



## County of Santa Cruz

**DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE**  
 701 OCEAN STREET, FOURTH FLOOR, SANTA CRUZ, CA 95060  
 PLANNING (831) 454-2580 PUBLIC WORKS (831) 454-2160  
[HTTPS://CDI.SANTACRUZCOUNTYCA.GOV/](https://cdi.santacruzcountyca.gov/)

## MITIGATION MONITORING AND REPORTING PROGRAM for Application No. 221077

| No.                         | Environmental Impacts   | Mitigation Measures  | Responsibility for Compliance | Method of Compliance                                 | Timing of Compliance   |
|-----------------------------|---|--|-------------------------------|--|--|
| <b>Biological Resources</b> |   |  |                               |  |  |
| <b>BIO-1</b>                | Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service?      | To reduce potential impacts to sensitive habitats and special-status species that may result from artificial light, the following shall be adhered to: <ol style="list-style-type: none"> <li>A. The project shall avoid the installation of any non-essential artificial lighting. If artificial lighting is necessary, the project shall avoid or limit the use of artificial lights during the hours of dawn and dusk, when many wildlife species are most active.</li> <li>B. All essential outdoor lighting shall be limited through the use of timers and/or motion sensors.</li> <li>C. All essential outdoor lighting shall be shielded, cast downward, and directed such that it does not shine off the property into surrounding areas, other parcels, or the night sky.</li> </ol>  | Applicant                     | Compliance monitored by the County Planning Division | During construction, site grading operations, and ongoing                            |
| <b>BIO-2</b>                | Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | The final plans shall include the following: <ol style="list-style-type: none"> <li>A. The development footprint shall be delineated on the final project plans with a thick bold solid line. All temporary and permanent disturbance associated with the project including all grading, vegetation removal, buildings, utilities, paving, landscaping, access routes, and deposition of refuse or debris shall be within the delineated development footprint. Everything outside of the development footprint shall be marked on the plans as sensitive habitat and fenced for avoidance during construction.</li> <li>B. The final project plans shall clearly designate and label the entire portion of "Parcel A" east of the 50' riparian buffer line as "Protected Habitat Area".</li> <li>C. A plan sheet showing protected trees plotted and tree protection specifications. Measures to reduce impacts to retained trees shall be included in the final project plans.</li> <li>D. A plan sheet showing the mitigation planting areas as required in the Mitigations below. The 20' wide sanitation easement and the in the 25' storm drain easement shall be shown on this plan sheet where mitigation tree plantings may not occur.</li> </ol> | Applicant                     | Compliance monitored by the County Planning Division | Prior to site disturbance, during construction, site grading operations, and ongoing |

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| <b>BIO-3</b> | Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <p>To comply with Santa Cruz County General Plan Policy 5.1.12 (ARC-3.2.1) and SCCC Section 16.32.090 (B)(3), and to compensate for permanent loss of oak woodland habitat and riparian woodland habitat, the following shall be adhered to:</p> <ul style="list-style-type: none"> <li>A. Oak trees removed as a result of this project (including the 11 trees removed prior to this biotic review) shall be mitigated through replacement plantings in kind either onsite or at an approved offsite location at the following ratios: <ul style="list-style-type: none"> <li>1. Trees less than 5 inches diameter at breast height (DBH) shall be replaced at 2:1;</li> <li>2. Trees between 5 and 11.5 inches DBH shall be replaced at 3:1;</li> <li>3. Trees between 12 and 23.5 inches DBH shall be replaced at 5:1;</li> <li>4. Trees 24 inches or greater DBH shall be replaced at 10:1.</li> </ul> </li> <li>B. Based on review of the attached reports and current project plans, the Environmental Coordinator has estimated a minimum of 62 oak trees must be planted (4 trees at the 3:1 ratio, 6 trees at 5:1, and 2 trees at 10:1).</li> <li>C. The project applicant may propose to pay into a County approved in-lieu fee program for oak tree removal compensation if such a program is available. This option must be considered only as a last resort and must be approved by the Environmental Coordinator. Alternative options considered and determined infeasible must be discussed in the Habitat Restoration and Mitigation Plan.</li> <li>D. Permanent impacts to riparian habitat shall be mitigated through on-site restoration of riparian habitat at a 3:1 ratio of restoration to impacts. All temporarily impacted areas must be restored at a 1:1 ratio through active planting of riparian species. Riparian mitigation sites must be located within areas appropriate for riparian vegetation such as areas that are contiguous to and affected by the hydrology of the creek or another source of hydrology.</li> <li>E. Riparian enhancement and/or restoration activities (i.e. removal and ongoing management of invasive species) commensurate with the proposed development shall occur within the existing riparian corridor located along the eastern portion of the Study Area.</li> </ul> | Applicant                     | Compliance monitored by the County Planning Division | Prior to site disturbance, during construction, site grading operations, and ongoing  |
| <b>BIO-4</b> | Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal   | <p>All Portions of Parcel A east of the 50-foot riparian buffer line shall be identified as "Protected Habitat Area" on the final subdivision map where development shall not occur in the future. The final subdivision map shall include the following notes:</p> <ul style="list-style-type: none"> <li>A. No development as defined in Chapter 16.32 of the County Code (including, without limitation, removal of trees and other vegetation, grading, paving, installation of structures such as signs, buildings, or other structures of similar impact) shall occur within the Protected Habitat Areas with the exception of the following, subject to the Planning Director's review and approval: <ul style="list-style-type: none"> <li>1. The removal of hazardous substances or conditions or non-native or diseased plants or trees provided that such activities have been</li> </ul> </li> </ul>  | Applicant                     | Compliance monitored by the County Planning Division | Prior to Recordation of the Final Subdivision Map, prior to site disturbance, during construction, site grading operations, and ongoing |

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|              | zone, etc.) or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?   | <p>reviewed and approved by the Planning Director and determined as not involving the unnecessary disturbance of indigenous ground cover or native wildlife;</p> <p>2. Habitat restoration activities as outlined in the approved Habitat Restoration and Mitigation Plan including habitat management strategies to control re-establishment of invasive non-native species and maintain healthy native habitat.</p>  |                               |  |   |
| <b>BIO-5</b> | Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <p>A Habitat Restoration and Mitigation Plan prepared by a qualified biologist or restoration specialist shall be submitted for review and approval by Environmental Planning Staff prior to recordation of the final subdivision map. The establishment and planting of all restoration areas as outlined in this Plan must be completed prior to final inspection of the subdivision improvements for Phase I of the project. The Plan shall be focused on restoring and maintaining native plant structure and species composition of oak woodland and riparian habitats at the required ratios listed in BIO-3 above and must include the following minimum elements:</p> <ul style="list-style-type: none"> <li>A. A map identifying Parcel A east of the 50' riparian buffer line as "Protected Habitat Area" where development shall not occur in the future.</li> <li>B. A map of all designated restoration areas on site. Restoration areas shall include areas intended for oak woodland habitat restoration, riparian habitat restoration, and areas designated for riparian enhancement and/or restoration activities. <ul style="list-style-type: none"> <li>1. Please note that plantings for mitigation cannot be located in the 25' drainage easement or the 20' sanitation easement. Both of these easements must be shown on the restoration maps and planting plans.</li> </ul> </li> <li>C. A planting plan with species, size, and locations of all restoration plantings that will occur on site. The sizes and distribution of restoration plantings shall be determined by the restoration specialist with the goal of establishing native plant structure and species composition of healthy habitat while maximizing plant health and survivability of individual plants. <ul style="list-style-type: none"> <li>1. The planting plan shall include as many of the 62 replacement trees required under BIO-3A above as can be planted on-site while maintaining this goal. If there is not adequate room on site to plant all the required replacement oak trees in a configuration that creates a healthy oak woodland habitat, the remaining plantings shall occur at a designated off-site location.</li> </ul> </li> <li>D. Identification of any off-site location required for replacement oak tree plantings including a map of all designated restoration areas on that site and a planting plan with species, size, and locations of all restoration plantings. <ul style="list-style-type: none"> <li>1. Property owner approval for a deed restricted mitigation site must be provided for any off-site mitigation locations. An agreement for ongoing access to monitor and maintain the plantings for the required monitoring period must also be included.</li> </ul> </li> </ul> | Applicant                     | Compliance monitored by the County Planning Division | Prior to Recordation of the Final Subdivision Map, prior to site disturbance, during construction, site grading operations, and ongoing |

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|              |   | <ul style="list-style-type: none"> <li>E. If applicable as outlined in BIO-3C above, a proposal to pay into a County approved in-leu fee program for oak tree removal compensation including a discussion of the alternative options that were considered.</li> <li>F. Plan for removal of non-native species on the parcel and a management strategy to control re-establishment of invasive non-native species.</li> <li>G. Plan for riparian enhancement and/or restoration activities within the existing riparian corridor including methods for removal and ongoing management of invasive species and establishment or re-establishment of native habitat which may include specific treatments to promote natural re-establishment.</li> <li>H. Information regarding the methods of irrigation for restoration plantings.</li> <li>I. A plan showing the placement of split rail fencing and location of signs as needed to delineate the Protected Habitat Areas in the field and prevent trespassing. The location of fencing and number and location of protective signs shall be confirmed by the biologist based on site conditions and maximum protection of these habitat areas.</li> <li>J. Any seed mix used for erosion control purposes on temporarily impacted areas and exposed soils shall be limited to seeds of native species common to the surrounding habitat and/or sterile seeds.</li> <li>K. A 5-year Management Plan for maintenance and monitoring of restored areas, including a proposed mechanism for evaluating success.</li> </ul> |                               |  |                      |
| <b>BIO-6</b> | Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | Annual reports outlining the progress and success of the restoration and monitoring shall be submitted to the County Restoration Coordinator: <a href="mailto:restoration.coordinator@santacruzcountyca.gov">restoration.coordinator@santacruzcountyca.gov</a> by December 31 of each monitoring year.   | Applicant                     | Compliance monitored by the County Planning Division | Ongoing              |
| <b>BIO-7</b> | Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies,   | In addition to the required 5-year annual monitoring and reporting, a 10-year monitoring report shall be prepared and submitted to the County Restoration Coordinator: <a href="mailto:restoration.coordinator@santacruzcounty.us">restoration.coordinator@santacruzcounty.us</a> outlining the continued implementation and results of Habitat Restoration and Mitigation Plan over the 10-year period.   | Applicant                     | Compliance monitored by the County Planning Division | Ongoing              |

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|              | regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?   |   |                               |  |  |
| <b>BIO-8</b> | Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <p>A focused rare plant survey shall be completed during the identifiable period for all special-status plants with potential to occur and submitted with the permit application for subdivision improvements for Phase I of the project for review and approval by Environmental Planning.</p> <ul style="list-style-type: none"> <li>A. If no special-status plants are found, no additional protective measures are required.</li> <li>B. If any special-status plant is found present in the project impact area, the population shall be mapped and avoided as a sensitive habitat area as outlined in BIO-9 below. <ul style="list-style-type: none"> <li>1. If avoidance is not possible, project construction may not commence until additional biotic approval from County Planning is received. Additional impact analysis (demonstrating adequate avoidance, minimization, and mitigation) shall be completed and reviewed by County Planning. Additional environmental analysis may be required based on the results of this review and analysis.</li> </ul> </li> </ul>  | Applicant                     | Compliance monitored by the County Planning Division | Prior to Permit Issuance. Prior to site disturbance, during construction, site grading operations, and ongoing |
| <b>BIO-9</b> | Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <p>To protect sensitive habitats and special-status species during project related construction activities, the following shall be adhered to:</p> <ul style="list-style-type: none"> <li>A. Prior to any site disturbance, a pre-construction meeting shall be conducted. The purpose of the meeting will be to ensure that the biotic Conditions of Approval are communicated to the various parties responsible for constructing the project. The meeting shall involve all relevant parties including the project proponent, construction supervisor, Environmental Planning Staff, the project biologist, and the project arborist.</li> <li>B. Every individual working on the Project must attend biological awareness training prior to working on the job site. The training shall be delivered by a qualified biologist and shall include information regarding the location and identification of sensitive habitats and all special-status species with potential to occur in the project area, the importance of avoiding impacts to special-status species and sensitive habitats, and the steps necessary if any special-status species is encountered at any time.</li> <li>C. Prior to commencement of construction, high visibility fencing and/or flagging shall be installed with the assistance of a qualified biologist around all sensitive habitat areas to indicate the limits of work and prevent inadvertent grading or other disturbance within the adjacent sensitive</li> </ul> | Applicant                     | Compliance monitored by the County Planning Division | Prior to site disturbance, during construction, site grading operations, and ongoing                           |

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|     |                       | <p>habitat.</p> <ol style="list-style-type: none"> <li>1. No work-related activity including equipment staging, vehicular access, grading and/or vegetation removal shall be allowed outside the designated limits of work.</li> <li>2. Native trees to be retained near or within the project impact area shall be identified, protected with high visibility fencing at or outside of the dripline, and avoided during construction as sensitive habitat unless additional protection measures, provided by a qualified arborist, have been reviewed and approval by Environmental Planning Staff.</li> <li>3. The fencing shall be inspected and maintained daily until project completion.</li> <li>4. A qualified biologist shall be on site to monitor vegetation removal and initial ground disturbance activities that occur within the riparian corridor (including clearing and grubbing) to identify and recover any special-status species that may be found.</li> <li>5. If a special-status animal is identified at any time prior to or during construction, work shall cease immediately in the vicinity of the individual. The animal shall either be allowed to move out of harm's way on its own or a qualified biologist shall move the animal out of harm's way to a safe relocation site. The biologist shall be allowed enough time to move any special-status species from the site before work activities begin. All sightings of special-status species shall be reported to the County Environmental Coordinator and submitted to the CNDDB.</li> <li>6. If a western pond turtle egg clutch is discovered at any time prior to or during construction, work in the vicinity of the egg clutch shall be halted immediately. Unless otherwise advised by CDFW, the nest location shall be protected with high visibility fencing under the guidance of a qualified biologist and shall be avoided until the biologist determines that the clutch has hatched, and individuals are no longer likely to be injured by work activities.</li> <li>7. The following Recommended Avoidance and Minimization measures BIO-1, BIO-2, BIO -5, and BIO-7 of the attached Biotic Report dated Updated October 25, 2023, prepared by Biotic Resources Group shall be adhered to. <b><i>(Note: The recommended mitigation numbering from the report below does not conform with the initial study mitigation numbering presented in this document. They are provided here for reference to the attached biotic report).</i></b> <ol style="list-style-type: none"> <li>a. BIO-1. Dusky-footed Woodrat. Retain all woodrat houses (middens) on the property. No earlier than two weeks prior to the start of project activities, a qualified biologist should perform a pre-construction survey for woodrat houses within the project work boundaries and a 25-foot buffer around the project site perimeter. Flag and establish buffers around each woodrat house observed. The buffer width will be determined by the qualified biologist, but</li> </ol> </li> </ol> |                               |                      |                      |

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|     |                       | <p>will not be less than 5 feet. If a woodrat house is present and impacts cannot be avoided, then a qualified biologist shall contact CDFW for approval to implement a woodrat relocation plan. This could involve live trapping and the construction of alternate houses in adjacent suitable habitat. The woodrat relocation plan must be implemented by a qualified biologist possessing a Scientific Collection Permit authorizing the handling of woodrats. Authorization by CDFW must be obtained prior to the implementation of this measure. Post-relocation monitoring may be required by CDFW, as part of the plan.</p> <p>b. BIO-2. Bats. Removal of trees and abandoned buildings could result in the loss of roost sites or abandonment of bat roosts through noise or vibrations. Maternity roosts are most important as negative impacts can have broad, far-reaching effects, since such roosts are critical for reproduction and can support multiple generations of bats. No more than 30 days prior to demolition/tree removal, the applicant should hire a bat ecologist to investigate the interior of the outbuildings to determine if any bats have been using the structures. The bat ecologist should also check the oak trees to determine if any have cavities suitable for bat roosts. If there is no evidence of bat use ( e.g., guano or observation of individuals), then the openings shall be secured/covered to prevent bats from entering prior to demolition and no further mitigation will be required. If bat use is detected, then schedule outbuilding demolition and tree removal to occur between August 15 and February 1 of any given year to avoid the bat breeding season for this part of the central coast. In addition, the bat ecologist shall conduct a focused survey no more than two weeks (14 days) prior to structure demolition and tree removal to determine if bats are currently using either. If no bats are occupying the outbuildings or tree cavities, then demolition may proceed. If bats are observed using the outbuildings or tree cavities, then the bat ecologist, in coordination with CDFW, will recommend methods to either allow bats to leave the outbuildings and trees and not return (exclusion devices), or other methods specific to this demolition project to avoid harm to individual bats. Trees without cavities may have foliage roosting bats occasionally. To avoid harm to individual bats, trees shall be cut down and allowed to lie on the ground for 24 hours prior to chipping, to allow any foliage roosting bats to leave on their own.</p> <p>c. BIO-5. Oak Trees. Avoid construction/development within the dripline of oak woodland vegetation that is to be retained. Implement protective measures around all retained oak trees, as directed by an arborist. Measures may include protective fencing, supervised pruning of limbs and roots, other measures as determined by the arborist.</p> |                               |                      |                      |

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|                       |   | <p>d. BIO-7. Nesting Birds. To avoid impacting nesting birds, if present, schedule tree removal and construction to occur between August 1 and March 1 of any given year, which is outside the bird nesting season. If tree removal and/or construction is to occur within the bird breeding season (March 1 - July 31 ), perform pre-construction nesting bird surveys within one week before the scheduled start of the project. The nesting survey should be performed by a qualified biologist and cover the entire property, since potential nesting raptors may require buffers at a minimum of 300 feet. In the event active nests are observed, the nest site shall be flagged and a buffer shall be established, in an effort to prevent nest failure. The buffer widths shall be determined by the qualified biologist, based on species, site conditions and anticipated construction activities. Active nests should be monitored at a frequency determined by the monitoring biologist, but at a minimum of once per week, until the nestlings have fledged. In the event that construction activities appear to be interfering with nest maintenance ( e.g., feedings and incubation), then the buffers should be enlarged or construction activities postponed, until the young have fledged, as determined by the qualified biologist.</p> <p>8. A brief memo summarizing the results of the preconstruction surveys outlined above in XII BIO-1, BIO-2 and BIO-7 shall be submitted to the Environmental Coordinator for review prior to start of construction.</p> <p>9. Impacts to oak trees shall be avoided to the maximum extent possible. All Tree Protection Guidelines and Restrictions listed in the attached Arborist Report prepared by Kurt Fouts, shall be adhered to.</p> |                               |  |                       |
| <b>BIO-10</b>         | Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <p>Prior to final inspection of the subdivision improvements for Phase I of the project, the following shall occur:</p> <p>A. Establishment and planting of all restoration areas as outlined in the final approved Habitat Restoration and Mitigation Plan and placement of protective fencing and signs around the Protected Habitat Area shall be inspected and approved by Environmental Planning staff.</p> <p>B. Receipt of full payment into any approved in-lieu fee program must be provided to the County.</p>   | Applicant                     | Compliance monitored by the County Planning Division | Prior to Permit Final |
| <b>Transportation</b> |   |  |                               |  |                       |



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| <b>TR-1</b> | <i>Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(1) (Vehicle Miles Traveled)?</i> | <p>The following measures will be required to reduce VMT by encouraging active transportation in the project area with improvements to pedestrian and bicycle networks and facilities, including:</p> <ul style="list-style-type: none"> <li>• Construction of a new sidewalk within the project site that would connect the townhouses to the existing sidewalks on Mattison Lane.</li> <li>• A pedestrian and bicycle access lane would be provided on the west side of the project site that allows for connection to an adjacent development that fronts on Maciel Avenue. This connection would set in place a pedestrian and bicycle connection to Maciel Avenue when the adjacent property develops, which would then provide a continuous sidewalk access to the bus stops on Capitola Road, which is about 1,000 feet away.</li> <li>• Currently, Maciel Avenue does not have bicycle infrastructure to encourage bicycling to various points of interest. The project would contribute to implementing bike sharrows along Mattison Lane and Maciel Avenue to provide access to bicycle lanes and transit on Capitola Road.</li> <li>• The project would implement bike facility measures to reduce VMT of the project. A bicycle repair station would be installed in the parklet on the project site to reduce VMT of the project. The bicycle repair station can provide repair tools and space to use them and would support the continual use of bicycles for transportation in and out of the project site.</li> <li>• A 20-foot wide pedestrian and bicycle easement would be established to provide access to a future pedestrian and bicycle bridge that would span across Rodeo Creek Gulch to Coffee Lane Park. This would result in increased bicycle and pedestrian connectivity from the project site to the regional multimodal network, along with access to the regional transit network and commercial/activity centers such as Capitola Mall.</li> </ul> | Applicant                     | Compliance monitored by the County Planning Division | Prior to Recordation of the Final Subdivision Map, ongoing |