of the Planning Division that the temporary fencing is installed prior to any ground disturbance activities. The Planning Division has the authority to inspect the site to confirm that the fencing remains in place during the development phase of the project.

Mitigation Measure BIO-8: Invasive Species Seeding and Landscaping

Purpose: To ensure protection of adjacent ESHA and ESHA buffer and to avoid and minimize the colonization and proliferation of invasive plants.

Requirement: Non-native, invasive plant species shall be prohibited in any erosion control seed mixes and/or landscaping plans associated with the Project. The California Invasive Plant Inventory Database contains a list of non-native, invasive plants (California Invasive Plant Council [Updated 2011] or its successor).

Documentation: The Permittee shall submit the erosion control seed mix, and if applicable a final landscape plan, for review and approval by the Planning Division. The Permittee shall provide photographs demonstrating that the Permittee installed all landscaping and irrigation in accordance with the approved plans.

Timing: Prior to issuance of a grading permit, the Permittee shall submit the erosion control seed mix, and if applicable a final landscape plan, for review and approval by the Planning Division. All planting and irrigation shall be installed prior to Certificate of Occupancy of the single-family dwelling.

Monitoring and Reporting: The Permittee shall provide photos of the landscaping to the Planning Division, or schedule a site inspection with the Planning Division, to verify that the Permittee installed landscaping and irrigation according to the approved plans. The Planning Division maintains copies of the approved plans and photographs in the Project file. The Planning Division, Public Works Agency Grading Inspectors, and Building and Safety, have the authority to conduct site inspections to ensure compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

Mitigation Measure BIO-9 Restoration of Unpermitted Clearing of ESHA

Purpose: The purpose of this condition is to mitigate the Project's potentially significant environmental impacts as a result of unpermitted clearing of ESHA.

Requirement: The Permittee shall ensure that a County-approved, qualified biologist prepares a Habitat Restoration and Monitoring Plan (HRMP) to enhance, restore, and protect approximately 0.21 acres of ESHA on-site, and that the HRMP is fully implemented. The HRMP must identify and specifically describe

and depict the location for the restored and preserved habitat, in the northwestern portion of the site. The HRMP must specify the proposed restoration methods, including passive restoration defined as the re-colonization of the area by native species. If passive restoration is selected, the Plan must provide the proposed passive restoration strategy and contingency measures (e.g. active restoration methods) that will be implemented if performance standards are not being met. Passive restoration shall include removal of non-native plant species (weeds), periodic weed control, any other maintenance necessary, monitoring, and reporting. Contingency measures should include the plant palette and methods of salvaging, relocating, propagating and/or planting, irrigating, maintenance and monitoring necessary to ensure that the 0.21 acres are enhanced and restored and the success criteria are met. The success criteria are as follows:

- a. The enhanced and restored area shall attain a native percent cover that reflects that of a high quality reference site, as proposed by a qualified biologist and approved by the Staff Biologist in the Restoration Plan;
- b. Nonnative species shall comprise less than five percent cover and zero percent cover of species listed as "High" on the California Invasive Plant Council's Invasive Plant Inventory Database [Updated 2011] (or its successor); and
- c. The native plantings shall survive at least two years without irrigation.
- d. Monitoring shall be conducted for seven years or until the performance criteria are met as specified above (a-c).

All development is prohibited within the Restoration Area pursuant to Mitigation Measure BIO-13. A permanent fence and temporary signage shall be installed between the existing access road and the Restoration Area to prevent vehicular access within the Restoration Area. The Permittee shall record the HRMP and these conditions of approval with the deed to the subject property. The Restoration Area shall be called out as a protected area.

Documentation: The Permittee shall provide the Planning Division with an HRMP prepared by a County-approved qualified biologist that meets the requirements of this condition along with a financial assurance to implement the HRMP until the success criteria have been met. The financial assurance may consist of cash, a time certificate of deposit, letter of credit, or bond in a form satisfactory to the Planning Director. The amount of the financial assurance must be based upon cost estimates in the approved HRMP. The financial assurance shall designate the Ventura County Planning Division as the beneficiary of the instrument. The HRMP shall include a fence plan that provides the location of the permanent fencing to restrict access to the restoration area from the road and will be wildlife permeable. The Permittee shall provide annual reports prepared by a County-approved qualified biologist on the progress of the mitigation area for seven years (or more if the success criteria have not been met by Year 7). Upon

satisfactory completion of the HRMP, the County of Ventura can reassign the financial assurance to the Permittee upon request. If the Permittee fails to carry out the provisions of the HRMP, the County may use the financial assurance to pay the costs associated with correcting the failure. If the amount of the financial assurance exceeds the cost and expense incurred by the County, the County may refund the Permittee the remaining balance. If the amount of the financial assurance is less than the cost and expense incurred by the County for the offsets, the Permittee shall be liable to the County for the difference.

Timing: Prior to issuance of a Zoning Clearance for construction of the project, the Permittee shall provide the HRMP and financial assurance to the Planning Division for review and approval, and shall record the map and conditions of approval. The Permittee shall implement the HRMP concurrent with construction of the project. The annual reports must be provided to the Planning Division by December 30 of each year during the monitoring period.

Monitoring and Reporting: The Planning Division reviews the HRMP for compliance with the requirements of this condition and confirms that the mitigation area will be protected from development, prior to issuance of a Zoning Clearance for construction of the project. The Planning Division also confirms that the Permittee has commenced with implementation of the HRMP concurrent with construction of the project. A County-approved biologist must monitor the mitigation area for at least 7 years (or more if the success criteria has not been met by Year 7). The biologist shall provide an annual report on the status of the mitigation area, including results of qualitative monitoring (i.e., photographs taken at permanent photo-points, observations of the health and condition of plantings and wildlife use of the mitigation area) and quantitative monitoring (i.e., randomly placed transects to estimate cover), to the Planning Division for the length of the monitoring period. The Permittee shall submit the annual reports to the Planning Division to demonstrate compliance with this condition and the success criteria. The release of the performance security and the requirement for monitoring the mitigation area may occur when the success criteria has been met by Year 7 or later.

The Planning Division has the authority to conduct site inspections to ensure that the Permittee maintains the restoration area(s) in compliance with this condition and the HMMP, consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance. (PL-53)

Mitigation Measure BIO-10 Fuel Modification Plan

Purpose: To mitigate potentially significant impacts to ESHA and ESHA buffers from landscaping and maintenance within the fuel modification zone.

Requirement: The Permittee shall use a County-approved qualified biologist or landscape architect to prepare a Fuel Modification Plan for the Planning Division's review and approval that minimizes impacts to ESHA and meets the Ventura

County Fire Protection District's requirements to modify fuels surrounding structures. The Fuel Modification Plan shall specify methods for controlling and eradicating any non-native plants within the fuel modification zone. The Plan shall also specify the species of plants and seed that are indigenous to the Santa Monica Mountains. Any rare plants in the fuel modification zone shall be preserved, and care taken not to remove them during maintenance of the fuel modification zone. The plant and seed palette must be reviewed and approved by VCFPD so as to not to pose a flammability risk within the fuel modification zone.

The Plan shall also specify the locations of plantings and seeding, methods of installation (hydroseed, plantings, cuttings, etc.), and the future methods for maintaining the vegetation consistent with VCFPD requirements. Maintenance of fuels may include use of hand tools to prune vegetation, thinning shrubs rather than clear-cutting, avoiding nesting birds, etc. The Plan should also identify any physical features or constraints and how they will be addressed such as steep slopes and erosion control methods e.g. straw waddles, silt fencing, hydroseeding, erosion control blankets, etc. Any erosion control materials shall be plastic-free and biodegradable. Seed or plantings shall be sourced from within Ventura County, and the provenance of seed shall be stated in the Fuel Modification Plan. The fuel modification area shall be maintained by the Permittee to be consistent with the provisions of the approved Fuel Modification Plan for the life of any approved structure.

Documentation: A Fuel Modification Plan shall be submitted to the Planning Division prior to Zoning Clearance for construction of the project. The approved Fuel Modification Zone shall be maintained for the life of the structures and shall be recorded with the conditions of approval with the title of the property. Following installation of fuel modification activities and installation, a report shall be submitted along with an as-built Fuel Modification Plan with a description of any changes that were necessary from the original Plan and photos of the Fuel Modification Zone.

Timing: The Permittee shall submit a Fuel Modification Plan prior to issuance of a Zoning Clearance for construction of the project.

Monitoring and Reporting: The Permittee shall submit the Fuel Modification Plan to Planning Division and the Fire Department for review and approval to assure compliance with the requirements of this condition prior to issuance of a Zoning Clearance for construction of the project. The Permittee shall submit a report and as-built Fuel Modification Plan (as necessary) to the Planning Division to ensure compliance with the requirements of this condition. The Planning Division maintains copies of the Fuel Modification Plan and the annual report provided by the Permittee in the project file. (PL-46)

Mitigation Measure BIO-11 Fencing within Wildlife Corridors

Purpose: To mitigate potentially significant environmental impacts to wildlife movement corridors from fencing.

Requirement: The Permittee shall ensure that all new walls do not prevent wildlife movement through the property and that fences, except for those within the building envelope, are permeable to wildlife, and conform to the following standards:

A split-rail, pole, or wire fences must be constructed such that:

- (1) The top rail or wire is no more than 40 inches above the ground;
- (2) The top two rails or wires are at least 12 inches apart;
- (3) The bottom wire or rail is at least 18 inches above the ground;
- (4) Both the top and bottom wires or rails are smooth (no barbed wire on the top or bottom wires);
- (5) That the vertical supports of the fence or spaced no less than 4 feet apart; and
- (6) The posts are located a minimum of 10 feet apart.

Documentation: The Permittee shall submit fence plans to the Planning Division for review and approval, which identify all fences to be constructed on the Project site. These plans must identify any fence locations and include schematic elevations detailing the design of, and materials to be used in the fencing.

Timing: The Permittee shall submit the plans to the Planning Division for review and approval, prior to the issuance of a Zoning Clearance for construction of the project. The Permittee shall install the approved fencing, prior to issuance of a Certificate of Occupancy for the single family dwelling.

Monitoring and Reporting: The Permittee shall submit the final fencing plans to the Planning Division for review and approval prior to the issuance of a Zoning Clearance for construction of the project. The Planning Division has the authority to conduct site inspections to ensure that the Permittee installs and maintains the fencing in compliance with this condition, consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

Mitigation Measure BIO-12 Wildlife Corridor or Wildlife Habitat Outdoor Lighting/Glare Condition

Purpose: To mitigate potentially significant environmental impacts from light and glare to wildlife migration corridors and/or wildlife habitat.

Requirement: All outdoor lighting shall be located within 100 feet of a structure or adjacent to a driveway, shall be a maximum height of 3 feet or less, and hooded to direct light downward onto buildings, structures or yards, in order to prevent the illumination of surrounding habitat. Floodlights are prohibited. All glass and other materials used on building exteriors and structures must be selected to minimize reflective glare. In order to minimize light and glare from emanating from the Project site, all light fixtures located on the exterior of structures, as well as all freestanding light standards, must be high cut-off type that divert lighting downward onto the property to avoid the casting of any direct light onto the adjacent habitat.

Documentation: The Permittee shall submit two copies of a lighting plan to the Planning Division for review and approval. The Permittee shall include a photometric plan and manufacturer's specifications for each exterior light fixture type (e.g., light standards, bollards, and wall mounted packs) in the lighting plan. An electrical engineer registered by the State of California shall prepare the lighting plan. The lighting plan must include illumination information within all areas in which light reaches. The Permittee shall install all exterior lighting in accordance with the approved lighting plan.

Timing: The Permittee shall submit the lighting plan to the Planning Division for review and approval, prior to the issuance of a Zoning Clearance for construction of the project. The Permittee shall maintain the lighting pursuant to the lighting plan for the life of the Project.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved lighting plan in the Project file. The Permittee shall ensure that the lighting is installed according to the approved lighting plan prior to the issuance of a Certificate of Occupancy. The Building and Safety Inspector and Planning Division staff have the authority to ensure that the lighting plan is installed according to the approved lighting plan. The Planning Division has the authority to conduct site inspections to ensure ongoing compliance with this condition consistent with the requirements of 8183-5 of the Ventura County Coastal Zoning Ordinance.

Mitigation Measure BIO-13 Coastal Area Plan – Permanent Preservation of Environmentally Sensitive Habitat Area (ESHA) in the M Overlay Zone

Purpose: In accordance with Coastal Area Plan Policy D-3 for Environmentally Sensitive Habitats in the South Coast, all ESHA within the Project site must be permanently maintained through the recordation of a condition of approval that protects the remaining ESHA as open space.

Requirement: The ESHA that is located on the property as shown in the ESHA Map, which is Attachment 4 of this document, shall be maintained in open space in perpetuity. The following shall be prohibited within the ESHA:

- a. Removal, mining, excavation, or disturbance of the soil or surface rocks or decaying material such as fallen trees;
- b. Dumping, filling, storing, disposal, burying or stockpiling of any natural or manmade materials;
- c. Erection of buildings or structures of any kind, including, but not limited to, fencing, corrals, advertising signs, antennas, and light poles;
- d. Placement of pavements, concrete, asphalt and similar impervious materials, laying of decomposed granite for pathways, or setting of stones, paving bricks, or timbers;
- e. Operation of dunebuggies, motorcycles, all-terrain vehicles, bicycles, mowers, tractors, or any other types of motorized or non-motorized vehicles or equipment;
- f. Removal or alteration of native trees or plants, through such activities as irrigating, mowing, draining, plowing, tilling, or disking, except as necessary for controlled burns (for fuel reduction, as regulated by the Ventura County Fire Protection District), removal of non-native species, and native habitat restoration or maintenance (which must be under the direction of a qualified biologist);
- g. Application of insecticides or herbicides, poisons, or fertilizers;
- h. Grazing or keeping of cattle, sheep, horses or other livestock, or pet animals;
- i. Agricultural activity of any kind including the harvesting of native materials for commercial purposes;
- j. Planting, introduction, or dispersal of non-native plant or animal species;
- k. Hunting or trapping, except live trapping for purposes of scientific study or removal of non-native species;
- l. Manipulating, impounding or altering any natural watercourse, body of water or water circulation on the ESHA, and activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters;
- m. Light pollution (e.g., lighting that is located outside of, yet directed towards, the ESHA); and

- n. Other activities that damage the existing flora, fauna, or hydrologic conditions of the ESHA.

Documentation: The Permittee shall record for the subject property: (1) the conditions of this PD and (2) the ESHA Map, which is Attachment 4 of the Planning Director hearing that provides the ESHA that will remain as open space in perpetuity as a result of the Project.

Timing: Prior to the issuance of a Zoning Clearance for construction of the project, the Permittee shall record (1) the conditions of this PD and (2) Attachment 4 of the Planning Director hearing for the Project, with the deed to the subject property.

Monitoring and Reporting: The Planning Division will review this Project and all future projects on the subject property to ensure compliance with the requirements of this condition. The Planning Division has the authority to inspect the site to confirm on-going compliance with this project condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

I, Michael Weisberg, the applicant for Planned Development Permit Case No. PL16-0084, hereby agree to implement the mitigation measures described above, which have been developed in conjunction with the preparation of a Mitigated Negative Declaration for Planned Development Permit Case No. PL16-0084. I understand that these mitigation measures or substantially similar mitigation measures must be adopted as conditions of approval for Planned Development Permit Case No. PL16-0084, in order to reduce the environmental impacts to a less-than-significant level.

Michael Weisberg, Applicant and Owner

Date