



County of San Diego

MARK WARDLAW
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PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcountry.ca.gov/pds

Hearing Date: May 12, 2017

TO: Planning Commission

FROM: Mark Wardlaw, Director
Planning & Development Services

SUBJECT: Notice of Preliminary Decision of the Director of PDS and Final Notice of Action of the Planning Commission Approving A Time Extension for Otay Business Park TM 5505

TENTATIVE MAP TIME EXTENSION INFORMATIONAL ITEM

Report of the Director of Planning & Development Services (PDS) Preliminary Decision:

PURPOSE

The purpose of this informational report is to provide the Planning Commission notice of a decision of the Director to extend the period of time (Time Extension) for the Otay Business Park Tentative Map (TM 5505) to allow completion of the Final Map. The Time Extension does not propose, nor does the applicant request, any changes or revision to TM 5505 or to the conditions in the Resolution of Approval.

The Director's decision will become final and effective unless the Planning Commission takes action to schedule the Time Extension for the Planning Commission's consideration at a noticed hearing. If the Planning Commission schedules the matter for a public hearing, the Planning Commission will be the decision-making authority for the Time Extension.

Provided the Director's decision will become final, the expiration date of TM 5505 will be extended to November 4, 2022.

In accordance with the County of San Diego Subdivision Ordinance Section 81.317(c), the April 28, 2017 Notice of the Director's Preliminary Decision to Approve Tentative Map (TM) Time Extension PDS2016-TM-5505TE (Attachment B), has been issued and filed with the Planning Commission as an Administrative Item.

BACKGROUND

TM 5505 was approved by the Planning Commission on November 4, 2011, for three years with an expiration date of November 4, 2014. Assembly Bill 116 automatically extended the TM 5505 expiration date to November 4, 2016. The Board of Supervisors approved the TM to subdivide 161.6 gross acres into 59 industrial lots, three drainage lots, and 23 acres of on-site

G 1 - 2

roads located at the southeast corner of Airway Road and Alta Road in the East Otay Mesa Specific Plan Area.

A Revised Map, General Plan Amendment, and Specific Plan Amendment were filed to delete a segment of roadway, and were approved by the Board of Supervisors on April 22, 2015. However, this approval did not extend the expiration date of TM 5505.

The applicant filed an application to extend TM 5505 on September 12, 2016. On September 12, 2016, as required by the County of San Diego Subdivision Ordinance, properties within 300 feet of the exterior boundaries of the project site were notified that an application for a TM Time Extension for TM 5505 was to be filed.

COMMUNITY PLANNING/SPONSOR GROUP AND PUBLIC INPUT

Because there is no Community Planning or Sponsor Group in the East Otay Mesa Plan area, no recommendation is available for consideration. No comments were received as a result of the public notification on September 12, 2016.

ATTACHMENTS:

Attachment A – Planning Documentation and Original Resolution

Attachment B – Notice of Preliminary Decision of the Director of PDS and Final Notice of Action of the Planning Commission Approving A Time Extension for TM 5505

Attachment C – Environmental Documentation

**Attachment A – Planning Documentation
and Original Resolution**

[illegible]

1. **PROBLEM STATEMENT** (10%)
 - 1.1. **Problem Statement** (10%)
2. **ANALYSIS** (20%)
 - 2.1. **Analysis** (20%)
3. **DESIGN** (30%)
 - 3.1. **Design** (30%)
4. **IMPLEMENTATION** (20%)
 - 4.1. **Implementation** (20%)
5. **EVALUATION** (10%)
 - 5.1. **Evaluation** (10%)
6. **CONCLUSION** (10%)
 - 6.1. **Conclusion** (10%)

[illegible]

1. WITH THE APPROVAL OF THE LOCAL GOVERNMENT FOR THE CONTINUED TO BEING, CURRENT STUDIES ARE BEING DONE TO THE EFFECT OF SOME OF THE MAIN CAUSAL FACTORS.
2. AND THE EFFECTS OF THE MAIN CAUSAL FACTORS ON THE MAIN CAUSAL FACTORS, WITHIN THE FRAMEWORK OF A CURRENT MAIN CAUSAL FACTOR. THE STUDY'S METHODOLOGY AND ANALYTICAL RESULTS TO BEING ANNOUNCED THROUGH THE JOURNAL OF THE UNIVERSITY OF THE SOUTH AFRICAN ACADEMY OF SCIENCE, IN THE NEXT ISSUE OF THE JOURNAL.
3. AND THE EFFECTS OF THE MAIN CAUSAL FACTORS ON THE MAIN CAUSAL FACTORS, WITHIN THE FRAMEWORK OF A CURRENT MAIN CAUSAL FACTOR. THE STUDY'S METHODOLOGY AND ANALYTICAL RESULTS TO BEING ANNOUNCED THROUGH THE JOURNAL OF THE UNIVERSITY OF THE SOUTH AFRICAN ACADEMY OF SCIENCE, IN THE NEXT ISSUE OF THE JOURNAL.

- PROPOSED IMPROVEMENTS TO TRAINING DATA (FOR INFORMATION ONLY)
- THE FOLLOWING HAVE BEEN SUBMITTED FOR REVIEW AND APPROVAL BY THE BOARD:
- APPROVED BY THE BOARD AND THE BOARD OF DIRECTORS
- APPROVED BY THE BOARD AND THE BOARD OF DIRECTORS
- APPROVED BY THE BOARD AND THE BOARD OF DIRECTORS

SALES TAX: 6.5%
 10% QUANTITY DISCOUNT
 CASH DISCOUNT: 2%
 MONTHLY PAYMENT: \$1000

TAX RATE AREA
 4403

NOTE: CHANGES TO THE 10% QUANTITY DISCOUNT WILL BE \$1000 PER MONTHLY PAYMENT.

BASE OF BEARING
THE BASE OF BEARING FOR THE SURVEY OF THE ANDRE 2000 1:250,000 BEARING REFERENCE CITY OF SAN DIEGO CONTROL MONUMENTS BASE AND BASE AT SAN DIEGO, CALIFORNIA, IS 100,000 1:250,000 (EARTH), NORTH-ARREST AT 4500

THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 18 NORTH, RANGE 1 EAST, SAYS PERTAINING RACE AND MEMBERS IN THE COUNTY OF SAN JUAN STATE OF CALIFORNIA, ACCORDING TO THE ORIGINAL PLAT THEREOF.

AN INSTITUTE FOR AGING AND HEALTH CARE THE UNIVERSITY OF MISSISSIPPI
 387 260 MISSISSIPPI
 387 260 MISSISSIPPI

[illegible]

JUSTING SEED ANALYSIS TABLE



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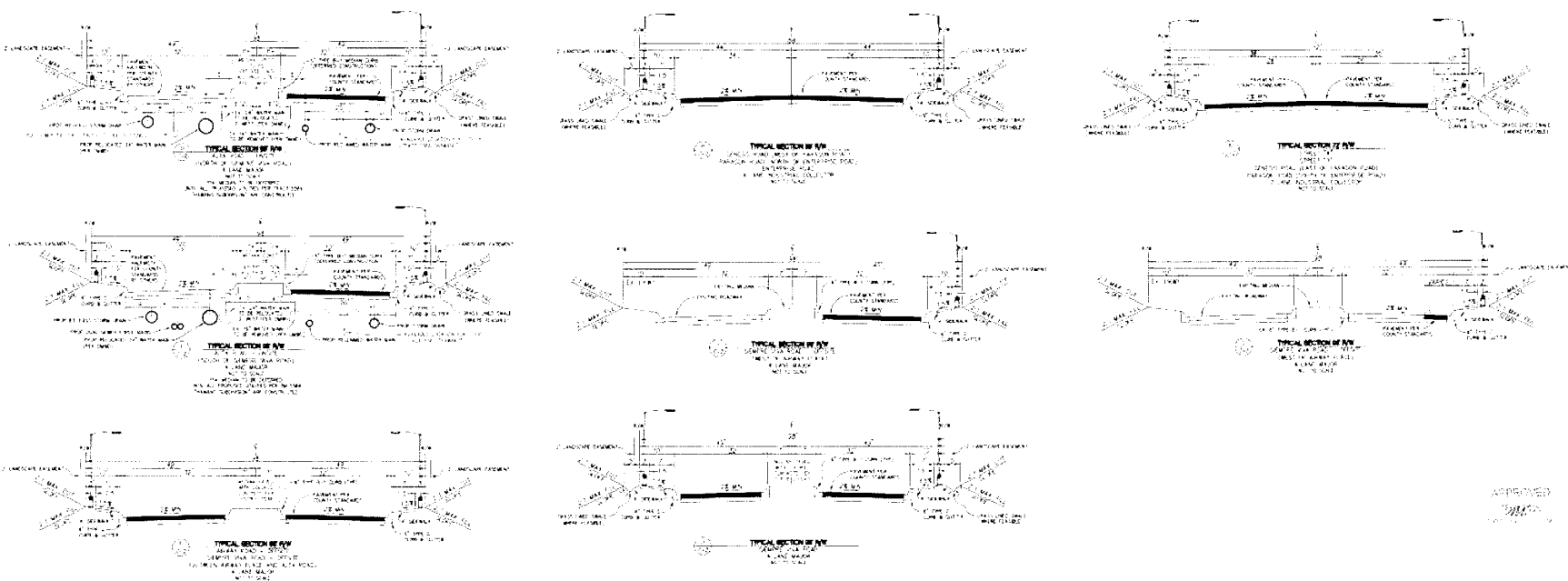
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	2099	10,000
	2100	10,000

DATE	2007-07-01	TIME	10:40
NAME	JOHN A. JOHNSON	AGE	40
SEX	M	HEIGHT	5'10"
WEIGHT	170	HAIR	BROWN
DOB	07-01-1967	POB	NEW YORK
SSN	123-45-6789	DOB	07-01-1967

[illegible]

4/24/14

<p>SAN DIEGO OTAY BUSINESS PARK COUNTY OF SAN DIEGO, CALIFORNIA</p>	<p>VESTING TENTATIVE MAP</p>		 <p>STEVENS CRESTO ENGINEERING, INC. 1000 COUNTRY CLUB DRIVE, SUITE 200 SAN DIEGO, CA 92108 TEL: 619-594-1111 FAX: 619-594-1112 WWW.SCE-INC.COM</p>	<p>REVISION</p>
<p>Date: JUNE 2014 Scale: AS SHOWN Drawn: BCT Job: 13026-02 Sheet: C-1</p>				



SAN DIEGO
OTAY BUSINESS PARK
COUNTY OF SAN DIEGO, CALIFORNIA

VESTING TENTATIVE MAP
CROSS SECTIONS
TYPICAL SECTIONS

COUNTY OF SAN DIEGO TRACT 5505R PRELIMINARY GRADING PLAN OTAY BUSINESS PARK

SHEET INDEX

WORK TO BE DONE

LEGEND
DESCRIPTION

SYMBOL

KEY NOTES

LEGAL DESCRIPTION

ADDITIONAL EXCEL NUMBER

DATE OF REVISION

GENERAL NOTES (PRELIMINARY GRADING)

ADVISORY NOTE ON
STORMWATER OBLIGATIONS:

EXISTING EASEMENT LIST

EROSION AND SEDIMENT CONTROL MEASURES NOTES:

EASEMENT NOTES

APPROVED
[Signature]

SAN DIEGO
OTAY BUSINESS PARK
COUNTY OF SAN DIEGO, CALIFORNIA

Date: JUNE 2014

Drawn: AS SHOWN

Check: ME

Scale: 1/2" = 10' (1/4" = 5')

Sheet: C-3

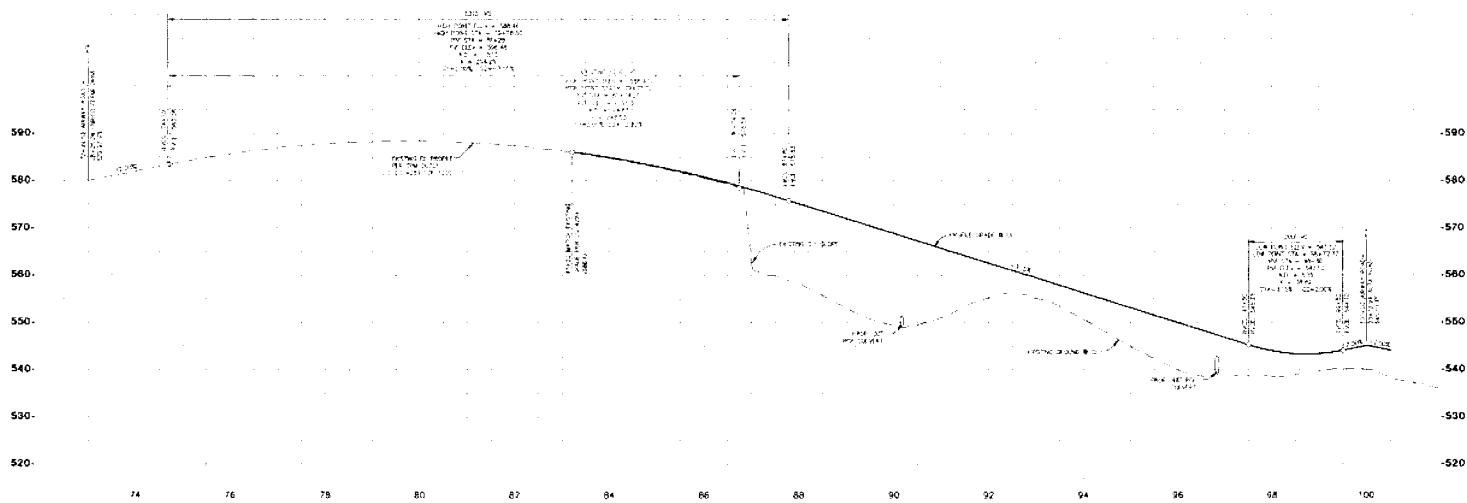
3 of 10 Sheets

STEVENS CRESTO ENGINEERING, INC.
CIVIL ENGINEERS, PLANNERS, AND SURVEYORS
10000 HARBOR DRIVE
SUITE 200
SAN DIEGO, CA 92121-1132
PHONE: 619.444.8888
FAX: 619.444.8889
WWW.SCEI.COM

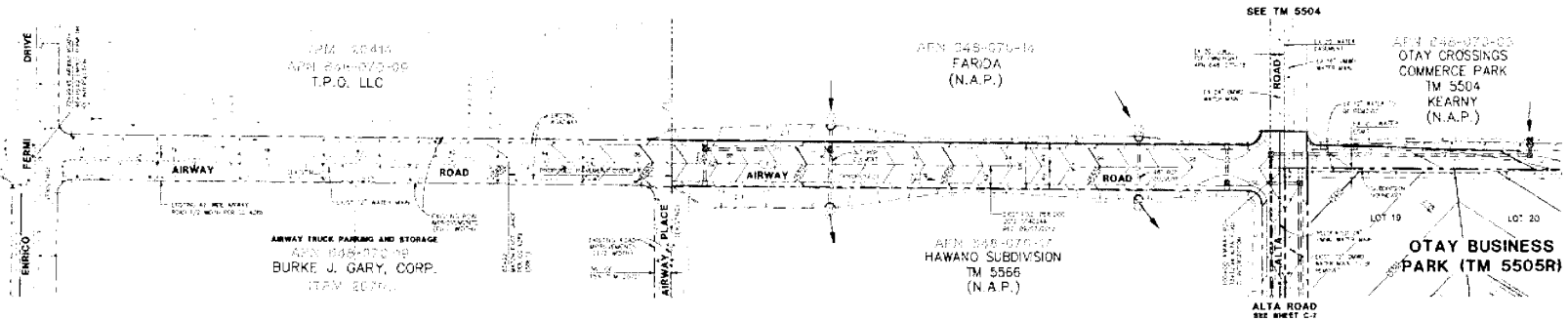


PRELIMINARY
GRADING PLAN

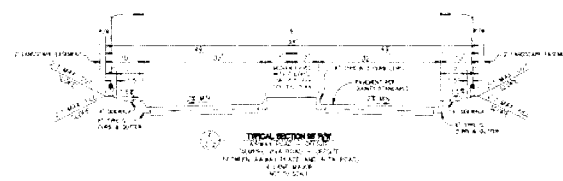
G 1 - 6



PROFILE: AIRWAY ROAD
SCALE: 1" = 100' HORIZ. 1" = 10' VERT.



ROADWAY DESIGN CRITERIA: AIRWAY ROAD



NOTE:
ROAD SECTION SHOWN IS BASED ON
EXISTING CONDITIONS.

CENTERLINE DATA		
STATION	100+00	100+00
STATION	100+00	100+00
STATION	100+00	100+00

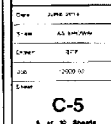
<p>STEVENS CRESTO ENGINEERING, INC. CIVIL ENGINEERS, PLANNERS, AND LANDSCAPE ARCHITECTS 1000 W. 10TH STREET, SUITE 200 SAN ANTONIO, TEXAS 78207 PHONE: (214) 343-1111 FAX: (214) 343-1112 WWW.SCE-INC.COM</p>	
<p>PRELIMINARY ROUTE STUDY AIRWAY ROAD OFFSITE</p>	
<p>SAN DIEGO OTAY BUSINESS PARK COUNTY OF SAN DIEGO, CALIFORNIA</p>	
<p>DATE: JUNE 2014 DRAWN: A4 5/27/2014 CHECKED: RCE SCALE: 1" = 100' HORIZ. 1" = 10' VERT. PROJECT: C-4</p>	<p>1" = 100' HORIZ. 1" = 10' VERT.</p>

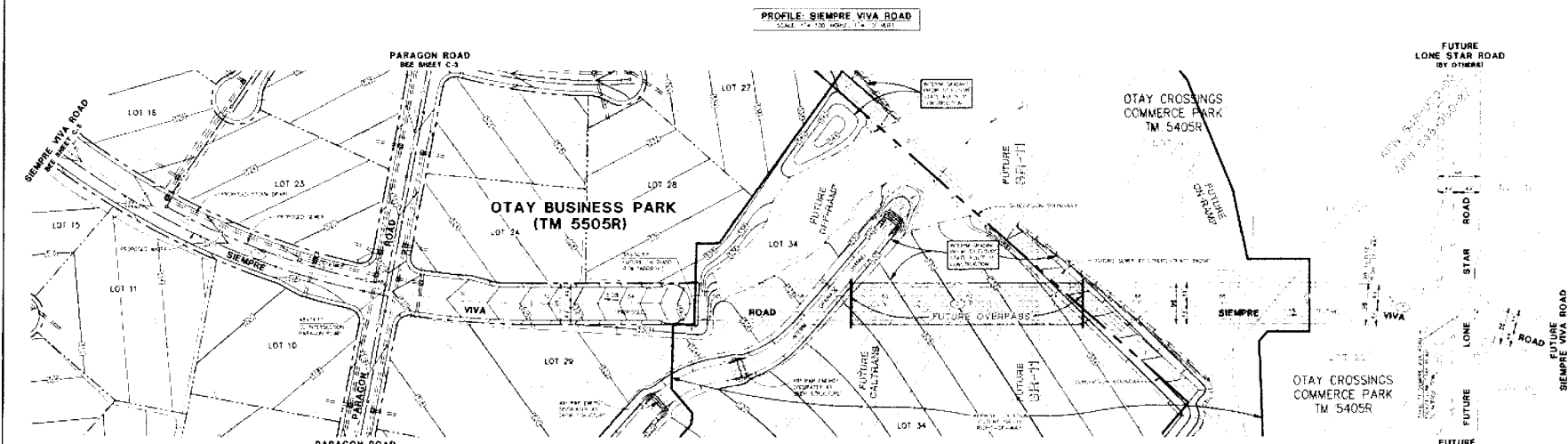
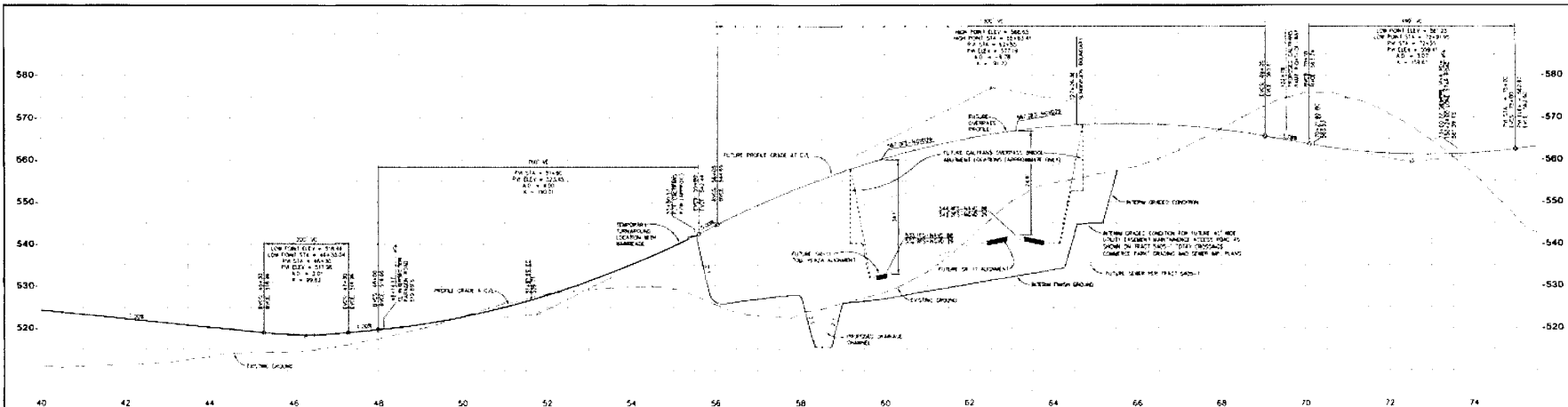
G 1-7



NOTE:

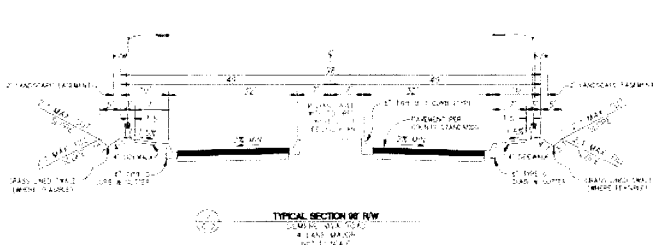
CENTERLINE DATA				
NO.	BEARING-DEG.	FEET	COORDINATES	REMARKS
1	S 75° 22' 00" E	4.75		
2	S 75° 22' 00" E	170.00		
3	N 75° 22' 00" W	4.75		
4	N 75° 22' 00" W	170.00		
5	S 75° 22' 00" E	4.75		
6	S 75° 22' 00" E	170.00		





ROADWAY DESIGN CRITERIA: SIEMPRE VIVA ROAD

DESIGNED BY: [Faint text]
 CHECKED BY: [Faint text]
 DATE: [Faint text]



TYPICAL SECTION OF R/W

CENTERLINE DATA			
STATION	CHORD BEARING	CHORD DISTANCE	CHORD CURVATURE
1+00	N 89° 15' 00" E	100.00	0.0000
1+10	N 89° 15' 00" E	100.00	0.0000
1+20	N 89° 15' 00" E	100.00	0.0000

NOTE:
 SEE SHEET C-3 FOR FUTURE LONE STAR ROAD ALIGNMENT.



REVISION

1	ISSUED FOR PERMIT
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DATE: JUNE 2014

SHEET: 43340/04

DRAWN: SLR

APP: [Faint]

SCALE: 1" = 100'

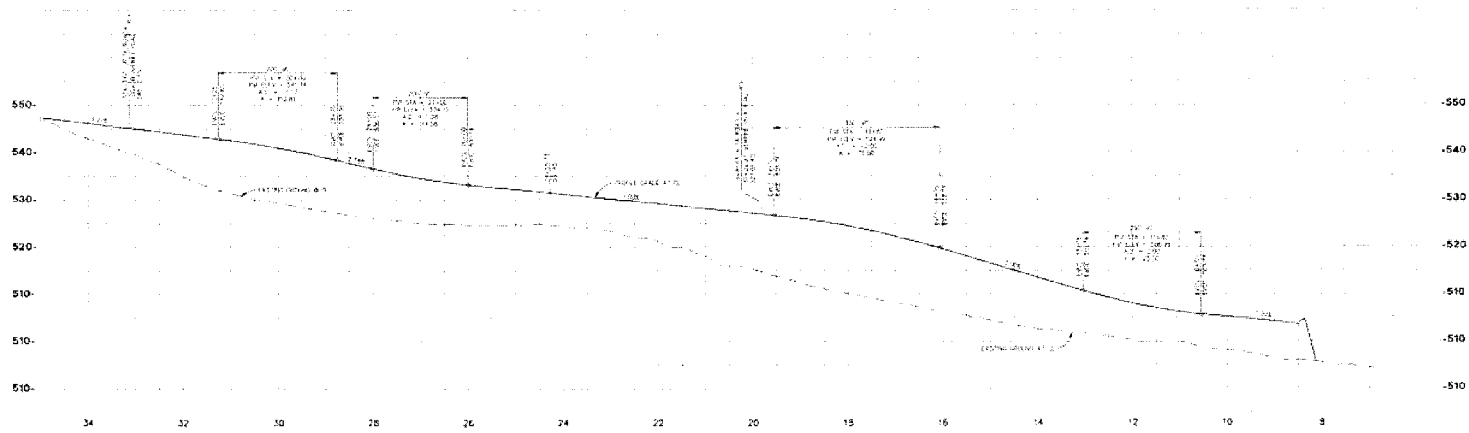
STEVEN CRESTO ENGINEERING, INC.
 CIVIL ENGINEERING, PLANNING, LAND SURVEYING
 1445 COLUMBIA DRIVE
 SAN DIEGO, CA 92111-1192
 WWW.CRESTO.COM

PRELIMINARY ROUTE STUDY
SIEMPRE VIVA ROAD

SAN DIEGO
OTAY BUSINESS PARK
 COUNTY OF SAN DIEGO, CALIFORNIA

C-6
 8 of 10 Sheets

G 1 - 9



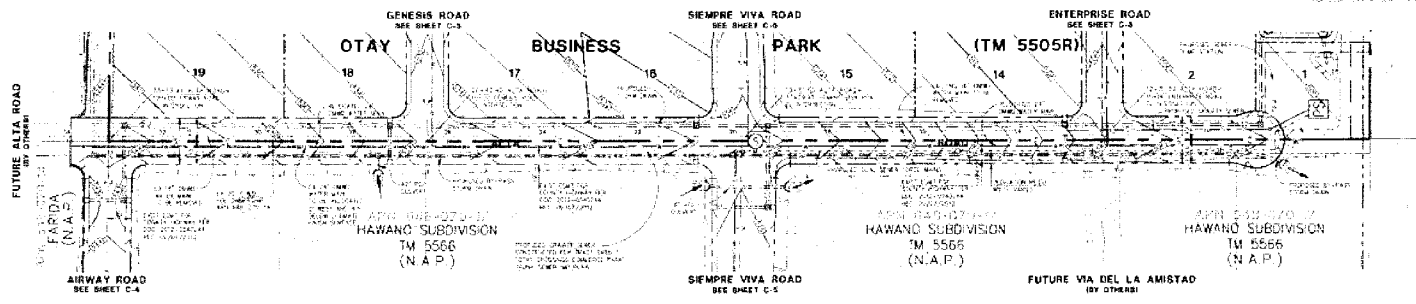
PROFILE: ALTA ROAD
SCALE: HORIZ. 1" = 40' VERT. 1" = 10'

NOTE

ALL ELEVATIONS ARE IN FEET UNLESS OTHERWISE NOTED. ELEVATIONS ARE BASED ON THE DATUM OF 1988. ELEVATIONS ARE NOT TO BE USED FOR CONSTRUCTION OF STRUCTURES OR FOR ANY OTHER PURPOSE.

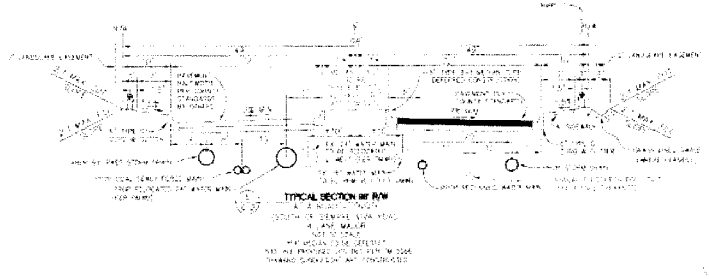
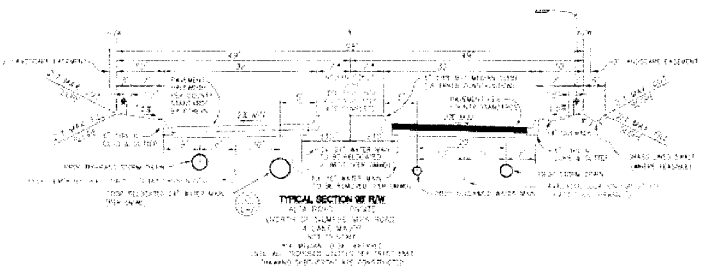
SEWER NOTE

FOR LOCATIONS OF SEWERS, SEE SHEET C-7.



ROADWAY DESIGN CRITERIA: ALTA ROAD

DESIGNED BY: J. L. BROWN
CHECKED BY: J. L. BROWN
DATE: 10/1/01



NOTE:
ALL ELEVATIONS ARE IN FEET UNLESS OTHERWISE NOTED. ELEVATIONS ARE BASED ON THE DATUM OF 1988. ELEVATIONS ARE NOT TO BE USED FOR CONSTRUCTION OF STRUCTURES OR FOR ANY OTHER PURPOSE.

CENTERLINE DATA			
STATION	CHORD BEARING	RADIUS	CHORD LENGTH
34+00	N 0° 00' 00" E	1000.00	1000.00
34+00	N 0° 00' 00" E	1000.00	1000.00



PRELIMINARY ROUTE STUDY ALTA ROAD - ONSITE	
SAN DIEGO OTAY BUSINESS PARK COUNTY OF SAN DIEGO, CALIFORNIA	
Date: 10/1/01 Drawn: JLB Check: JLB Scale: 1" = 40'	Project: 010101 Client: Stevens Cresto Engineering, Inc. Address: 10101 San Diego Ave. City: San Diego, CA 92121

G 1 - 10

November 4, 2011

RESOLUTION OF SAN DIEGO COUNTY)
CONDITIONALLY APPROVING)
TENTATIVE MAP NO. 3100 5505 (TM))

WHEREAS, Tentative Map No. 5505 proposing the division of property located south of Otay Mesa Road and east of Alta Road and generally described as:

The southeast quarter of Section 31, Township 18 South, Range 1 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to the official plat thereof.

Exception therefrom that portion conveyed to United States of America, Immigration and Naturalization Service by deed recorded April 7, 2000, as file no. 2000-0177412, official records.

was filed with the County of San Diego pursuant to the Subdivision Map Act and San Diego County Subdivision Ordinance on October 17, 2011; and

WHEREAS, on November 4, 2011, the Planning Commission of the County of San Diego pursuant to Section 81.304 of the San Diego County Subdivision Ordinance held a duly advertised public hearing on said Tentative Map and received for its consideration, documentation, written and oral testimony, recommendations from all affected public agencies, and heard from all interested parties present at said hearing; and

WHEREAS, the Planning Commission of the County of San Diego has determined that the conditions hereinafter enumerated are necessary to ensure that the subdivision and the improvement thereof will comply with the Subdivision Map Act and conform to all ordinances, plans, rules, standards, and improvement and design requirements of San Diego County.

IT IS RESOLVED, DETERMINED, AND ORDERED, that based on the findings, said Tentative Map is hereby approved subject to the following conditions:

MAP EXPIRATION: The approval of this Tentative Map Expires Thirty-Six (36) Months after the date of the approval of this Resolution at 4:00 P.M. Unless, prior to that date, an application for a Time Extension has been filed as provided by Section 81.308 of the County Subdivision Ordinance.

STANDARD CONDITIONS: The "Standard Conditions (1-29) for Tentative Subdivision Maps" approved by the Board of Supervisors on June 16, 2000, and filed with the Clerk, as Resolution No. 00-199 (Attached Herein as Exhibit A), shall be made conditions of this Tentative Map approval. Only the following exceptions to the Standard Conditions

set forth in this Resolution or shown on the Tentative Map will be authorized. The following Standard Subdivision Conditions are hereby waived:

- (1) Standard Condition 10.a: Said condition states that all fixtures shall use a low pressure sodium (LPS) vapor light source. This waiver/modification requires use of high pressure sodium (HPS) vapor light source unless within 15 miles radius of Palomar or Mount Laguna observatories (in which case fixtures shall use a low pressure sodium vapor light source) pursuant to direction from the Board of Supervisors [statement of proceedings of 1-29-03].
- (2) Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
- (3) Standard Condition 19(e): Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
- (4) Standard Condition 22: Said condition pertains to private subsurface sewage disposal systems. This project proposes a public sewer system.
- (5) Standard Condition 27: Said condition states that the Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units. The Final Map for this Tentative Map may be filed in units.

PRELIMINARY GRADING PLAN: The approval of this Tentative Map hereby adopts the Preliminary Grading and Improvement Plan dated October 17, 2011 consisting of sheets C-5 through C-7 and C-20 of the Tentative Map (Attached Herein as Exhibit B) pursuant to Section 81.303 of the County Subdivision Ordinance. In accordance with the Section 87.207 of the County Grading Ordinance, Environmental Mitigation Measures or other conditions of approval required and identified on this plan, shall be completed or implemented on the final engineering plan before any improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any Substantial deviation therefrom the Preliminary Grading and Improvement Plan may cause the need for further environmental review. Additionally, approval of the preliminary plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to County of San Diego Grading Ordinance (Sec 87.701 et. al.)

APPROVAL OF MAP: THE FOLLOWING SPECIFIC CONDITIONS SHALL BE COMPLIED WITH BEFORE A MAP FOR THE SPECIFIED UNIT (UNIT 1, 2, 3, or 4) IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (and where specifically, indicated, conditions

shall also be complied with prior to the approval and issuance of grading or other permits as specified):

ALL UNITS: Conditions that apply to all Units (Units 1, 2, 3, and 4) are listed after the conditions for the individual units.

UNIT 1: PRIOR TO APPROVAL OF FINAL MAP

The Final Map for this Tentative Map is to be filed in units. The order of the filing of Final Maps shall be sequential. The first Final Map to be filed shall be Unit #1, followed by Units #2, #3, and #4. In addition, conditions that apply to all units (Units 1, 2, 3, and 4) are listed in a separate section at the end, following the conditions for Unit 4.

1. PUBLIC ROAD IMPROVEMENTS: [DPW, LDR], [DPR, TC] [MA]

Intent: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.403 and the East Otay Mesa Business Park Specific Plan, the following road shall be improved. **Description of requirement:**

- a. With Unit #1, improve or agree to improve and provide security to re-stripe **offsite Otay Mesa Road** (SA 1120) from **Sanyo Avenue** to **Enrico Fermi Drive** (SA 1105) in accordance with Public Road Standards for an interim Circulation Element Prime Arterial Road by re-striping in order to provide for one (1) travel lane in each direction and a center two-way left-turn lane. Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement. **References:** Traffic Study by Darnell & Associates (Section VIII) [EIR M-TR-2a].
- b. With Unit #1, improve or agree to improve and provide security for **offsite Airway Road** (SC 2300) from an unnamed street within the **easterly property line of Parcel Map 19737** to **Alta Road** (SA 1112) in order to provide for one (1) travel lane in each direction in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an interim Circulation Element Major Road with Bike Lanes, Parking Restriction, to a graded width of forty-nine feet (49') from centerline and to a half improved width of thirty-nine feet (39') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, detached sidewalk, with face of curb at thirty-nine feet (39') on the **south side** of the centerline. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement.
- c. With Unit #1, improve or agree to improve and provide security for **offsite Siempre Viva Road** (SC 2360) from the California Highway Patrol facility (CHP) access located east of Enrico Fermi Drive (SA 1112) to an unnamed street within the **easterly property line of Parcel Map 19737** in

order to provide for one (1) travel lane in each direction in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an interim Gateway Road/Circulation Element Major, to a one half graded width of forty-nine feet (49') and to a one half improved width of twenty-six feet (26') on the **south side** of the centerline, with asphalt concrete pavement over approved base with asphalt dike, with face of dike at twenty-six feet (26') on the south side of the centerline. Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement.

- d. With Unit #1, improve or agree to improve and provide security for **offsite Siempre Viva Road** (SC 2360), from an unnamed street within the **easterly property line of Parcel Map 19737** to **Alta Road** (SA 1112) in order to provide one (1) eastbound lane with the appropriate transitions such that the improved facility can accommodate for one (1) travel lane in each direction in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an interim Gateway Road/Circulation Element Major Road with Bike Lanes, Parking Restriction, to a graded width of forty-nine feet (49') from centerline and to half improved width of thirty-nine feet (39') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, detached sidewalk, with face of curb at thirty-nine feet (39') on the **north side** of the centerline. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement.
- e. With Unit #1, improve or agree to improve and provide security for **Alta Road** (SA 1112), from **Airway Road** (SC 2300) to **Siempre Viva Road** (SC 2360) in order to provide one (1) lane in each direction in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an interim Circulation Element Major Road with Bike Lanes, Parking Restriction, and a two-foot (2') landscape easement, to a one half graded width of fifty-one feet (51') and to an improved width of thirty-nine feet (39') on the east side of the centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, detached sidewalk, with face of curb at thirty-nine feet (39') on the **east side** of the centerline. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). If Alta Road is fully improved west of the westerly boundary of APN 648-070-21, construct a fourteen-foot (14') wide raised median from Airway Road to Siempre Viva Road, with face of curb at seven feet (7') from centerline. Median shall be paved with Sandstone colored concrete (Davis Sandstone or equivalent) and stamped with a Dry Creek Bed Pattern or similar.

- f. With Unit #1, improve or agree to improve and provide security for **Alta Road** (SA 1112), along the project frontage from **Siempre Viva Road** (SC 2360) to **Street A** (Enterprise Road) in order to provide one (1) lane in each direction in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an interim Specific Plan 2-Lane Road (Industrial/Commercial) with Parking Restriction, and a two-foot (2') landscape easement, to a minimum graded width of thirty-eight feet (38') from centerline and to a minimum improved width of twenty-six feet (26') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, detached sidewalk, with face of curb at a minimum of twenty-six feet (26') on the **east** side of the centerline. The additional two-foot (2') graded width on the east side of Alta Road is to accommodate a landscape easement onsite. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement.
- g. With Unit #1, improve or agree to improve and provide security for **Airway Road** (SC 2300), from **Alta Road** (SA 1112) to **Siempre Viva Road** (SC 2360) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Circulation Element Major Road with Parking Restriction, and a two-foot (2') landscape easement, to a graded width of one hundred two feet (102') [fifty-one feet (51') from centerline] and to an improved width of seventy-eight feet (78') [thirty-nine feet (39') from centerline] with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, detached sidewalk, median, with face of curb at seven feet (7') and thirty-nine feet (39') on the **north and south** sides of the centerline. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). Median shall be paved with Sandstone colored concrete (Davis Sandstone or equivalent) and stamped with a Dry Creek Bed Pattern or similar. Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement.
- h. With Unit #1, improve or agree to improve and provide security for **Siempre Viva Road** (SC 2360), from **Alta Road** (SA 1112) to **Airway Road** (SC 2300) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Gateway Road/Circulation Element Major Road with Parking Restriction, and a two-foot (2') landscape easement, to a graded width of one hundred two feet (102') [fifty-one feet (51') from centerline] and to an improved width of seventy-eight feet (78') [thirty-nine feet (39') from centerline] with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, detached sidewalk, median, with face of curb at seven feet (7') and thirty-nine feet (39') on the **north and south** sides of the centerline. The width

of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). Median shall be paved with Sandstone colored concrete (Davis Sandstone or equivalent) and stamped with a Dry Creek Bed Pattern or similar; five-foot by five-foot tree grates shall be set flush with the concrete (per San Diego Area Regional Standard Drawing L-4) around each tree located down the center of the median; the design of the median shall be such as to prevent irrigation waters from flowing onto the traveled lanes in dry weather. Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement.

- i. With Unit #1, improve or agree to improve and provide security for **Street A** (Enterprise Road), from **Alta Road** (SA 1112) to **Street B** (Paragon Road) in accordance with Public Road Standards for an Industrial/Commercial Collector Road, to a graded width of eighty-eight feet (88') [forty-four feet (44') from centerline] and to an improved width of sixty-eight feet (68') [thirty-four feet (34') from centerline] with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, attached sidewalk, with face of curb at thirty-four feet (34') from centerline.
- j. With Unit #1, improve or agree to improve and provide security for **Street B** (Paragon Road), from **Street A** (Enterprise Road) to **Airway Road** (SC 2300) in accordance with Public Road Standards for an Industrial/Commercial Road, to a graded width of seventy-two feet (72') [thirty-six feet (36') from centerline] and to an improved width of fifty-two feet (52') [twenty-six feet (26') from centerline] with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, attached sidewalk, with face of curb at twenty-six feet (26') from centerline.
- k. With Unit #1, at the intersection of **Airway Road** (SC 2300) and **Alta Road** (SA 1112), assure the construction of a stop sign at the northbound approach (i.e. a One-Way Stop-Controlled intersection), and improve or agree to improve and provide security in order to accommodate the following lane configurations:
 - 1) One (1) eastbound shared through-right lane
 - 2) One (1) westbound shared left-through lane
 - 3) One (1) northbound shared left-right lane.

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 44).

- l. With Unit #1, at the intersection of **Airway Road** (SC 2300) and **Street B** (Paragon Road), assure the construction of a stop sign at the northbound

approach (i.e. a One-Way Stop-Controlled intersection), and improve or agree to improve and provide security in order to accommodate the following lane configurations:

- 1) One (1) eastbound shared through-right lane
- 2) One (1) westbound through lane
- 3) One (1) northbound right turn lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 44).

- m. With Unit #1, at the intersection of **Siempre Viva Road** (SC 2360) and **Street B** (Paragon Road), assure the construction of stop signs at the northbound and southbound approaches (i.e. a Two-Way Stop-Controlled intersection), and improve or agree to improve and provide security in order to accommodate the following lane configurations:

- 1) One (1) eastbound shared through left-right lane
- 2) One (1) westbound shared through left-right lane
- 3) One (1) northbound shared through left-right lane
- 4) One (1) southbound shared through left-right lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 44).

- n. With Unit #1, at the intersection of **Siempre Viva Road** (SC 2360) and **Alta Road** (SA 1112), assure the construction of stop signs at all approaches, and improve or agree to improve and provide security in order to accommodate the following lane configurations:

- 1) One (1) eastbound shared left-through-right lane
- 2) One (1) westbound shared left-through-right lane
- 3) One (1) northbound shared left-through-right lane
- 4) One (1) southbound shared left-through-right lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 44).

All plans and improvements shall be completed pursuant to the County of San Diego Public Road Standards, the DPW Land Development Improvement Plan Checking Manual and the East Otay Mesa Business Park Specific Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **Documentation:** The applicant shall complete the following:

- o. Process and obtain approval of Improvement Plans to improve all the

public road segments and intersections as indicated above.

- p. Provide Secured agreements require posting security in accordance with Subdivision Ordinance Sec. 81.407 through 81.408.
- q. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI].
- r. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

Timing: Prior to the approval of the map for Unit 1, the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] and [DPR, TC, PP] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

2. **SR-905 PHASES 1A AND 1B IMPROVEMENTS: [DPW, LDR] [MA]**

Intent: In order to mitigate impacts to the segment of Interim SR-905 (Otay Mesa Road) from La Media Road to Piper Ranch Road that would occur during all project phases. **Description of requirement:** SR-905 Phases 1A and 1B improvements in accordance with the Traffic Impact Study prepared by Darnell & Associates shall be completed and open to traffic. **Documentation:** The applicant shall provide documentation from CalTrans demonstrating that SR-905 Phases 1A and 1B have been constructed and are open to traffic. **Timing:** Prior to the recordation of the final map for Unit #1. **Monitoring:** The [DPW, LDR] shall review evidence provided by the applicant for compliance with this mitigation measure. **References:** Traffic Study by Darnell and Associates (Section VIII). [EIR M-TR-1]

3. **PUBLIC ROAD IMPROVEMENTS FOR SIEMPRE VIVA ROAD/PASEO DE LAS AMERICAS INTERSECTION WITHIN THE CITY OF SAN DIEGO: [DPW, LDR] [MA]**

Intent: To mitigate direct impacts to the intersection of Siempre Viva Road/Paseo De Las Americas that would occur with implementation of Phase 1 and Phases 1 and 2 of the Project. **Description of Requirement:** The Project applicant shall improve or agree to improve and provide security for the intersection of **Siempre Viva Road/Paseo De Las Americas** in order to modify the existing traffic signal and provide the following lane configurations, or shall implement other improvements that are acceptable to both the City and County of San Diego and that achieve an acceptable LOS at this intersection:

- a. One (1) eastbound left turn lane
- b. Three (3) eastbound through lanes
- c. One (1) eastbound right turn lane
- d. One (1) westbound left turn lane
- e. Two (2) westbound through lanes
- f. One (1) westbound shared through-right lane
- g. One (1) northbound left turn lane
- h. Two (2) northbound through lanes
- i. One (1) northbound right turn lane
- j. One (1) southbound left turn lane
- k. One (1) southbound through lane
- l. One (1) southbound shared through-right lane

It should be noted that improvements to this intersection would require appropriate permits from the City of San Diego and are subject to City approval. **Documentation:** The applicant shall prepare improvement plans for roadway improvements and shall submit the plans to the City of San Diego for review and approval. Upon approval of the plans by the City of San Diego and completion of improvements, the applicant shall provide the [DPW, LDR] evidence of completed improvements. **Timing:** Improvements shall be completed prior to the recordation of the Final Map for Unit 1. **Monitoring:** The City of San Diego shall review the improvement plans for conformance with this mitigation measure. Upon approval of the improvement plans, a decision of approval shall be issued to the applicant. Following final inspection, the City of San Diego shall provide the applicant with a letter of acceptance for the completed improvements. The letter of acceptance shall be provided to the [DPW, LDR]. **References:** Traffic Study by Darnell and Associates (Section VIII and Figure 49, and Exhibit 2 in Appendix P) [EIR M-TR-13a].

4. PUBLIC ROAD IMPROVEMENTS OR FAIR SHARE FOR SIEMPRE VIVA ROAD/MICHAEL FARADAY DRIVE INTERSECTION WITHIN THE CITY OF SAN DIEGO [DPW, DLR] [MA]

Intent: To mitigate significant impacts to the intersection of Siempre Viva Road/Michael Faraday Drive that would occur in the Cumulative (2020) With SR-905 Phases 1A and 1B conditions. **Description of Requirement:** The Project applicant shall improve or agree to improve and provide security for the intersection of **Siempre Viva Road / Michael Faraday Drive** to install a traffic signal as recommended by the Traffic Impact Study and in consultation with the City of San Diego **OR** provide a payment for 44.0% of the total cost of design and installation of a traffic signal, City of San Diego CIP Fund Number 200636 for the purpose of making those same road improvements. Required improvements for the intersection shall include signalization of the intersection and the following, or any other configuration acceptable to the City of San Diego and the County of San Diego and that achieves an acceptable level of service:

- a. One (1) eastbound left turn lane

- b. One (1) eastbound through lane
- c. One (1) eastbound shared through-right lane
- d. One (1) westbound left turn lane
- e. One (1) westbound through lane
- f. One (1) westbound shared through-right lane
- g. One (1) northbound shared left-through-right turn lane
- h. One (1) southbound shared left-through lane
- i. One (1) southbound right turn lane

Documentation: The Project applicant shall submit documentation from the City of San Diego demonstrating the requirements of this condition have been completed. **Timing:** The improvements shall be fully constructed **OR** fair share paid to the satisfaction of the City of San Diego prior to the recordation of the Final Map for Unit 1. **Monitoring:** The Director of Planning and Land Use shall review the evidence provided by the applicant for compliance with this mitigation measure. Following review, the Director of Planning and Land Use shall provide the applicant with a letter of clearance. **References:** Traffic Study by Darnell and Associates (Section VIII and Figure 53) [EIR M-TR-17b].

5. PUBLIC ROAD IMPROVEMENTS OR FAIR SHARE FOR AIRWAY ROAD/SANYO AVENUE INTERSECTION WITHIN THE CITY OF SAN DIEGO [DPW, DLR] [MA]

Intent: To mitigate significant impacts to the intersection of Airway Road/Sanyo Avenue that would occur in the Cumulative (2020) With SR-905 Phases 1A and 1B conditions. **Description of Requirement:** The Project applicant shall improve or agree to improve and provide security for the intersection of **Airway Road/Sanyo Avenue** to install a traffic signal as recommended by the Traffic Impact Study and in consultation with the City of San Diego **OR** provide a payment for 21.0% of the total cost of design and installation of a traffic signal, City of San Diego CIP Fund Number 200636 for the purpose of making those same road improvements. Required improvements for the intersection shall include signalization of the intersection and the following, or any other configuration acceptable to the City of San Diego and the County of San Diego and that achieves an acceptable level of service:

- a. One (1) eastbound shared left-through-right lane
- b. One (1) westbound left turn lane
- c. One (1) westbound through lane
- d. One (1) westbound right turn lane
- e. One (1) northbound left turn lane
- f. One (1) northbound shared through-right turn lane
- g. One (1) southbound shared left-through lane
- h. One (1) southbound right turn lane

It should be noted that the mitigation proposed for project impacts to this intersection would require appropriate permits from the City of San Diego and

are subject to City approval. **Documentation:** The Project applicant shall submit documentation from the City of San Diego demonstrating the requirements of this condition have been completed. **Timing:** The improvements shall be fully constructed **OR** fair share paid to the satisfaction of the City of San Diego prior to the recordation of the Final Map for Unit 1. **Monitoring:** The Director of Planning and Land Use shall review the evidence provided by the applicant for compliance with this mitigation measure. Following review, the Director of Planning and Land Use shall provide the applicant with a letter of clearance. **References:** Traffic Study by Darnell and Associates (Section VIII and Figure 53) [EIR M-TR-34].

6. SIGHT DISTANCE: [DPW, LDR] [MA]

Intent: In order to comply with the Design Standards of Section 6.1.(E) of the County of San Diego Public Road Standards, an unobstructed view for safety while exiting the property and accessing a public road from the site, and unobstructed sight distance shall be verified. **Description of requirement:** Have a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor provide certified signed statements with the following information:

- a. "Physically, there is a minimum unobstructed sight distance in both directions along **Siempre Viva Road** (SC 2360) with the intersection of **Street B** (Paragon Road) for the design speed on Siempre Viva Road (SC 2360) per the Design Standards of Section 6.1 Table 5 of the County of San Diego Public Road Standards (approved March, 2010)". If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- b. "Physically, there is a minimum unobstructed sight distance in both directions along **Alta Road** (SA 1112) with the intersection of **Street A** (Enterprise Road) for the design speed on Alta Road (SA 1112) per the Design Standards of Section 6.1 Table 5 of the County of San Diego Public Road Standards (approved March 2010)". If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

Documentation: The applicant shall complete the certifications and submit them to the [DPW, LDR] for review. **Timing:** Prior to the approval of the final map for Unit 1, the sight distance shall be verified. **Monitoring:** The [DPW, LDR] shall verify the sight distance certifications.

7. ONSITE DRAINAGE IMPROVEMENTS: [DPW, LDR], [DPR, TC, PP] [MA]

Intent: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.403 and to comply with the County Flood Damage Prevention Ordinance (Title 8, Division 11), County Watershed

Protection Ordinance (WPO) No. 10096, County Code Section 67.801 et. seq., and the County Resource Protection Ordinance (RPO) No. 9842, drainage improvements shall be completed. Description of requirement: Improve or agree to improve and provide security for the following:

- a. With Unit #1, construct the drainage channel shown on Sheets C6 and C7 prepared by Kimley-Horn and Associates, from the northerly boundary to the southerly boundary.

All drainage plan improvements shall be prepared and completed pursuant to the following ordinances and standards: San Diego County Drainage Design Manual, San Diego County Hydrology Manual, County of San Diego Grading Ordinance, Zoning Ordinance Sections 5300 through 5500, County Resource Protection Ordinance (RPO) No. 9842, and County Flood Damage Protection Ordinance (Title 8, Division 11), Low Impact Development (LID) and Hydromodification requirements and the Land Development Improvement Plan Checking Manual.

The improvements shall be completed within 24 months from the recordation of Final Map or Parcel Map pursuant to Subdivision Ordinance Sec. 81.403.1. The execution of the agreements, and acceptance of the securities shall be completed before the approval of any subdivision map. **Documentation:** The applicant shall complete the following:

- b. Process and obtain approval of Improvement Plans to construct the drainage channel from the northerly boundary to the southerly boundary.
- c. Provide Secured agreements require posting security in accordance with Subdivision Ordinance Sec. 81.405 through 81.406.1.
- d. Pay all applicable inspection fees with [DPW, PDCI].
- e. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

Timing: Prior to the approval of the map for Unit 1, the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] [DPR TC, PP] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

8. ROAD DEDICATION (ON&OFFSITE): [DPW, LDR] [DGS, RP] [MA].

Intent: In order to improve the quality of the roads, promote orderly

development, and to comply with the Subdivision Ordinance Sec. 81.403, road right of way shall be dedicated to the County. **Description of requirement:** Dedicate onsite with the map or grant by separate document to the County of San Diego an easement for road purposes that provides right-of-way along the road segments listed below in accordance with County of San Diego Public Road Standards for all the road classifications listed below to a ultimate right-of-way width as indicated below together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.

- a. With Unit #1, dedicate or cause to be granted *offsite* the south half of **Airway Road** (SC 2300) within Assessor Parcel Number 648-070-17, from an unnamed street at the **easterly property line of Parcel Map 19737 to Alta Road** (SA 1112) in accordance with the East Otay Mesa Business Park Specific Plan for a Circulation Element Major Road with Bike Lanes and Parking Restriction, right-of-way width of forty-nine feet (49') on the **south** side of the centerline, together with right to construct and maintain slopes and drainage facilities.
- b. With Unit #1, dedicate or case to be granted *offsite* the necessary right-of-way to complete the south half of **Siempre Viva Road** (SC 2360) within CalTrans Right-of-Way Map 30306 and APN 648-070-29 from the California Highway Patrol facility (**CHP**) access located east of Enrico Fermi Drive (SA 1112) to the **easterly property line of Parcel Map 19737** in accordance with the East Otay Mesa Business Park Specific Plan for a Circulation Element Major Road with Bike Lanes and Parking Restriction, right-of-way width of forty-nine feet (49') on the **south** side of the centerline, together with right to construct and maintain slopes and drainage facilities.
- c. With Unit #1, dedicate or cause to be granted *offsite* the north half of **Siempre Viva Road** (SC 2360) within Assessor Parcel Number 648-070-17, from an unnamed street at the **easterly property line of Parcel Map 19737 to Alta Road** (SA 1112) in accordance with the East Otay Mesa Business Park Specific Plan for a Circulation Element Major Road with Bike Lanes and Parking Restriction, right-of-way width of forty-nine feet (49') on the **north** side of the centerline, together with right to construct and maintain slopes and drainage facilities.
- d. With Unit #1, dedicate or cause to be granted the project half of **Alta Road** (SA 1112) along the project frontage, from **Airway Road** (SC 2300) to **Siempre Viva Road** (SC 2360) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Circulation Element Major Road with Bike Lanes and Parking Restriction, right-of-way width of forty-nine feet (49'), together with right to construct and maintain slopes and drainage facilities.

- e. With Unit #1, dedicate or cause to be granted the project half of **Alta Road** (SA 1112) along the project frontage, from **Siempre Viva Road** (SC 2360) to **Street A** (Enterprise Road) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road (Industrial/Commercial) with Parking Restriction, right-of-way width of thirty-six feet (36'), together with right to construct and maintain slopes and drainage facilities.
- f. With Unit #1, dedicate onsite and cause to be granted **Airway Road** (SC 2300) from **Alta Road** (SA 1112) to **Siempre Viva Road** (SC 2360) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Circulation Element Major Road with Bike Lanes and Parking Restriction, right-of-way width of ninety-eight feet (98'), together with right to construct and maintain slopes and drainage facilities.
- g. With Unit #1, dedicate onsite and cause to be granted **Siempre Viva Road** (SC 2360) from **Alta Road** (SA 1112) to **Airway Road** (SC 2300) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Gateway Road/Circulation Element Major Road with Bike Lanes and Parking Restriction, right-of-way width of ninety-eight feet (98'), together with right to construct and maintain slopes and drainage facilities.
- h. With Unit #1, dedicate onsite and cause to be granted **A Street** from **Alta Road** (SA 1112) to **B Street** (Paragon Road) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an Industrial/Commercial Collector Road, right-of-way width of eighty-eight feet (88'), together with right to construct and maintain slopes and drainage facilities.
- i. With Unit #1, dedicate onsite and cause to be granted **B Street**, from **Airway Road** (SC 2300) to **A Street** (Enterprise Road) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an Industrial/Commercial Road, right-of-way width of seventy-two feet (72'), together with right to construct and maintain slopes and drainage facilities.

The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. Otay Water District shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

Documentation: The applicant shall dedicate the easement for the road segment on the map for the unit number and show it as indicated above. For

the off-site portions of the easement, the applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [DPW, LDR] for review. **Timing:** Prior to the approval of the map for Unit 1, the onsite dedication and the offsite granting shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. **Monitoring:** The [DPW, LDR] shall verify that the dedication is indicated on the map for the unit number as indicated above. The [DGS, RP] shall prepare, approve the easement documents for recordation, and forward the recorded copies to [DPW, LDR] for review and approval. The [DPW, LDR] shall review that that the off-site granting complies with this condition.

9. CENTERLINE LOCATION: [DPW, LDR] [MA].

Intent: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.403, the centerline of the following roads shall be shown on the subdivision map. **Description of requirement:** The desired location of the centerline for the following roads shall be determined:

- (1) **Alta Road** (SA 1112) from Airway Road (SC 2300) to Siempre Viva Road (SC 2360), which is shown on the Circulation Element of the General Plan as a Major Road with bike lanes on Unit #1.
- (2) **Airway Road** (SC 2300), from Alta Road (SA 1112) to Siempre Viva Road (SC 2360), which is shown on the Circulation Element of the General Plan as a Major Road with bike lanes on Unit #1.
- (3) **Siempre Viva Road** (SC 2360), from Alta Road (SA 1112) to Airway Road (SC 2300), which is shown on the Circulation Element of the General Plan as a Major Road with bike lanes on Unit #1

The following shall be shown on the Final Map:

- a. The centerline location as approved by the Department of Public Works.
- b. A note shall be placed on the Final Map as follows: "State Route 11 is being proposed to lie within this Final Map. The final location and width of the right-of-way and the appurtenant slopes and drainage improvements is not known. No building permit actions for any permanent structures will be allowed within the State Route 11 right-of-way as shown on the East Otay Mesa Specific Plan. Building permit actions for Lots 57, 58 and 59 shall be allowed only for temporary structures that can be removed at a later date. At the time of the final determination of the freeway's alignment and prior to construction of State Route 11, any (encroaching) facilities shall be removed at the sole cost of the applicant".

Documentation: The applicant shall indicate the centerlines on the map of the Unit # for the road segment as indicated above. **Timing:** Prior to the approval of the final map for Unit 1, the centerlines shall be indicated on the map. **Monitoring:** The [DPW, LDR] shall verify that the centerlines are indicated on the map.

10. RELINQUISH ACCESS: [DPW, LDR] [DGS, RP] [MA]

Intent: In order to promote orderly development and to comply with the Public Facilities Element and the Circulation element of the General Plan, access shall be relinquished. **Description of requirement:** Relinquish access rights onto the public roads as listed below as shown on the Tentative Map. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. Only the access points listed below are permitted.

- a. With Unit #1, relinquish access rights onto Circulation Element **Alta Road** (SA 1112) along the project frontage from Airway Road (SC 2300) to Siempre Viva Road (SC 2360), except for one shared driveway for Lots 1 and 2, one shared driveway for Lots 3 and 4, and one opening each for Airway Road (SC 2300) and Siempre Viva Road (SC 2360).
- b. With Unit #1, relinquish access rights onto Circulation Element **Airway Road** (SC 2300), from Alta Road (SA 1112) to Siempre Viva Road (SC 2360), except for one driveway for Lot 19, and one opening each for Alta Road (SA 1112), Street B (Paragon Road), and Siempre Viva Road (SC 2360).
- c. With Unit #1, relinquish access rights onto Circulation Element **Siempre Viva Road** (SC 2360) from Alta Road (SA 1112) to Airway Road (SC 2300) except for one driveway for Lot 20, and one opening each for Alta Road (SA 1112), Street B (Paragon Road), and Airway Road (SC 2300).

Documentation: The applicant shall show the relinquishment of access rights on the final map for Unit 1 and show it as indicated above. **Timing:** Prior to the approval of the map, the access shall be relinquished. **Monitoring:** The [DPW, LDR] shall verify that the relinquishment of access rights is properly shown on the final map.

11. CLEAR SPACE EASEMENT: [DPW, LDR] [MA]

Intent: In order to provide adequate sight distance at specific intersections as identified in earlier studies, a clear space easement shall be dedicated. **Description of requirement:** Delineate a Clear Space Easement within Lots 8 and 18 on the north side of Siempre Viva Road at the intersection with Street B (Paragon Road) as dictated by the project's sight distance study. **Documentation:** The applicant shall provide a Sight Distance Study indicating the requirement of a Clear Space Easement specifying the Lot numbers to the

[DPW, LDR] for review. The Clear Space Easement shall be shown on the Final Map for Unit #1. **Timing:** Prior to approval recordation of the Final Map for Unit #1, the Clear Space Easement shall be shown. **Monitoring:** The [DPW, LDR] shall review that the delineation on the Final Map complies with this condition.

12. **ON-SITE BIOLOGICAL EASEMENT: [DPLU, PCC] [DPR TC, GPM] [DGS, RP] [MA, GP, IP] [DPLU, FEE X 2].** **Intent:** In order to mitigate for impacts to 0.19 acre of non-wetland Waters of the U.S., pursuant to the Biological Mitigation Ordinance (BMO), CEQA, the Corps 404 Nationwide Permit and the RWQCB 401 Water Quality Certification for the project, a biological open space easement shall be granted. **Description of Requirement:** Grant to the County of San Diego and the California Department of Fish and Game by separate document, an open space easement, or grant to the California Department of Fish and Game a conservation easement, as shown on the approved Tentative Map 5505 over a portion of lot C. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exception(s) to this prohibition are:
- a. Construction of the realigned, on-site drainage channel according to condition 7, Onsite Drainage Improvements, in compliance with wetland permits obtained according to condition 33.
 - b. Transplantation of salvaged San Diego marsh-elder according to the approved San Diego Marsh-Elder Translocation Plan per condition 28.
 - c. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use or the Director of Public Works.
 - d. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
 - e. Maintenance and construction of private and public drainage facilities to the extent approved or required by written order of the Director of Public

Works for the express purpose of reducing an identified flooding or drainage hazard. All maintenance of drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state and local permits (e.g., California Section 1600 Streambed Alteration Agreement, County Watercourse Permit) have been obtained.

The easement shall include the following language, which will allow for the self extinguishment of the easement when the property is transferred to the State of California for the purposes of State Route 11/Otay Mesa East Port of Entry:

- f. If Grantor transfers all or any part of the Property to the State of California or the United States Government, in fee, for purposes of the State Route 11/Otay Mesa East Port of Entry, this Open Space Easement and the associated Limited Building Zone (LBZ) shown on TM 5505 adjacent to Lot "C" shall be extinguished by operation of law and all covenants, terms, conditions, and restrictions contained herein shall no longer be of any force or effect. Notwithstanding the foregoing, this Open Space Easement shall not be extinguished by operation of law until all impacts related to the extinguishment of the Open Space Easement have been mitigated to the satisfaction of the County of San Diego, California Department of Fish and Game, US Fish and Wildlife Service, Regional Water Quality Control Board, and Army Corps of Engineers (collectively the "Wildlife Agencies"). In the event that alternative off-site mitigation for the on-site drainage and marsh elder is approved by the Wildlife Agencies, then on-site mitigation for these resources shall not be required.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval.

Timing: Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the easements shall be executed and recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] and [DPR TC, GPM] for preapproval. The [DPLU, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

13. LBZ EASEMENT: [DPLU, PCC] [DGS, RP][MA, GP, IP] [DPLU, FEE X 2]

Intent: In order to mitigate for impacts to 0.19 acre of non-wetland Waters of the U.S., pursuant to the Biological Mitigation Ordinance (BMO), CEQA, the Corps 404 Nationwide Permit and the RWQCB 401 Water Quality Certification for the project, a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent

biological resource area. **Description of Requirement:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the approved Tentative Map adjacent to lot C. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

- a. Decking, fences, and similar facilities.
- b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

The easement shall include the following language, which will allow for the self extinguishment of the easement when the property is transferred to the State of California for the purposes of State Route 11/Otay Mesa East Port of Entry.

- c. If Grantor transfers all or any part of the Property to the State of California or the United States Government, in fee, for purposes of the State Route 11/Otay Mesa East Port of Entry, this Limited Building Zone (LBZ) easement shall be extinguished by operation of law and all covenants, terms, conditions, and restrictions contained herein shall no longer be of any force or effect. Notwithstanding the foregoing, this LBZ shall not be extinguished by operation of law until all impacts related to the extinguishment of the LBZ and the associated Open Space Easement have been mitigated to the satisfaction of the County of San Diego, California Department of Fish and Game, US Fish and Wildlife Service, Regional Water Quality Control Board, and Army Corps of Engineers (collectively the "Wildlife Agencies"). In the event that alternative off-site mitigation for the on-site drainage and marsh elder is approved by the Wildlife Agencies, then on-site mitigation for these resources shall not be required.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval.

Timing: Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the easements shall be recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] for pre approval. The [DPLU, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall

forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

- 14. OFF-SITE MITIGATION (GRASSLAND): [DPLU, PCC] [MA, GP, IP] [DPLU, FEE X2] [DPR, GPM] Intent:** In order to mitigate for impacts to 0.19 acre of saltgrass grassland and 163.41 acres of non-native grassland, which is a sensitive biological resource pursuant to the BMO, off-site mitigation shall be acquired. **Description of Requirement:** The applicant shall provide for the restoration of 0.38 acre of native grassland located at the Lonestar parcels and the conservation of 161.08 acres of non-native grassland divided as follows:

- 76.40 acres on-Mesa
- 84.68 acres off-Mesa.

A portion of the Project's impacts (between 18.0-21.9 acres of non-native grassland, depending on ultimate alignment of sewer infrastructure, and 0.1 acre of native grassland) would overlap with impacts proposed as part of the Otay Crossings project (TM 5405). Should the Otay Crossings project implement required mitigation for the 18.0-21.9 acres of non-native grassland and 0.1 acre of native grassland prior to implementation of the proposed Project, the Project's total required mitigation acreage shall be reduced accordingly.

The preservation of habitat within the Lonestar Parcels would achieve 67.58 acres of grassland mitigation (native and non-native). As a component of the required mitigation, 0.38 acre of native grassland would be incorporated into the upland/watershed restoration around the restored vernal pools. The remaining 67.2 acres would mitigate for non-native grassland. Up to 9.2 additional acres of grassland mitigation will be acquired from the Otay Crossings portion of the Lonestar parcel in order to achieve an approximately 0.5:1 on-Mesa mitigation ratio if Otay Business Park receives Final Map approval before Otay Crossings. In addition, approximately 84.68 acres of grassland mitigation shall be achieved off mesa at a location to be approved by the County and the Wildlife Agencies.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

- 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.

- 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat at the Lonestar Parcels and the additional mitigation site to be determined, as indicated below:

- 1) The type of habitat and the location of the proposed mitigation, should be pre-approved by [DPLU, PCC] before purchase or entering into any agreement for purchase. The selected mitigation site(s) located off East Otay Mesa shall have the following characteristics:
 - a) Support a sufficient acreage of grassland to meet the project requirements;
 - b) Support or contain suitable habitat over the entire site to support burrowing owls;
 - c) Be free of encumbrances that would preclude a conservation easement;
 - d) Contribute to the long-term persistence of sensitive biological resources in the region; and
 - e) Provide suitable habitat for multiple resources including sensitive plant species, which could be transplanted or restored, if necessary.
- 1) A Resource Management Plan (RMP) shall be prepared and approved for each site pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. The RMP for the Lonestar Parcels shall be consistent with the project's Off-Site Resource Management Plan, dated June 2010. If the offsite mitigation is proposed to be owned and/or managed by the County's Department of Parks and Recreation (DPR), the RMP shall also be approved by the Director of DPR.
- 2) A conservation easement acceptable to the Wildlife Agencies shall be recorded on the mitigation sites to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity. No trails should be placed in the easement areas. These easements shall allow restoration and/or enhancement activities for native habitats, with concurrence by the easement holder and the Wildlife Agencies.
- 3) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of DPLU: The land

shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.

- 4) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

Documentation: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the mitigation shall be completed. **Monitoring:** The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

15. **OFF-SITE MITIGATION (FRESHWATER MARSH): [DPLU, PCC] [MA, GP, IP] [DPLU, FEE X2] [DPR, GPM]** **Intent:** In order to mitigate for impacts to 0.01 acre of off-site freshwater marsh habitat, which is a sensitive biological resource pursuant to the BMO, habitat credits shall be purchased from an off-site mitigation bank. **Description of Requirement:** The Project applicant shall purchase habitat credits for 0.03 acre of freshwater marsh habitat from the Rancho Jamul Mitigation Bank.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

- 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.

- 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same or higher value type and within the same watershed as the impact site, as indicated below:
- 1) The type of habitat and the location of the proposed mitigation should be pre-approved by [DPLU, PCC] before purchase or entering into any agreement for purchase. Mitigation in a nearby watershed may be allowed if the applicant provides documentation to the satisfaction of the Director of DPLU that no mitigation is available in the impacted watershed.
 - 2) A Resource Management Plan (RMP) shall be prepared and approved for each site pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. The RMP for the Lonestar Parcels shall be consistent with the project's Off-Site Resource Management Plan, dated June 2010. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 - 3) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity.
 - 4) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of DPLU: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
 - 5) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the

specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

Documentation: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the mitigation shall be completed. **Monitoring:** The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

- 16. OFF-SITE MITIGATION (NON-WETLAND WATERS): [DPLU, PCC] [MA, GP, IP] [DPLU, FEE X2] [DPR, GPM]** **Intent:** In order to mitigate for impacts to 0.19 acre of unvegetated non-wetland waters of the U.S. and 0.01 acre of ephemeral pond, a combination of creation, restoration, and preservation shall occur. **Description of Requirement:** In addition to the creation and preservation of 0.20 acre of ephemeral, non-wetland Waters of the U.S. within the realigned, on-site drainage channel per condition 7 and the preservation of 0.20 acre of ephemeral drainages on the Lonestar parcels per condition 14, the applicant shall purchase 0.40 acre of restoration credit for non-wetland Waters of the U.S. within the Rancho Jamul Wetland Mitigation Bank, in conformance with the terms and conditions of the Corps 404 Nationwide Permit and the RWQCB 401 Water Quality Certification for the Project.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

- 1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- 2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.

- 3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - 4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same or higher value type and within the same watershed as the impact site, as indicated below:
- 1) The type of habitat and the location of the proposed mitigation, should be pre-approved by [DPLU, PCC] before purchase or entering into any agreement for purchase. Mitigation in a nearby watershed may be allowed if the applicant provides documentation to the satisfaction of the Director of DPLU that no mitigation is available in the impacted watershed.
 - 2) A Resource Management Plan (RMP) shall be prepared and approved for each site pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 - 3) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity.
 - 4) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of DPLU: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
 - 5) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

Documentation: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite

mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the mitigation shall be completed. **Monitoring:** The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition and the terms and conditions of the Corps 404 Nationwide Permit and the RWQCB 401 Water Quality Certification for the Project. Upon request from the applicant [DPLU, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

17. **ON-SITE OPEN SPACE SIGNAGE: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE].**
Intent: In order to protect the proposed on-site open space easement from entry, informational signs shall be installed. **Description of Requirement:** Open space signs shall be placed along the biological open space boundary of lots(s) C as described in the approved On-Site Resource Management Plan. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources

Area Restricted by Easement

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
 Department of Planning and Land Use
 Reference: TM 5505

Documentation: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easement(s). **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the open space signs shall be installed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

18. **OFF-SITE OPEN SPACE SIGNAGE: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE].**
Intent: In order to protect the proposed open space easement from entry, informational signs shall be installed. **Description of Requirement:** Open

space signs shall be placed along the biological open space boundary on the Lonestar Parcel as indicated on the approved Off-Site Resource Management Plan. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Department of Planning and Land Use
Reference: TM 5505

Documentation: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer or licensed surveyor that the open space signs have been installed at the boundary of the open space easement(s). **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the open space signs shall be installed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

19. OFF-SITE OPEN SPACE FENCING: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE].

Intent: In order to protect the proposed open space easement from entry, and disturbance, temporary fencing or walls shall be installed around the vernal pool restoration area for the duration of the 5-year maintenance and monitoring period. **Description of Requirement:** Open space fencing or walls shall be placed along the biological open space boundary as described in the Off-Site Resource Management Plan. The fencing design shall consist of 3-strand barbless wire. **Documentation:** The applicant shall install the fencing or walls as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed. **Timing** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the fencing or walls shall be placed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

20. VERNAL POOL REVEGETATION PLAN: [DPLU, PPD] [MA, GP, IP] Intent: In order to mitigate for impacts to 0.14 acre of vernal pools and 0.10 acre of road pools containing Riverside or San Diego fairy shrimp, which are sensitive resources pursuant to the Biological Mitigation Ordinance (BMO) and the Endangered Species Act, vernal pool preservation, restoration, and creation shall occur. **Description of Requirement:** Mitigation for impacts to 0.14 acre of vernal pools and 0.10 acre of road pools containing Riverside or San Diego fairy shrimp shall occur in conformance with the Project's Vernal Pool Preserve

Restoration Plan prepared by Greg Mason (October 17, 2011) and the approved Resource Management Plan for the Off-Site Biological Open Space at Lonestar Ridge, prepared by Greg Mason (October 17, 2011), and shall include preservation, restoration, and creation within Otay Mesa on the Lonestar Parcels. The Lonestar parcels contain 68.72 acres of vegetation (mostly non-native grassland) designated as San Diego Fairy Shrimp Critical Habitat. The Project applicant shall:

- Preserve the existing 0.66 acre area with vernal pools and road pools occupied with fairy shrimp
- Create/restore an additional 0.48 acre of vernal pools within the Lonestar Parcels, resulting in a combined total of 1.14 acres of mitigation.

Additionally, the mitigation shall include the restoration of approximately 4.70 acres of vernal pool watersheds. The restoration area shall be temporarily fenced with three-strand non-barbed wire until the area meets success criteria, per condition 19. In addition, if approved by the Wildlife Agencies, soil containing San Diego and Riverside fairy shrimp cysts shall be salvaged from the impacted pools and used to inoculate the created/restored pools per mitigation measure M-BI-7b. The Vernal Pool Preserve Restoration Plan (SEIR Appendix C4) shall be subject to review and approval by the Wildlife Agencies prior to the initiation of any construction activities that would result in impacts to on- or off-site vernal pools or road pools. **Documentation:** The applicant shall prepare a final Revegetation Plan in conformance with the Vernal Pool Preserve Restoration Plan prepared by Greg Mason (October 17, 2011) and the most current version of the County of San Diego Report Format and Content Requirements for Revegetation Plans. The Revegetation Plan shall include the following:

- a. The monitoring plan shall be for a length of five years and have success criteria as described in the approved Vernal Pool Preserve Restoration Plan, including quantitative hydrological, vegetation transects, viable cyst, hatched fairy shrimp, and gravid female measurements; complete floral and fauna inventories; and photographic documentation. To minimize impacts to the soil surface of vernal pools during monitoring, cobbles should be oriented within the restored vernal pools to serve as stepping stones.
- b. A preservation plan over the land to be revegetated shall be included in the Revegetation Plan. The preservation plan shall include evidence of dedication of an open space easement to the County of San Diego or evidence of protection in perpetuity by some other means to the satisfaction of the DPLU Director.
- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.

- d. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, success criteria, and a detailed cost estimate.
- e. Contingency measures in the event of creation/restoration/ enhancement failure.
- f. Verification that restoration/enhancement of the mitigation sites is complete will require written sign-off by the Wildlife Agencies. If a performance criterion is not met for any of the restored/enhanced vernal pools or upland habitat in any year, or if the final success criteria are not met, the project proponent will prepare an analysis of the cause(s) of failure and, if deemed necessary by the Service, propose remedial actions for approval. If any of the restored/ enhanced vernal pools or upland habitat have not met a performance criterion during the initial 5-year period, the project proponent's maintenance and monitoring obligations will continue until the Service deems the restoration/enhancement successful, or contingency measures must be implemented. Restoration/enhancement will not be deemed successful until at least 2 years after any significant contingency measures are implemented, as determined by the Service.
- g. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

Timing: Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the Revegetation Plan shall be approved and the applicant shall commence implementation.

Monitoring: The [DPLU, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition 21 shall be made to enter into a Secured Agreement for the implementation of the Plan.

21. SECURED AGREEMENT (VERNAL POOLS): [DPLU, PPD] [MA, GP, IP]

Intent: In order to assure project completion and success of the Revegetation Plan in condition 20, a surety shall be provided and an agreement shall be executed. **Description of Requirement:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan and,
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000.
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Revegetation Plan implementation provided the installed vegetation is in a healthy condition and meets the success criteria listed in the Vernal Pool Preserve Restoration Plan.

Documentation: The applicant shall execute a Secured Agreement provided with the Revegetation Plan Final Decision, and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash deposit, and the securities shall be submitted to the [DPLU, Landscape Architect] for final review and approval. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, and after the approval of the Revegetation Plan, the agreement shall be executed and the securities provided for the revegetation plan implementation. **Monitoring:** The [DPLU, LA] shall review the Agreement to ensure that cash deposit and securities provided are in compliance with this condition, and the Revegetation Plan Final Decision. The [DPLU, LA] shall sign the Agreement for the Director of DPLU and ensure the cash deposit is collected by [DPLU, FISCAL]. Upon acceptance of the Agreement, securities and cash deposit, the [DPLU, LA], shall provide a confirmation letter acknowledging acceptance of securities.

22. VARIEGATED DUDLEYA TRANSLOCATION: [DPLU, PPD] [MA, GP, IP]

Intent: In order to mitigate for the impacts to variegated dudleya, which is a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO), salvage and translocation of on-site populations shall occur.

Description of Requirement: Impacts to 3,465 individuals of variegated dudleya shall be mitigated through the salvage and translocation of the on-site populations, as described in the Vernal Pool Preserve Restoration Plan. The variegated dudleya shall be salvaged and translocated to the Lonestar Parcels and incorporated into the vernal pool and vernal pool watershed creation and restoration effort required pursuant to condition 20 (Mitigation Measure M-BI-7a).

Documentation: The salvage and translocation of variegated dudleya shall be included in the Revegetation Plan prepared per condition 20 and covered by the Secured Agreement prepared per condition 21. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan

and issuance of any permit, the Revegetation Plan shall be approved and the applicant shall commence implementation. **Monitoring:** The [DPLU, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition 21 shall be made to enter into a Secured Agreement for the implementation of the Plan.

23. **SAN DIEGO BUTTON-CELERY TRANSLOCATION: [DPLU, PPD] [MA, GP, IP]**
Intent: In order to mitigate for the impacts to San Diego button-celery, which is a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO), salvage and translocation of on-site populations shall occur. **Description of Requirement:** Impacts to three San Diego button-celery individuals shall be mitigated through the salvage and translocation of the on-site populations, as described in the Vernal Pool Preserve Restoration Plan. Seed will be collected from on-site populations of this species and incorporated into the vernal pool restoration on the Lonestar Parcels, if feasible. In addition, San Diego button-celery individuals shall be salvaged from the Project site and translocated to the Lonestar Parcels and incorporated into the vernal pool and vernal pool watershed creation and restoration effort required pursuant to condition 20 (Mitigation Measure M-BI-7a). **Documentation:** The salvage and translocation of San Diego button-celery shall be included in the Revegetation Plan prepared per condition 20 and covered by the Secured Agreement prepared per condition 21. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the Revegetation Plan shall be approved and the applicant shall commence implementation. **Monitoring:** The [DPLU, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition 21 shall be made to enter into a Secured Agreement for the implementation of the Plan.
24. **SPREADING NAVARRETIA TRANSLOCATION: [DPLU, PPD] [MA, GP, IP]**
Intent: In order to mitigate for the impacts to spreading navarretia, which is a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO), salvage and translocation of on-site populations shall occur. **Description of Requirement:** Impacts to three individuals of spreading navarretia shall be mitigated through the salvage and translocation of the on-site populations, as described in the Vernal Pool Preserve Restoration Plan. Seed will be collected from on-site populations of this species and incorporated into the vernal pool restoration on the Lonestar Parcels, if feasible. In addition, spreading navarretia individuals shall be salvaged from the Project site and translocated to the Lonestar Parcels and incorporated into the vernal pool and vernal pool watershed creation and restoration effort required pursuant to condition 20 (Mitigation Measure M-BI-7a). **Documentation:** The salvage and

translocation of spreading navarretia shall be included in the Revegetation Plan prepared per condition 20 and covered by the Secured Agreement prepared per condition 21. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the Revegetation Plan shall be approved and the applicant shall commence implementation. **Monitoring:** The [DPLU, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition 21 shall be made to enter into a Secured Agreement for the implementation of the Plan.

25. SAN DIEGO BARREL CACTUS TRANSLOCATION: [DPLU, PPD] [MA, GP, IP]

Intent: In order to mitigate for the impacts to San Diego barrel cactus, which is a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO), salvage and translocation of on-site populations shall occur. **Description of Requirement:** Impacts to 31 individuals of San Diego barrel cactus shall be mitigated through the salvage and translocation of the on-site populations, as described in the Vernal Pool Preserve Restoration Plan. The San Diego barrel cactus shall be salvaged and translocated to the Lonestar Parcels and incorporated into the vernal pool and vernal pool watershed creation and restoration effort required pursuant to condition 20 (Mitigation Measure M-BI-7a). **Documentation:** The salvage and translocation of San Diego barrel cactus shall be included in the Revegetation Plan prepared per condition 20 and covered by the Secured Agreement prepared per condition 21. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the Revegetation Plan shall be approved and the applicant shall commence implementation. **Monitoring:** The [DPLU, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition 21 shall be made to enter into a Secured Agreement for the implementation of the Plan.

26. QUINO CHECKERSPOT BUTTERFLY: [DPLU, PPD] [MA, GP, IP]

Intent: In order to mitigate for impacts to the Quino checkerspot butterfly, which is a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO) and the Endangered Species Act, habitat-based mitigation shall occur. **Description of Requirement:** Impacts to the Quino checkerspot butterfly shall be mitigated through the preservation of historically occupied Quino checkerspot butterfly Critical Habitat on the Lonestar Parcels, as required by condition 14. The amount of habitat preserved will coincide with that required on the Lonestar parcels for the non-native grassland habitat impacts. If Otay Business Park receives a Final Map approval before the Otay Crossings project then the amount of non-native grassland habitat preservation needed on the Lonestar parcels by the Otay Business Park Project applicant would be 76.40 acres, as

described in condition 14. If Otay Business Park receives a Final Map approval after Otay Crossings, and Otay Crossings has already preserved their portion of the Lonestar parcels, then the Otay Business Park project will be required to preserve 67.2 acres of non-native grassland habitat. The 9.2-acre difference in acreage will have been preserved on the Lonestar property by the Otay Crossings project. Additionally, host plant species and adequate nectar plants shall be included in the vernal pool watershed restoration efforts required by condition 20, as described in the Vernal Pool Preserve Restoration Plan. The resulting mitigation shall provide for improved habitat value on these historically occupied parcels for the Quino checkerspot butterfly. Final mitigation for this species will be as discussed above, and also in conformance with the USFWS Biological Opinion to be issued for this project during the Section 7 consultation process required by condition 34. **Documentation:** The provision of Quino Checkerspot butterfly host plant species and adequate nectar plants in the vernal pool watershed restoration efforts shall be included in the Revegetation Plan prepared per condition 20 and covered by the Secured Agreement prepared per condition 21. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the Revegetation Plan shall be approved and the applicant shall commence implementation. **Monitoring:** The [DPLU, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition 21 shall be made to enter into a Secured Agreement for the implementation of the Plan. In addition, the Department of Planning and Land Use shall verify that habitat at the Lonestar Parcels has been acquired and preserved in accordance with condition 14.

27. BURROWING OWL BURROW CREATION: [DPLU, PPD] [MA, GP, IP]

Intent: In order to mitigate for impacts to burrowing owl habitat, which is a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO), artificial burrows shall be created in the off-site mitigation areas.

Description of Requirement: The provision of artificial Burrowing owl burrows and enhancement of burrowing owl habitat shall be included in the vernal pool watershed restoration efforts required by condition 20, as described in the Vernal Pool Preserve Restoration Plan.

Documentation: The provision of artificial burrows shall be included in the Revegetation Plan prepared per condition 20 and covered by the Secured Agreement prepared per condition 21.

Timing: Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the Revegetation Plan shall be approved and the applicant shall commence implementation.

Monitoring: The [DPLU, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for

compliance with condition 21 shall be made to enter into a Secured Agreement for the implementation of the Plan.

28. SAN DIEGO MARSH-ELDER TRANSLOCATION: [DPLU, PPD] [MA, GP, IP]

Intent: In order to mitigate for the impacts to San Diego marsh-elder, which is a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO), salvage and translocation of on-site populations shall occur.

Description of Requirement: All eleven (11) San Diego marsh-elder plants within the Project's impact area shall be salvaged and stored in a nursery. As required by San Diego Marsh-Elder Translocation Plan prepared by Greg Mason (October 17, 2011), immediately following the completion of grading of the site, the eleven individuals must be translocated to the realigned drainage channel on-site. If the salvaged plants do not survive the collection, storage, and transplantation, they will be replaced by container stock grown from local sources. Translocation shall occur in a manner consistent with the approved San Diego Marsh-Elder Translocation Plan prepared by Greg Mason (October 17, 2011). **Documentation:** The applicant shall prepare a final Revegetation Plan in conformance with the approved San Diego Marsh-Elder Translocation Plan prepared by Greg Mason (October 17, 2011) and the most current version of the County of San Diego Report Format and Content Requirements for Revegetation Plans. The Revegetation Plan shall include the following:

- a. The monitoring plan shall be for a length of five years and have a 90 percent success criterion.
- b. A preservation plan over the land to be revegetated shall be included in the Revegetation Plan. The preservation plan shall include evidence of dedication of an open space easement to the County of San Diego or evidence of protection in perpetuity by some other means to the satisfaction of the Director DPLU.
- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- d. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, success criteria, and a detailed cost estimate.
- e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

Timing: Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the Revegetation Plan shall be approved and the applicant shall commence implementation.

Monitoring: The [DPLU, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition 29 shall be made to enter into a Secured Agreement for the implementation of the Plan.

29. SECURED AGREEMENT (MARSH ELDER): [DPLU, PPD] [MA, GP, IP]

Intent: In order to assure project completion and success of the Revegetation Plan in condition 28, a surety shall be provided and an agreement shall be executed. **Description of Requirement:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan and,
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000.
- d. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Revegetation Plan implementation provided the installed vegetation is in a healthy condition and meets the 90 percent success criterion.

Documentation: The applicant shall execute a Secured Agreement provided with the Revegetation Plan Final Decision, and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash deposit, and the securities shall be submitted to the [DPLU, Landscape Architect] for final review and approval. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, and after the approval of the Revegetation Plan, the agreement shall be executed and the securities provided for the revegetation plan implementation. **Monitoring:** The [DPLU, LA] shall review the Agreement to ensure that cash deposit and securities provided are in compliance with this condition, and the Revegetation Plan Final Decision. The [DPLU, LA] shall sign the Agreement for the Director of DPLU and ensure the cash deposit is collected by [DPLU, FISCAL]. Upon acceptance of the Agreement, securities and cash deposit, the [DPLU, LA], shall provide a confirmation letter acknowledging acceptance of securities.

30. RESOURCE MANAGEMENT PLAN (ON-SITE): [DPLU, PPD] [DPR, GPM] [MA, GP, IP] Intent: In order to provide for the long-term management of the proposed on-site open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **Description of Requirement:** Submit to and receive approval from the Director of the Department of Planning and Land Use, a Resource Management Plan (RMP). The RMP shall be for the perpetual management of the realigned drainage channel, including ephemeral non-wetland Waters of the U.S. and translocated San Diego marsh-elder. The RMP shall be consistent with the On-Site Resource Management Plan prepared by Greg Mason (October 17, 2011) on file with the Department of Planning and Land Use as Environmental Review Number 93-19-006W (EIR Appendix C3). The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of DPLU and in cases where DPR has agreed to be the owner and/or manager, to the satisfaction of the Director of DPR.

- a. The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements.
- b. The habitat land to be managed shall be completely purchased.
- c. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- d. A Resource Manager shall be selected and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- e. The RMP funding mechanism shall be identified and approved by the County to fund annual costs for basic stewardship.
- f. A contract between applicant and County shall be executed for the implementation of the RMP.

Documentation: The applicant shall prepare the RMP and submit it to the [DPLU, ZONING] and pay all applicable review fees. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the RMP shall be approved. **Monitoring:** The [DPLU, PPD] shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

31. RESOURCE MANAGEMENT PLAN (LONESTAR): [DPLU, PPD] [DPR, GPM] [MA, GP, IP] Intent: In order to provide for the long-term management of the

proposed Lonestar open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **Description of Requirement:** Submit to and receive approval from the Director of the Department of Planning and Land Use, a Resource Management Plan (RMP). The RMP shall be for the perpetual management of all preserved and enhanced habitat, restored vernal pools, translocated sensitive plants, burrowing owl burrows, and wildlife using the site. The RMP shall be consistent with the Off-Site Resource Management Plan prepared by Greg Mason (October 17, 2011) on file with the Department of Planning and Land Use as Environmental Review Number 93-19-006W (EIR Appendix C2). The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of DPLU and in cases where DPR has agreed to be the owner and/or manager, to the satisfaction of the Director of DPR.

- a. The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements.
- b. The habitat land to be managed shall be completely purchased.
- c. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- d. A Resource Manager shall be selected and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager
- e. The RMP funding mechanism shall be identified and approved by the County to fund annual costs for basic stewardship.
- f. A contract between applicant and County shall be executed for the implementation of the RMP.

Documentation: The applicant shall prepare the RMP and submit it to the [DPLU, ZONING] and pay all applicable review fees. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the RMP shall be approved. **Monitoring:** The [DPLU, PPD] shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

32. **RESOURCE MANAGEMENT PLAN (OFF-MESA GRASSLAND):** [DPLU, PPD] [DPR, GPM] [MA, GP, IP] **Intent:** In order to provide for the long-term management of the proposed off-Mesa grassland open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented.

Description of Requirement: Submit to and receive approval from the Director of the Department of Planning and Land Use, a Resource Management Plan (RMP). The RMP shall be for the perpetual management of non-native grassland/burrowing owl habitat. The RMP shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements, including the burrowing owl mitigation strategy. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of DPLU and in cases where DPR has agreed to be the owner and/or manager, to the satisfaction of the Director of DPR.

- a. The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements.
- b. The habitat land to be managed shall be completely purchased.
- c. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- d. A Resource Manager shall be selected and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- e. The RMP funding mechanism shall be identified and approved by the County to fund annual costs for basic stewardship.
- f. A contract between applicant and County shall be executed for the implementation of the RMP.

Documentation: The applicant shall prepare the RMP and submit it to the [DPLU, ZONING] and pay all applicable review fees. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the RMP shall be approved. **Monitoring:** The [DPLU, PPD] shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

33. **WETLAND PERMITS:** [DPLU, PCC] [GP, CP, MA] [DPLU, FEE X2] **Intent:** In order to comply with the State and Federal Regulations for non-wetland Waters of the U.S., the following agency permits, or verification that they are not required, shall be obtained. **Description of Requirement:** The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of Planning and Land Use that such an agreement or permit is not required:

- a. A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed.

Documentation: The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [DPLU, PCC] for compliance. **Timing** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the permits shall be obtained. **Monitoring:** The [DPLU, PCC] shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans.

- 34. SECTION 7 PERMIT: [DPLU, PCC] [GP, CP, UO] [DPLU, FEE X2] Intent:** In order to comply with the Federal Endangered Species Act for impacts to Quino checkerspot butterfly, San Diego fairy shrimp, and Riverside fairy shrimp, take authorization shall be obtained, and mitigation shall be approved, through Section 7 consultation. **Description of Requirement:** Section 7 take authorization and a Biological Opinion shall be obtained from the US Fish and Wildlife Service satisfactory to the Director of Planning and Land Use. Take authorization for Quino Checkerspot butterfly may also be provided by the MSCP if the County's Quino Amendment has been approved. **Documentation:** The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [DPLU, PCC] for compliance. **Timing:** Prior to the approval of the map for Unit 1 and prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **Monitoring:** The [DPLU, PCC] shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans.
- 35. BIOLOGICAL MONITORING: [DPLU, PCC] [DPW, LDR] [GP, IP, MA] [DPLU, FEE X2]. Intent:** In order to prevent inadvertent disturbance to burrowing owls, sensitive plants to be salvaged, vernal pool soil to be salvaged, and other sensitive species, all grading shall be monitored by a biologist. **Description of Requirement:** A County approved biologist "Project Biologist" shall be

contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The following shall be completed:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Biological Report Format and Requirement Guidelines and this permit. The contract provided to the county shall include an agreement that this will be completed, and a Memorandum of Understanding (MOU) between the biological consulting company and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

Documentation: The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate.

Timing: Prior to the approval of any grading or improvement plan, issuance of any permit, and prior to approval of the map for Unit 1, the contract, cost estimate, and MOU shall be provided. **Monitoring:** The [DPLU, PCC] shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, Project Manager], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs.

36. **LANDSCAPE DOCUMENTATION PACKAGE: [DPLU, PPD] [DPR, TC, PP] [GP, IP, MA]** **Intent:** In order to provide adequate Landscaping that complies with the County of San Diego's Water Efficient Landscape Design Manual, the County's Water Conservation in Landscaping Ordinance, the MSCP adjacency guidelines, and the landscape requirements identified within the most current version of the East Otay Mesa Specific Plan a Landscape Plan shall be prepared. Landscape plans shall be in substantial conformance with the approved conceptual landscape plans as submitted on July 20, 2010. **Description of requirement:** The Landscape Documentation Package shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements including all parkway and median planting as required by the Public Landscaping section within Chapter 2 of the East Otay Specific Plan and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from [DPW, LDR] approving the variety, location, and

spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to the Department of Planning and Land Use. All Streetscape and Major Intersection plantings shall be per Appendix 1, Streetscape Plant List within the East Otay Mesa Specific Plan. Clearance Zones and the use of root barriers shall also be established as identified within the Public Landscaping section. Coordinate placement of required parkway and building setback landscaping with the projects' Civil Engineer as it relates to line of sight/clear space easement language associated with Lots 8 and 18 paralleling Siempre Viva Road.

- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used, which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings. All applicable Landscaping Standards as required within Chapter 3 of the East Otay Mesa Specific Plan, including Building Setback Landscaping for all Circulation Element and Specific Plan roads shall be addressed within the Landscape Documentation Package.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system. Section A-5.4 (Reclaimed Water) within Appendix 6 of the East Otay Mesa Specific Plan requires the installation of a dual water distribution system throughout the development. Mainline pipe routing for both potable and recycled water shall be established as shown on Figure 1-10 (Water Plan) contained within the Otay Business Park Supplemental Impact Report, dated February 12, 2010.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property as required by Section 86.725 (a) of the Water Conservation in Landscaping Ordinance, including non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the County's Light Pollution Code.

- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Additionally, the following items shall be addressed as part of the Landscape Plan: All slopes 3' in vertical height and above, including slopes associated with detention basins shall be landscaped to prevent soil erosion and to comply with the Manufactured Slopes portion of the Landscape Standards contained within the East Otay Mesa Specific Plan.
- i. Landscaping elements shall adhere to the requirements of the MSCP Adjacency Guidelines and shall not include any of the invasive plant species included on the Cal-IPC List A.

Documentation: The applicant shall prepare the Landscape Plans using the Landscape Documentation Package Checklist (DPLU Form #404), submit them to the [DPLU, ZONING], and pay all applicable review fees. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of any grading or improvement plan and issuance of any permit, the Landscape Plans shall be prepared and approved. **Monitoring:** The [DPLU, Landscape Architect] and [DPR, TC, PP] shall review the Landscape Plans for compliance with this condition.

37. **Law Enforcement Services:** [DPLU, REG] [Sheriff] [BP, GP, IP, UO] [DPLU Fee] **Intent:** In order to provide adequate law enforcement services in compliance with the County General Plan and the Public Facilities Element (Section 2.4.7) of the East Otay Mesa Specific Plan, a Sheriff's Substation facility shall be established. **Description of Requirement:** Annex into CFD #09-01 (East Otay Mesa) to fund the formation of the CFD and the construction of both the interim Sheriff's Substation and the permanent Sheriff's Substation, including, but not limited to, the land acquisition costs associated with the permanent Substation, development costs associated with both Substations, and land rental costs associated with the interim Substation as described below:

- a. Permanent Sheriff Substation. Either alone or in conjunction with other developers similarly conditioned,
 - 1) Acquire and dedicate to the County of San Diego, or obtain an irrevocable commitment for conveyance to the County, at no cost to the County, a parcel of land suitable in size, location and configuration for a Sheriff's Substation to satisfaction of the County of San Diego Sheriff's Department.
 - 2) At such time as the Sheriff's Department determines that the Permanent Sheriff Substation is needed, obtain all required discretionary and ministerial permits for and construct or provide a permanent building of approximately 6,000 square feet and

associated improvements determined to be necessary and adequate by the County of San Diego Sheriff's Department for a "turn key" Sheriff's Substation facility. The associated improvements include, but are not limited to, building and building fixtures, tenant improvements suitable for a Sheriff substation, signage, office furniture, security systems, parking, landscaping, lighting, fencing, and all utility and service connections. The associated improvements shall not include office equipment such as computers, printers, telephones, or radio equipment. Program requirements for the substation facility shall be provided by the County. Developer shall obtain County's approval of the design and specifications prior to construction of the substation facility.

- b. Interim Sheriff Substation. Either alone or in conjunction with other developers similarly conditioned, until such time as a permanent facility, satisfactory to the Sheriff's Department, is ready for occupancy, provide a temporary site and facility (e.g., an office trailer or equivalent with appropriate fixtures and office furniture) suitable to accommodate Sheriff Department personnel, vehicles and equipment. The capital costs of this temporary facility shall be provided at no cost to the County of San Diego.

Documentation: The applicant shall provide documentation to the Department of Planning and Land Use that either alone or in conjunction with other developers similarly conditioned, the applicant has caused: 1) a financing mechanism to be in place and has further committed to pay the applicant's project's fair share of the financing to fund and construct a turn-key, permanent Sheriff's Substation facility, and an interim, temporary Sheriff's Substation facility; 2) a parcel of land to be acquired and dedicated to the County of San Diego as the permanent site for the required Sheriff's Substation or a parcel of land to be under contract for conveyance to the County of San Diego at no cost to the County subject only to the payment of an agreed upon purchase price by the CFD; and 3) a permanent or temporary turn-key Sheriff's Substation facility to be available for use. **Timing:** Prior to recordation of the Final Map for Unit 1, the Sheriff's Substation shall be available for use in accordance with the above requirements. **Monitoring:** The DPLU and Sheriff's Department shall review the submitted documentation. If, upon review, the DPLU and the Sheriff's Department determine the documentation demonstrates conformance with this condition, the DPLU and Sheriff's Department shall approve the documentation and deem the condition satisfied.

- 38. **SEWER PUMP STATION NOISE COMPLIANCE: [DPLU, REG] [MA] [DPLU, FEE].** **Intent:** In order to ensure that the sewer pump station does not have significant noise impacts. **Description of Requirements:** The sewer pump station installed on Lot 38 per condition 69 shall consist of two (2) or three (3) underground 40 horsepower pumps encased in a concrete vault, as described in the Preliminary Noise Study prepared by Jeremy Loudon as Appendix G of the

EIR on file with the Department of Planning and Land Use under Environmental Review number 93-19-006W. An alternative configuration for the pump stations may be proposed, provided it can be demonstrated that noise levels associated with the pump station would not exceed the 75 dBA exterior noise limit specified in Section 6310(d) of the San Diego County Zoning Ordinance. **Documentation:** The developer shall provide either 1) copies of plans matching the above description or 2) revised plans with subsequent noise analysis showing Zoning Ordinance compliance, to the satisfaction of the Director of DPLU. **Timing:** Prior to recordation of Final Map for Unit 1, documentation shall be provided as described above. **Monitoring:** The [DPLU, PCC] shall review the pump station plans and/or noise analysis for compliance with this condition.

39. **ARCHAEOLOGICAL GRADING MONITORING: [DPLU, PCC] [DPW, ESU] [MA, GP, IP] [DPLU, FEE X 2]** **Intent:** In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, a grading monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and CEQA Section 15064.5 and 15064.7. **Description of Requirement:** A County approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities for both on-site and off-site. The following shall be completed:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources, and this permit. The contract provided to the County shall include an agreement that the grading monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Qualified Native American of the appropriate tribal affiliation has also been contracted to perform Native American Grading Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

Documentation: The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate, and MOU to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to the approval of the map for Unit 1 and prior to the approval of

any grading or improvement plan and issuance of any permit, the contract shall be provided. **Monitoring:** The [DPLU, PCC] shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

40. **DATA RECOVERY PROGRAM FOR SITE SDI-11,799/H: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE]** **Intent:** In order to mitigate for potential impacts to significant cultural resources pursuant to Section 15064.5 of the California Environmental Quality Act (CEQA), which are not determined to be significant pursuant to Section 86.602.o of the Resource Protection Ordinance (RPO), a data recovery program shall be implemented. **Description of Requirement:** Implement the research design detailed in the archaeological extended study "*A Phase I Archaeological Survey and Phase II Cultural Resources Evaluation for the Otay Business Park Project*", dated December 1, 2009 prepared by Brian F. Smith of Brian F. Smith & Associates (Mitigation M-CR-1b in the DEIR). The implementation of the research design constitutes mitigation for the proposed destruction of historic archaeological site SDI-11,799/H. The data recovery program shall include the following:

- a. **Phase One:** The data recovery program shall comply with research design and performance standards that are in the approved data recovery program in the report referenced above.
- b. **Phase One:** Upon completion a letter report shall be prepared, which evaluates the issues of site integrity, data redundancy, spatial and temporal patterning, features, and other relevant topics in order to assess the adequacy of the initial 3 percent sample. Based on this assessment, the letter report shall recommend the need for and scope of a second phase of field investigations, not to exceed a total site hand excavated sample of 2 percent subsurface artifact concentrations. If no artifacts are found, then a phase two data recovery program is not required.
- c. **Phase Two:** Implement Phase Two fieldwork as necessary. For artifacts are found during the phase one and phase two data recovery referenced above, conduct an artifact analysis, which includes the following: lithics, ceramics, faunal, floral, assemblage, and radiocarbon dating as referenced in the report above. The historical artifacts shall be identified and analyzed using historical archaeological analytical techniques such as artifact function patterning, bottled products pattern analysis and ceramic economic indexing. Additional historic research shall be conducted as necessary to aid in analyzing and explaining the significance of patterns.

- d. **Curation:** All archaeological materials recovered during both the survey, significance testing, and data recovery phases, shall be curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.

Documentation: Upon completion of the phase one data recovery referenced above, the applicant shall submit the letter report to the [DPLU, PCC] for review and approval. If a phase two data recovery program is required, the applicant shall provide a Final Technical Report from the Principal Investigator to the [DPLU, PCC]. The final report shall include a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid. **Timing:** Prior to the approval of any grading or improvement plan, issuance of any permit and prior to approval of the map for Unit 1, the data recovery program shall be completed. **Monitoring:** The [DPLU, PCC] shall review the phase one letter from the project archaeologist (PI) for compliance with this condition. If a phase two data recovery program is required, the [DPLU, PCC] shall review the final data recovery program report for compliance with this condition.

41. **DATA RECOVERY PROGRAM FOR SITE SDI-8081: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE] Intent:** In order to mitigate for potential impacts to significant cultural resources pursuant to Section 15064.5 of the California Environmental Quality Act (CEQA), which are not determined to be significant pursuant to Section 86.602.0 of the Resource Protection Ordinance (RPO), a data recovery program shall be implemented. **Description of Requirement:** Implement the research design detailed in the archaeological extended study "*A Phase I Archaeological Survey and Phase II Cultural Resources Evaluation for the Otay Business Park Project*", dated December 1, 2009 prepared by Brian F. Smith of Brian F. Smith & Associates (Mitigation M-CR-3b in the DEIR). The implementation of the research design constitutes mitigation for the proposed destruction of historic archaeological site SDI-8081 in the areas impacted by off-site improvements. The data recovery program shall include the following:

- a. **Phase One:** The data recovery program shall comply with research design and performance standards that are in the approved data recovery program in the report referenced above.
- b. **Phase One:** Upon completion a letter report shall be prepared, which evaluates the issues of site integrity, data redundancy, spatial and temporal patterning, features, and other relevant topics in order to assess the adequacy of the initial 3 percent sample. Based on this assessment, the letter report shall recommend the need for and scope of a second

phase of field investigations, not to exceed a total site hand excavated sample of 2 percent subsurface artifact concentrations. If no artifacts are found, then a phase two data recovery program is not required.

- c. **Phase Two:** Implement Phase Two fieldwork as necessary. For artifacts are found during the phase one and phase two data recovery referenced above, conduct an artifact analysis, which includes the following: lithics, ceramics, faunal, floral, assemblage, and radiocarbon dating as referenced in the report above.
- d. **Curation:** All archaeological materials recovered during both the survey, significance testing, and data recovery phases, shall be curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.

Documentation: Upon completion of the phase one data recovery referenced above, the applicant shall submit the letter report to the [DPLU, PCC] for review and approval. If a phase two data recovery program is required, the applicant shall provide a Final Technical Report from the Principal Investigator to the [DPLU, PCC]. The final report shall include a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid. **Timing:** Prior to the approval of any grading or improvement plan, issuance of any permit and prior to approval of the map for Unit 1, the data recovery program shall be completed. **Monitoring:** The [DPLU, PCC] shall review the phase one letter from the project archaeologist (PI) for compliance with this condition. If a phase two data recovery program is required, the [DPLU, PCC] shall review the final data recovery program report for compliance with this condition.

42. **DATA RECOVERY PROGRAM FOR SITE SDI-17, 963: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE] Intent:** In order to mitigate for potential impacts to significant cultural resources pursuant to Section 15064.5 of the California Environmental Quality Act (CEQA), which are not determined to be significant pursuant to Section 86.602.o of the Resource Protection Ordinance (RPO), a data recovery program shall be implemented. **Description of Requirement:** Implement the research design detailed in the archaeological extended study "*A Phase I Archaeological Survey and Phase II Cultural Resources Evaluation for the Otay Business Park Project*", dated December 1, 2009 prepared by Brian F. Smith of Brian F. Smith & Associates (Mitigation M-CR-4b in the DEIR). The implementation of the research design constitutes mitigation for the proposed destruction of historic archaeological site SDI-17, 963. The data recovery program shall include the following:

- a. **Phase One:** The data recovery program shall comply with research design and performance standards that are in the approved data recovery program in the report referenced above.
- b. **Phase One:** Upon completion a letter report shall be prepared, which evaluates the issues of site integrity, data redundancy, spatial and temporal patterning, features, and other relevant topics in order to assess the adequacy of the initial 3 percent sample. Based on this assessment, the letter report shall recommend the need for and scope of a second phase of field investigations, not to exceed a total site hand excavated sample of 2 percent subsurface artifact concentrations. If no artifacts are found, then a phase two data recovery program is not required.
- c. **Phase Two:** Implement Phase Two fieldwork as necessary. For artifacts are found during the phase one and phase two data recovery referenced above, conduct an artifact analysis, which includes the following: lithics, ceramics, faunal, floral, assemblage, and radiocarbon dating as referenced in the report above.
- d. **Curation:** All archaeological materials recovered during both the survey, significance testing, and data recovery phases, shall be curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.

Documentation: Upon completion of the phase one data recovery referenced above, the applicant shall submit the letter report to the [DPLU, PCC] for review and approval. If a phase two data recovery program is required, the applicant shall provide a Final Technical Report from the Principal Investigator to the [DPLU, PCC]. The final report shall include a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid. **Timing:** Prior to the approval of any grading or improvement plan, issuance of any permit and prior to approval of the map for Unit 1, the data recovery program shall be completed. **Monitoring:** The [DPLU, PCC] shall review the phase one letter from the project archaeologist (PI) for compliance with this condition. If a phase two data recovery program is required, the [DPLU, PCC] shall review the final data recovery program report for compliance with this condition.

UNIT 2: PRIOR TO APPROVAL OF FINAL MAP

The Final Map for this Tentative Map is to be filed in units. The order of the filing of Final Maps shall be sequential. The first Final Map to be filed shall be Unit #1, followed by Units #2, #3, and #4. In addition, conditions that apply to all units (Units 1, 2, 3, and 4) are listed in a separate section at the end, following the conditions for Unit 4.

43. PUBLIC ROAD IMPROVEMENTS: [DPW, LDR], [DPR, TC] [MA]

Intent: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.403 and the East Otay Mesa Business Park Specific Plan, the following road shall be improved. **Description of requirement:**

- a. With Unit #2, improve or agree to improve and provide security for *offsite Otay Mesa Road* (SA 1120) on the **north side** of the centerline in order to provide for two (2) travel lanes in each direction from **Sanyo Avenue/Sunroad Boulevard** to the future alignment of **Van Centre Boulevard** in accordance with Public Road Standards for road widening and a five-hundred foot (500') pavement taper; pavement taper to start at approximately three-hundred seventy-five feet (375') east of Sunroad Boulevard, from a half graded width of forty-nine feet (49') from centerline, a one half improved width of thirty-nine feet (39') from centerline with asphalt concrete pavement over approved base with asphaltic concrete dike, with face of dike at thirty-nine feet (39') from centerline, to an interim one half graded width of thirty feet (30') from centerline, an interim one half improved width of twenty-seven feet (27') from centerline with asphalt concrete pavement over approved base with asphaltic concrete dike, with face dike at twenty-seven feet (27') from centerline. Provide all traffic striping and transitions to existing pavement. **References:** Preliminary Route Study (Sheet C-17) by Kimley-Horn and Associates; Traffic Study by Darnell & Associates (Section VIII) [EIR M-TR-2b].
- b. With Unit #2, improve or agree to improve and provide security for *offsite Otay Mesa Road* (SA 1120) on the **south side** of the centerline in order to provide for one (2) travel lanes in each direction from the westerly property line of Assessor Parcel Number **646-130-39** to **Enrico Fermi Drive** (SA 1105) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an interim Gateway/Prime Arterial Road, Parking Restriction, and a two-foot (2') landscape easement, to a one half graded width of fifty-one feet (51') from centerline and to a one half improved width of thirty-nine feet (39') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, with face of curb at thirty-nine feet (39') from centerline. Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement. **References:** Preliminary Route Study (Sheet C-17) by Kimley-Horn and Associates; Traffic Study by Darnell & Associates (Section VIII) [EIR M-TR-2b].

- c. With Unit #2, at the intersection of **Otay Mesa Road** (SA 1120) and **Sanyo Avenue**, improve or agree to improve and provide security to modify the existing traffic signal and widen intersection to provide the following travel lanes:

- 1) One (1) eastbound through lane
- 2) One (1) eastbound shared through-right lane
- 3) One (1) westbound left turn lane
- 4) Two (2) westbound through lanes
- 5) One (1) northbound left turn lane
- 6) One (1) northbound shared left-right turn lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell & Associates (Section VIII, Figure 50) [EIR M-TR-15].

- d. With Unit #2, at the intersection of **Otay Mesa Road** (SA 1120) and **Enrico Fermi Drive** (SA 1105), improve or agree to improve and provide security to modify the existing traffic signal and widen intersection to provide the following travel lanes:

- 1) One (1) eastbound through lane
- 2) One (1) eastbound right-turn lane
- 3) One (1) westbound left turn lane
- 4) One (1) westbound through lane
- 5) One (1) northbound left turn lane
- 6) One (1) northbound right turn lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell & Associates (Section VIII, Figure 50) [EIR M-TR-16a].

- e. With Unit #2, improve or agree to improve and provide security for **Airway Road**, from **Siempre Viva Road** (SC 2360) to **Street A** (Enterprise Road) in accordance with Public Road Standards for an Industrial/Commercial Collector Road, to a minimum graded width of eighty-eight feet (88') [forty-four feet (44') from centerline] and to a minimum improved width of sixty-eight feet (68') [thirty-four feet (34') from centerline] with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, attached sidewalk, with face of curb at a minimum of thirty-four feet (34') from centerline.
- f. With Unit #2, improve or agree to improve and provide security for **Street A** (Enterprise Road), from **Street B** (Paragon Road) to **Airway Road** in accordance with Public Road Standards for an Industrial/Commercial Road, to a graded width of seventy-two feet (72') [thirty-six feet (36') from centerline] and to an improved width of fifty-two feet (52') [twenty-six feet

(26') from centerline] with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, attached sidewalk, with face of curb at twenty-six feet (26') from centerline; provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement.

- g. With Unit #2, improve or agree to improve and provide security for **Street C** (Genesis Road), from **Siempre Viva Road** (SC 2360) to **Street A** (Enterprise Road) in accordance with Public Road Standards for an Industrial/Commercial Road, to a graded width of seventy-two feet (72') [thirty-six feet (36') from centerline] and to an improved width of fifty-two feet (52') [twenty-six feet (26') from centerline] with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, attached sidewalk, with face of curb at twenty-six feet (26') from centerline.
- h. With Unit #2, at the intersection of **Airway Road** (SC 2300) and **Alta Road** (SA 1112), improve or agree to improve and provide security in order to accommodate the following lane configurations:
- 1) One (1) eastbound through lane
 - 2) One (1) eastbound shared through-right lane
 - 3) One (1) westbound shared left-through lane
 - 4) One (1) westbound through lane
 - 5) One (1) northbound shared left-right lane.

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 45).

- i. With Unit #2, at the intersection of **Airway Road** (SC 2300) and **Siempre Viva Road** (SC 2360), assure the construction of a stop sign at the eastbound approach, and improve or agree to improve and provide security in order to accommodate the following lane configurations:
- 1) One (1) eastbound shared left-right lane
 - 2) One (1) northbound shared left-through lane
 - 3) One (1) southbound shared through-right lane.

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 45).

- j. With Unit #2, at the intersection of **Siempre Viva Road** (SC 2360) and **Alta Road** (SA 1112), improve or agree to improve and provide security in order to accommodate the following lane configurations:
- 1) One (1) eastbound shared left-through lane
 - 2) One (1) eastbound shared through-right lane

- 3) One (1) westbound shared left-through lane
- 4) One (1) westbound shared through-right lane
- 5) One (1) northbound shared left-through-right lane
- 6) One (1) southbound shared left-through-right lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 45).

- k. With Unit #2, at the intersection of **Airway Road** (SC 2300) and **Street B** (Paragon Road), improve or agree to improve and provide security to provide a One-Way Stop-Controlled intersection and accommodate the following lane configurations:

- 1) One (1) eastbound through lane
- 2) One (1) eastbound shared through-right lane
- 3) Two (2) westbound through lanes
- 4) One (1) northbound right turn lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 45).

- l. With Unit #2, at the intersection of **Siempre Viva Road** (SC 2360) and **Street B** (Paragon Road), improve or agree to improve and provide security to provide a Two-Way Stop-Controlled intersection, provide an acceleration lane for northbound left turns, and accommodate the following lane configurations:

- 1) One (1) eastbound shared through left-right lane
- 2) One (1) westbound shared through left-right lane
- 3) One (1) northbound shared through left-right lane
- 4) One (1) southbound shared through left-right lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 45).

- m. With Unit #2, at the intersection of **Siempre Viva Road** (SC 2360) and **Street C** (Genesis Road), assure the installation of a stop sign on the northbound approach (i.e. a One-Way Stop-Controlled intersection) and improve or agree to improve and provide security in order to accommodate the following lane configurations:

- 1) One (1) eastbound shared through-right lane
- 2) One (1) westbound through lane
- 3) One (1) northbound right turn lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 45).

All plans and improvements shall be completed pursuant to the County of San Diego Public Road Standards, the DPW Land Development Improvement Plan Checking Manual and the East Otay Mesa Business Park Specific Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **Documentation:** The applicant shall complete the following:

- n. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- o. Provide Secured agreements require posting security in accordance with Subdivision Ordinance Sec. 81.407 through 81.408.
- p. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDC].
- q. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

Timing: Prior to the approval of the map for Unit 2, the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] and [DPR, TC, PP] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

44. PUBLIC ROAD IMPROVEMENTS FOR SIEMPRE VIVA ROAD/MICHAEL FARADAY DRIVE INTERSECTION WITHIN THE CITY OF SAN DIEGO [DPW, DLR] [MA]

Intent: To mitigate direct impacts to the intersection of Siempre Viva Road /Michael Faraday Drive that would occur with implementation of Phases 1 and 2 of the proposed Project. **Description of Requirement:** The Project applicant shall install a traffic signal at the intersection of **Siempre Viva Road/Michael Faraday Drive** and accommodate the following lane configurations as recommended by the Traffic Impact Study for this Project and in consultation with the City of San Diego:

- a. One (1) eastbound left turn lane
- b. One (1) eastbound through lane
- c. One (1) eastbound shared through-right lane
- d. One (1) westbound left turn lane

- e. One (1) westbound through lane
- f. One (1) westbound shared through-right lane
- g. One (1) northbound shared left-through-right turn lane
- h. One (1) southbound shared left-through lane
- i. One (1) southbound right turn lane

The applicant shall perform a detailed warrant analysis prior to recordation of the Final Map for Unit 2 in order to confirm that construction of a traffic signal is warranted at that time. If the traffic signal is not warranted at that time, then the applicant shall enter into a Deferred Improvement Agreement with the City of San Diego. It should be noted that the mitigation proposed for project impacts to this intersection would require appropriate permits from the City of San Diego and are subject to City approval.

NOTE: *Reimbursement for signalization of this intersection (Siempre Viva/Michael Faraday) can be pursued by the developer of TM 5505 for all funds collected by the City of San Diego under Developer Contribution CIP Fund #200636 under the dedicated internal order number to be established for the traffic signal at the Siempre Viva Road/Michael Faraday Drive intersection.*

Documentation: The Project applicant shall submit documentation from the City of San Diego demonstrating the requirements of this condition have been completed. **Timing:** Improvements shall be completed OR Deferred Improvement Agreement shall be signed and bonded prior to the recordation of the Final Map for Unit 2. **Monitoring:** The Director of Planning and Land Use shall review the evidence provided by the applicant for compliance with this mitigation measure. Following review, the Director of Planning and Land Use shall provide the applicant with a letter of clearance. **References:** Traffic Study by Darnell and Associates (Section VIII and Figure 50) [EIR M-TR-17a].

45. **SIGHT DISTANCE: [DPW, LDR] [MA]**

Intent: In order to comply with the Design Standards of Section 6.1.(E) of the County of San Diego Public Road Standards, an unobstructed view for safety while exiting the property and accessing a public road from the site, and unobstructed sight distance shall be verified. **Description of requirement:** Have a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor provide certified signed statements with the following information:

- a. "Physically, there is a minimum unobstructed sight distance in both directions along **A Street** (Enterprise Road) with the intersection of **Street C** (Genesis Road) for the design speed on A Street (Enterprise Road) per the Design Standards of Section 6.1 Table 5 of the County of San Diego Public Road Standards (approved March, 2010)". If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

Documentation: The applicant shall complete the certifications and submit them to the [DPW, LDR] for review. **Timing:** Prior to the approval of the final map for Unit 2, the sight distance shall be verified. **Monitoring:** The [DPW, LDR] shall verify the sight distance certifications.

46. ROAD DEDICATION (ON&OFFSITE): [DPW, LDR] [DGS, RP] [MA].

Intent: In order to improve the quality of the roads, promote orderly development, and to comply with the Subdivision Ordinance Sec. 81.403, road right of way shall be dedicated to the County. **Description of requirement:** Dedicate onsite with the map or grant by separate document to the County of San Diego an easement for road purposes that provides right-of-way along the road segments listed below in accordance with County of San Diego Public Road Standards for all the road classifications listed below to a ultimate right-of-way width as indicated below together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.

- a. With Unit #2, dedicate or cause to be granted *offsite* the south half of **Otay Mesa Road** (SA 1120) from the westerly property line of Assessor Parcel Number 646-130-39 to Enrico Fermi Drive (SA 1105) in accordance with the East Otay Mesa Business Park Specific Plan for a Prime Arterial Road with Parking Restriction, right-of-way width of forty-nine feet (49') on the **south** half of the centerline, together with right to construct and maintain slopes and drainage facilities.
- b. With Unit #2, dedicate onsite and cause to be granted **Airway Road** from **Siempre Viva Road** (SC 2360) to **A Street** (Enterprise Road) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an Industrial/Commercial Collector Road, right-of-way width of eighty-eight feet (88'), together with right to construct and maintain slopes and drainage facilities.
- c. With Unit #2, dedicate onsite and cause to be granted **A Street** from **B Street** (Paragon Road) to **Airway Road** in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an Industrial/Commercial Collector Road, right-of-way width of eighty-eight feet (88'), together with right to construct and maintain slopes and drainage facilities.
- d. With Unit #2, dedicate onsite and cause to be granted **C Street** (Genesis Road) from **Siempre Viva Road** (SC 2360) to **A Street** (Enterprise Road) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an Industrial/Commercial Road, right-of-way width of seventy-two feet (72'), together with right to construct and maintain slopes and drainage facilities.

The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. Otay Water District shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

Documentation: The applicant shall dedicate the easement for the road segment on the map for the unit number and show it as indicated above. For the off-site portions of the easement, the applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [DPW, LDR] for review. **Timing:** Prior to the approval of the map for Unit 2, the onsite dedication and the offsite granting shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. **Monitoring:** The [DPW, LDR] shall verify that the dedication is indicated on the map for the unit number as indicated above. The [DGS, RP] shall prepare, approve the easement documents for recordation, and forward the recorded copies to [DPW, LDR] for review and approval. The [DPW, LDR] shall review that that the off-site granting complies with this condition.

47. RELINQUISH ACCESS: [DPW, LDR] [DGS, RP] [MA]

Intent: In order to promote orderly development and to comply with the Public Facilities Element and the Circulation element of the General Plan, access shall be relinquished. **Description of requirement:** Relinquish access rights onto the public roads as listed below as shown on the Tentative Map. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. Only the access points listed below are permitted.

- a. With Unit #2, relinquish access rights onto Circulation Element **Siempre Viva Road** (SC 2360) from Street B (Paragon Road) to Airway Road (SC 2300) except for opening each for Street C (Genesis Road), and Airway Road (SC 2300).

Documentation: The applicant shall show the relinquishment of access rights on the final map for Unit 2 and show it as indicated above. **Timing:** Prior to the approval of the map, the access shall be relinquished. **Monitoring:** The [DPW, LDR] shall verify that the relinquishment of access rights is properly shown on the final map.

48. OFFSITE ROAD MONUMENTATION: [DPW, LDR] [MA]

Intent: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.404, the centerline shall be shown on the map. **Description of requirement:** The following centerlines shall be surveyed and monumented:

- a. With Unit #2, **Airway Road** (SC 2300), from Alta Road (SA 1112) to an unnamed street at the easterly property line of Parcel Map 19737.
- b. With Unit #2, **Siempre Viva Road** (SC 2360), from Alta Road (SA 1112) to an unnamed street at the easterly property line of Parcel Map 19737.

Monumentation shall consist of street survey monuments, per Drawing M-10 Regional Standard Drawings when the road, as improved, is at ultimate line and grade and 2" x 24" pipe when the road is not at ultimate line and grade. The Director of Public Works will assign a road survey number to the off-site public roads being created. If the off-site road is not shown on the Map, the developer shall file with the County Recorder a Record of Survey after approval of the Director of Public Works showing the centerline Monumentation set with ties to adjacent property. **Documentation:** The applicant shall perform the required surveying work indicated above. **Timing:** Prior to the approval of the map for Unit 2, the surveying monumenting shall be completed. **Monitoring:** The [DPW, LDR] shall verify that the surveying has been completed pursuant to this condition.

- 49. STATE ROUTE 11 COMPATIBILITY: [DPLU, REG] [MA] [DPLU, FEE]. Intent:** In order to ensure that the design of the Final Map for Unit 2 fully accommodates the State Route 11 (SR-11) and Port of Entry facilities. **Description of Requirements:** The Final Map shall be designed to fully accommodate the SR-11 and Port of Entry. **Documentation:** The developer shall provide evidence of one of the following to the satisfaction of the Director of DPLU:

- a. The Final Map shall show the final alignment and footprint of the SR-11 and Port of Entry facilities, including grading, as approved by Caltrans and the Federal Highway Administration. The design of the Final Map shall fully accommodate these facilities. To accommodate the alignment for SR-11 and Port of Entry, only interim uses that do not include the construction of permanent buildings will be allowed within the right-of-way for the SR-11 and Port of Entry infrastructure.

OR

- b. If the design of the SR-11 and Port of Entry is not complete, then only interim uses that do not include the construction of permanent buildings will be allowed within any area under consideration by Caltrans and the Federal Highway Administration for inclusion in the footprint the SR-11 and Port of Entry, and the Final Map can be recorded.

Timing: Prior to recordation of Final Map for Unit 2. **Monitoring:** The [DPLU, PCC] shall review the Final Map against the SR-11 and Port of Entry design.

UNIT 3: PRIOR TO APPROVAL OF FINAL MAP

The Final Map for this Tentative Map is to be filed in units. The order of the filing of Final Maps shall be sequential. The first Final Map to be filed shall be Unit #1, followed by Units #2, #3, and #4. In addition, conditions that apply to all units (Units 1, 2, 3, and 4) are listed in a separate section at the end, following the conditions for Unit 4.

50. PUBLIC ROAD IMPROVEMENTS: [DPW, LDR], [DPR, TC] [MA]

Intent: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.403 and the East Otay Mesa Business Park Specific Plan, the following road shall be improved. **Description of requirement:**

- a. With Unit #3, improve or agree to improve and provide security for *offsite* **Enrico Fermi Drive** (SA 1105) from **Airway Road** (SC 2300) to **Otay Mesa Road** (SA 1120) in order to provide two (2) lanes in each direction in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an interim Circulation Element Major Road with bike lanes and parking restriction, to a minimum one half graded width of twenty-eight feet (28') from centerline and to a minimum one half improved width of twenty-three feet (23') from centerline, with asphalt concrete pavement over approved base with asphaltic concrete dike, with face of dike at a minimum of twenty-three feet (23') on the **west side** of the centerline. Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement. **References:** Preliminary Route Study (Sheet C-16) by Kimley-Horn and Associates; Traffic Study by Darnell & Associates (Section VIII) [EIR M-TR-10].
- b. With Unit #3, at the intersection of **Otay Mesa Road** (SA 1120) and **Enrico Fermi Drive** (SA 1105), improve or agree to improve and provide security to modify the existing traffic signal and widen intersection to provide the following travel lanes:
 - 1) One (1) eastbound through lane
 - 2) One (1) eastbound right-turn lane
 - 3) One (1) westbound left-turn lane
 - 4) One (1) westbound through lane
 - 5) Two (2) northbound left turn lanes
 - 6) One (1) northbound right-turn lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell & Associates (Section VIII, Figure 51) [EIR M-TR-16b].

- c. With Unit #3, at the intersection of **Airway Road** (SC 2300) and **Enrico Fermi Drive** (SA 1105), improve or agree to improve and provide security to modify the existing traffic signal and widen intersection to provide the following travel lanes:

- 1) One (1) eastbound left turn lane
- 2) One (1) eastbound shared through-right lane
- 3) One (1) eastbound right turn lane
- 4) One (1) westbound left turn lane
- 5) One (1) westbound through turn lane
- 6) One (1) westbound right turn lane
- 7) One (1) northbound left turn lane
- 8) One (1) northbound through lane
- 9) One (1) northbound shared through-right lane
- 10) Two (2) southbound left turn lanes
- 11) One (1) southbound through lane
- 12) One (1) southbound shared through-right lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell & Associates (Section VIII, Figure 51) [EIR M-TR-21a].

- d. With Unit #3, at the intersection of **Siempre Viva Road** (SC 2360) and **Enrico Fermi Drive** (SA 1105), improve or agree to improve and provide security to modify the existing traffic signal and widen intersection to provide the following travel lanes:

- 1) Two (2) eastbound left turn lanes
- 2) One (1) eastbound through lane
- 3) One (1) eastbound shared through-right lane
- 4) One (1) westbound left turn lane
- 5) One (1) westbound through lane
- 6) One (1) westbound shared through-right lane
- 7) One (1) northbound left turn lane
- 8) One (1) northbound through lane
- 9) One (1) northbound shared through-right lane
- 10) One (1) southbound left turn lane
- 11) One (1) southbound through lane
- 12) One (1) southbound shared through-right lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell & Associates (Section VIII, Figure 51) [EIR M-TR-22a].

- e. With Unit #3, improve or agree to improve and provide security for *offsite* **Airway Road** (SC 2300) from **Alta Road** (SA 1112) to an unnamed street within the **easterly property line of Parcel Map 19737** in order to provide two (2) lanes in each direction in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Circulation Element Major Road with Bike Lanes, Parking Restriction, to a graded width of forty-nine feet (49') from centerline and to a half improved width of thirty-nine feet (39') from centerline with asphalt concrete pavement

over approved base with Portland cement concrete curb, gutter, raised median, with face of curb at seven feet (7') on both sides of the centerline and thirty-nine feet (39') on the **north side** of the centerline. The median shall tie into the existing median west of the easterly property line of Parcel Map 19737. Median shall be paved with Sandstone colored concrete (Davis Sandstone or equivalent) and stamped with a Dry Creek Bed Pattern or similar. Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement. **References:** Tentative Map (Sheet C-3) and Preliminary Route Study (Sheet C-9) by Kimley-Horn and Associates; Traffic Study by Darnell & Associates (Section VIII) [EIR M-TR-6].

- f. With Unit #3, improve or agree to improve and provide security for *offsite* **Siempre Viva Road** (SC 2360), from **Enrico Fermi Drive** (SA 1105) to an unnamed street within the **easterly property line of Parcel Map 19737** in order to provide two (2) lanes in each direction in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Circulation Element Major Road with Bike Lanes, Parking Restriction, to a graded width of forty-nine feet (49') from centerline and an improved width of thirty-nine feet (39') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, with face of curb at thirty-nine feet (39') on the **south side** of the centerline. Replace portions of existing median if damaged during construction of the south half of Siempre Viva Road. Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement. **References:** Tentative Map (Sheet C-3) and Preliminary Route Study (Sheet C-11) by Kimley-Horn and Associates; Traffic Study by Darnell & Associates (Section VIII) [EIR M-TR-7a].
- g. With Unit #3, improve or agree to improve and provide security for *offsite* **Siempre Viva Road** (SC 2360), from **Alta Road** (SA 1112) to an unnamed street within the **easterly property line of Parcel Map 19737** in order to provide for one (1) travel lane in each direction and a center two-way left-turn lane in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Gateway Road/Circulation Element Major Road with Bike Lanes, Parking Restriction, to a graded width of forty-nine feet (49') from centerline and to an improved width of thirty-nine feet (39') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, with face of curb at thirty-nine feet (39') on the **south side** of the centerline. Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement.
- h. With Unit #3, improve or agree to improve and provide security for *offsite* **Alta Road** (SA 1112), from **Siempre Viva Road** (SC 2360) to **Street A** (Enterprise Road) in accordance with Public Road Standards and the East

Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road (Industrial/Commercial) with Parking Restriction, to a minimum graded width of thirty-six feet (36') from centerline and to a minimum improved width of twenty-six feet (26') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb and gutter, with face of curb at a minimum of twenty-six feet (26') on the **west** side of the centerline. Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement.

- i. With Unit #3, improve or agree to improve and provide security for **Alta Road** (SA 1112), along the project frontage from **Street A** (Enterprise Road) to the **southerly boundary** in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road (Industrial/Commercial) with Parking Restriction, and a two-foot (2') landscape easement, to a graded width of thirty-eight feet (38') from centerline and to an improved width of twenty-six feet (26') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, detached sidewalk, with face of curb at twenty-six feet (26') on the **east** side of the centerline. The additional two-foot (2') graded width on the east side of Alta Road is to accommodate a landscape easement onsite. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3').
- j. With Unit #3, improve or agree to improve and provide security for *offsite* **Alta Road** (SA 1112), from **Street A** (Enterprise Road) to the **southerly boundary** in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road (Industrial/Commercial) with Parking Restriction, to a graded width of thirty-six feet (36') from centerline and to an improved width of twenty-six feet (26') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb and gutter, with face of curb at twenty-six feet (26') on the **west** side of the centerline.
- k. With Unit #3, improve or agree to improve and provide security for *offsite* **Alta Road** (SA 1112), from **Siempre Viva Road** (SC 2360) to **Airway Road** (SC 2300) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an interim Major Road with bike lanes and Parking Restriction, to a variable graded and improved width sufficient to accommodate the improvements on the west side of Alta Road as shown on Sheet C-13 prepared by Kimley-Horn and Associates.
- l. With Unit #3, improve or agree to improve and provide security for **Street C** (Genesis Road), from **Street A** (Enterprise Road) to the **cul-de-sac** in accordance with Public Road Standards for an Industrial/Commercial Cul-

De-Sac Road, to a graded width of thirty-six feet (36') from centerline and to an improved width of twenty-six feet (26') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, attached sidewalk, with face of curb at twenty-six feet (26') on the **east and west** sides of the centerline.

- m. With Unit #3, **Alta Road** (SA 1112) shall terminate at the southerly boundary to the satisfaction of the Rural Fire Protection District.
- n. With Unit #3, **Street C** shall terminate with a cul-de-sac graded to a radius of sixty feet (60') and surfaced to a radius of fifty feet (50') with asphalt concrete pavement over approved base with Portland cement concrete curb gutter and sidewalk, with face of curb at fifty feet (50') from the radius point.
- o. With Unit #3, at the intersection of **Airway Road** (SC 2300) and **Alta Road** (SA 1112), improve or agree to improve and provide security to include an acceleration lane for vehicles making a northbound left turn and to accommodate the following lane configurations:
 - 1) One (1) eastbound through lane
 - 2) One (1) eastbound shared through-right lane
 - 3) One (1) westbound shared left-through lane
 - 4) One (1) westbound through lane
 - 5) One (1) northbound shared left-right lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 46).

- p. With Unit #3, at the intersection of **Airway Road** (SC 2300) and **Siempre Viva Road** (SC 2360), improve or agree to improve and provide security to accommodate the following lane configurations:
 - 1) One (1) eastbound shared left-right lane
 - 2) One (1) northbound shared left-through lane
 - 3) One (1) northbound through lane
 - 4) One (1) southbound shared through-right lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 46).

- q. With Unit #3, at the intersection of **Siempre Viva Road** (SC 2360) and **Alta Road** (SA 1112), improve or agree to improve and provide security to install stop signs along the northbound and southbound approaches (i.e. two-way stop sign control), include an acceleration lane for vehicles

making a northbound left turn and southbound left turn, and to accommodate the following lane configurations:

- 1) One (1) eastbound left turn lane
- 2) Two (2) eastbound through lanes
- 3) One (1) eastbound right turn lane
- 4) One (1) westbound shared left-through lane
- 5) One (1) westbound shared through-right lane
- 6) Two (2) northbound left turn lanes
- 7) One (1) northbound shared through-right lane
- 8) One (1) southbound left turn lane
- 9) One (1) southbound shared through-right lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 46).

- r. With Unit #3, at the intersection of **Alta Road** (SA 1112) and **Street A** (Enterprise Road), assure the installation of a stop sign on the westbound approach (i.e. a One-Way Stop-Controlled intersection) and improve or agree to improve and provide security to accommodate the following lane configurations:

- 1) One (1) westbound shared left-right lane
- 2) One (1) northbound shared through-right lane
- 3) Two (2) southbound left turn lanes
- 4) One (1) southbound through lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 46).

All plans and improvements shall be completed pursuant to the County of San Diego Public Road Standards, the DPW Land Development Improvement Plan Checking Manual and the East Otay Mesa Business Park Specific Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **Documentation:** The applicant shall complete the following:

- s. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- t. Provide Secured agreements require posting security in accordance with Subdivision Ordinance Sec. 81.407 through 81.408.
- u. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI].

- v. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

Timing: Prior to the approval of the map for Unit 3, the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] and [DPR, TC, PP] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

51. PUBLIC ROAD IMPROVEMENTS FOR SIEMPRE VIVA ROAD/PASEO DE LAS AMERICAS INTERSECTION WITHIN THE CITY OF SAN DIEGO: [DPW, LDR] [MA]

Intent: To mitigate direct impacts to the intersection of Siempre Viva Road/Paseo De Las Americas that would occur with implementation of Phases 1 through 3 and Phases 1 through 4 of the proposed Project. **Description of Requirement:** The Project applicant shall improve the intersection of *Siempre Viva Road/Paseo De Las Americas* to modify the existing traffic signal and modify the existing raised median to provide the following lane configurations, or shall implement other improvements that are acceptable to both the City and County of San Diego and that achieve an acceptable LOS at this intersection:

- a. Two (2) eastbound left turn lanes;
- b. Three (3) eastbound through lanes;
- c. One (1) eastbound right turn lane;
- d. One (1) westbound left turn lane;
- e. Two (2) westbound through lanes;
- f. One (1) westbound shared through-right lane;
- g. One (1) northbound left turn lane;
- h. Two (2) northbound through lanes;
- i. One (1) northbound right turn lane;
- j. One (1) southbound left turn lane;
- k. One (1) southbound through lane; and
- l. One (1) southbound shared through-right lane.

It should be noted that improvements to this intersection would require appropriate permits from the City of San Diego and are subject to City approval.

Documentation: The applicant shall prepare improvement plans for roadway improvements and shall submit the plans to the City of San Diego for review and approval. Upon approval of the plans by the City of San Diego and completion of improvements, the applicant shall provide the Department of Public Works evidence of completed improvements. **Timing:** Improvements shall be completed prior to the recordation of the Final Map for Unit 3. **Monitoring:** The City of San Diego shall review the improvement plans for conformance with this

mitigation measure. Upon approval of the improvement plans, a decision of approval shall be issued to the applicant. Following final inspection, the City of San Diego shall provide the applicant with a letter of acceptance for the completed improvements. The letter of acceptance shall be provided to the Department of Public Works. **References:** Traffic Study by Darnell and Associates (Section VIII and Figure 51, and Exhibit 1 in Appendix P) [EIR M-TR-13b].

52. SIGHT DISTANCE: [DPW, LDR] [MA]

Intent: In order to comply with the Design Standards of Section 6.1.(E) of the County of San Diego Public Road Standards, an unobstructed view for safety while exiting the property and accessing a public road from the site, and unobstructed sight distance shall be verified. **Description of requirement:** Have a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor provide certified signed statements with the following information:

- a. "Physically, there is a minimum unobstructed sight distance in both directions along **A Street** (Enterprise Road) with the intersection of **Street C** (Genesis Road) for the design speed on A Street (Enterprise Road) per the Design Standards of Section 6.1 Table 5 of the County of San Diego Public Road Standards (approved March, 2010)". If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

Documentation: The applicant shall complete the certifications and submit them to the [DPW, LDR] for review. **Timing:** Prior to the approval of the final map for Unit 3, the sight distance shall be verified. **Monitoring:** The [DPW, LDR] shall verify the sight distance certifications.

53. LINES OF INUNDATION: [DPW, LDR] [MA]

Intent: In order to prevent future development in flood-prone areas and to comply with Section 81.504.5 of the Subdivision Ordinance, the lines of inundation shall be shown on the non-title sheet of the final map. **Description of requirement:** Lines of inundation to the limits of the 100-year flood along the watercourse, which flows through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the non-title sheet of the Final Map for unit #3.

- a. A Civil Engineer shall provide the necessary hydrology and hydraulics to define the 100 year inundation limits and annotate the limits on a copy of the approved Tentative Map.
- b. Each lot shall have a flood free building site to the satisfaction of the Director of [DPW, LDR]. If any of the lots are found to be devoid of a buildable, flood free site, the subdivider shall take appropriate action so

that each lot does have a buildable flood free site. This pertains to watersheds having area of twenty five (25) or more acres.

Documentation: The applicant shall indicate the lines of inundation on the non-title sheet of the final map for Unit 3. **Timing:** Prior to the approval of the final map for unit #3, the inundation lines shall be indicated and labeled on the non-title sheet of the map for unit #3. **Monitoring:** The [DPW, LDR] shall verify that the inundation lines have been indicated pursuant to this condition.

54. ROAD DEDICATION (ON&OFFSITE): [DPW, LDR] [DGS, RP] [MA]

Intent: In order to improve the quality of the roads, promote orderly development, and to comply with the Subdivision Ordinance Sec. 81.403, road right of way shall be dedicated to the County. **Description of requirement:** Dedicate onsite with the map or grant by separate document to the County of San Diego an easement for road purposes that provides right-of-way along the road segments listed below in accordance with County of San Diego Public Road Standards for all the road classifications listed below to a ultimate right-of-way width as indicated below together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.

- a. With Unit #3, dedicate or cause to be granted *offsite* the west half of **Enrico Fermi Drive** (SA 1105) from Otay Mesa Road (SA 1120) to the southerly property line of Assessor Parcel Number 646-130-42 in accordance with the East Otay Mesa Business Park Specific Plan for a Prime Arterial Road with Parking Restriction, right-of-way width of twenty-eight feet (28') on the **west** side of the centerline, together with right to construct and maintain slopes and drainage facilities.
- b. With Unit #3, dedicate or cause to be granted *offsite* the north half of **Airway Road** (SC 2300) within Assessor Parcel Number 648-070-14, from an unnamed street at the **easterly property line of Parcel Map 19737** to **Alta Road** (SA 1112) in accordance with the East Otay Mesa Business Park Specific Plan for a Circulation Element Major Road with Bike Lanes and Parking Restriction, right-of-way width of forty-nine feet (49') on the **north** side of the centerline, together with right to construct and maintain slopes and drainage facilities.
- c. With Unit #3, complete the decertification process for the south half of *offsite* **Siempre Viva Road** (SC 2360) within CalTrans Right-of-Way Map 30306 from **Enrico Fermi Drive** (SA 1105) to the **easterly property line of Parcel Map 19737** in accordance with the East Otay Mesa Business Park Specific Plan for a Circulation Element Major Road with Bike Lanes and Parking Restriction, the necessary right-of-way to complete a width of forty-nine feet (49') on the **south** side of the centerline, together with right to construct and maintain slopes and drainage facilities.

- d. With Unit #3, dedicate or cause to be granted *offsite* the south half of **Siempre Viva Road** (SC 2360) within Assessor Parcel Number 648-070-17, from an unnamed street at the **easterly property line of Parcel Map 19737** to **Alta Road** (SA 1112) in accordance with the East Otay Mesa Business Park Specific Plan for a Circulation Element Major Road with Bike Lanes and Parking Restriction, right-of-way width of forty-nine feet (49') on the **south** side of the centerline, together with right to construct and maintain slopes and drainage facilities.
- e. With Unit #3, dedicate or cause to be granted the project half of **Alta Road (SA 1112)** along the project frontage, from **A Street** (Enterprise Road) to the future alignment of **Via De La Amistad** in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road (Industrial/Commercial) with Parking Restriction, right-of-way width of thirty-six feet (36'), together with right to construct and maintain slopes and drainage facilities.
- f. With Unit #3, dedicate or cause to be granted *offsite* the west half of **Alta Road** (SA 1112) within Assessor Parcel Number 648-070-17, from **Siempre Viva Road** (SC 2360) to **Via De La Amistad** in accordance with the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road (Industrial/Commercial) with Parking Restriction, right-of-way width of thirty-six feet (36') on the **west** side of the centerline, together with right to construct and maintain slopes and drainage facilities.
- g. With Unit #3, dedicate onsite and cause to be granted **C Street** from **A Street** (Enterprise Road) to the **cul-de-sac** in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an Industrial/Commercial Cul-de-sac Road, right-of-way width of seventy-two feet (72'), together with right to construct and maintain slopes and drainage facilities.

The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. Otay Water District shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

Documentation: The applicant shall dedicate the easement for the road segment on the map for the unit number and show it as indicated above. For the off-site portions of the easement, the applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [DPW, LDR] for review. **Timing:** Prior to the approval of the map for Unit 3, the onsite dedication and the offsite granting shall

be provided for roads with the recordation of the unit the road is within, abuts or provides access to. **Monitoring:** The [DPW, LDR] shall verify that the dedication is indicated on the map for the unit number as indicated above. The [DGS, RP] shall prepare, approve the easement documents for recordation, and forward the recorded copies to [DPW, LDR] for review and approval. The [DPW, LDR] shall review that that the off-site granting complies with this condition.

- 55. STATE ROUTE 11 COMPATIBILITY: [DPLU, REG] [MA] [DPLU, FEE]. Intent:** In order to ensure that the design of the Final Map for Unit 3 fully accommodates the SR-11 and Port of Entry facilities. **Description of Requirements:** The Final Map shall be designed to fully accommodate the SR-11 and Port of Entry. **Documentation:** The developer shall provide evidence of one of the following to the satisfaction of the Director of DPLU:

- a. The Final Map shall show the final alignment and footprint of the SR-11 and Port of Entry facilities, including grading, as approved by Caltrans and the Federal Highway Administration. The design of the Final Map shall fully accommodate these facilities. To accommodate the alignment for SR-11 and Port of Entry, only interim uses that do not include the construction of permanent buildings will be allowed within the right-of-way for the SR-11 and Port of Entry infrastructure.

OR

- b. If the design of the SR-11 and Port of Entry is not complete, then only interim uses that do not include the construction of permanent buildings will be allowed within any area under consideration by Caltrans and the Federal Highway Administration for inclusion in the footprint the SR-11 and Port of Entry, and the Final Map can be recorded.

Timing: Prior to recordation of Final Map for Unit 3. **Monitoring:** The [DPLU, PCC] shall review the Final Map against the SR-11 and Port of Entry design.

UNIT 4: PRIOR TO APPROVAL OF FINAL MAP

The Final Map for this Tentative Map is to be filed in units. The order of the filing of Final Maps shall be sequential. The first Final Map to be filed shall be Unit #1, followed by Units #2, #3, and #4. In addition, conditions that apply to all units (Units 1, 2, 3, and 4) are listed in a separate section at the end, following the conditions for Unit 4.

- 56. PUBLIC ROAD IMPROVEMENTS: [DPW, LDR], [DPR, TC] [MA]**

Intent: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.403 and the East Otay Mesa Business Park Specific Plan, the following road shall be improved. **Description of requirement:**

- a. With Unit #4, at the intersection of **Airway Road** (SC 2300) and **Enrico Fermi Drive** (SA 1105), improve or agree to improve and provide security to modify the existing traffic signal and widen intersection to provide the

following travel lanes:

- 1) One (1) eastbound left turn lane
- 2) One (1) eastbound shared through-right lane
- 3) One (1) eastbound right turn lane
- 4) One (1) westbound left turn lane
- 5) One (1) westbound shared through-right lane
- 6) One (1) westbound right turn lane
- 7) One (1) northbound left turn lane
- 8) One (1) northbound through lane
- 9) One (1) northbound shared through-right lane
- 10) Two (2) southbound left turn lanes
- 11) One (1) southbound through lane
- 12) One (1) southbound shared through-right lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell & Associates (Section VIII, Figure 52) [EIR M-TR-21b].

- b. With Unit #4, at the intersection of **Siempre Viva Road** (SC 2360) and **Enrico Fermi Drive** (SA 1105), improve or agree to improve and provide security to modify the existing traffic signal and widen intersection to provide the following travel lanes:

- 1) Two (2) eastbound left turn lanes
- 2) One (1) eastbound through lane
- 3) One (1) eastbound shared through-right lane
- 4) One (1) westbound left turn lane
- 5) Two (2) westbound through lanes
- 6) One (1) westbound right turn lane
- 7) One (1) northbound left turn lane
- 8) One (1) northbound through lane
- 9) One (1) northbound shared through-right lane
- 10) One (1) southbound left turn lane
- 11) One (1) southbound through lane
- 12) One (1) southbound shared through-right lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell & Associates (Section VIII, Figure 52) [EIR M-TR-22b].

- c. With Unit #4, improve or agree to improve and provide security for *offsite* **Siempre Viva Road** (SC 2360), from **Alta Road** (SA 1112) to an unnamed street within the **easterly property line of Parcel Map 19737** in order to provide two (2) lanes in each direction in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Gateway Road/Circulation Element Major Road with bike lanes, and Parking Restriction. Construct a raised median, with face of curb at seven

feet (7') on both sides of the centerline. The median shall tie into the existing median west of the easterly property line of Parcel Map 19737. Median shall be paved with Sandstone colored concrete (Davis Sandstone or equivalent) and stamped with a Dry Creek Bed Pattern or similar; five-foot by five-foot tree grates shall be set flush with the concrete (per San Diego Area Regional Standard Drawing L-4) around each tree located down the center of the median; the design of the median shall be such as to prevent irrigation waters from flowing onto the traveled lanes in dry weather. **References:** Tentative Map (Sheet C-3) and Preliminary Route Study (Sheet C-11) by Kimley-Horn and Associates; Traffic Study by Darnell & Associates (Section VIII, Figure 52) [EIR M-TR-7b].

- d. With Unit #4, improve or agree to improve and provide security for **Siempre Viva Road** (SC 2360), from **Airway Road** (SC 2300) to the **northerly boundary** in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Gateway Road/Circulation Element Major Road with Parking Restriction, to a graded width of forty-nine feet (49') from centerline and to an improved width of thirty-nine feet (39') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, raised median, with face of curb at seven feet (7') and thirty-nine feet (39') on the **north and south** sides of the centerline. Median shall be paved with Sandstone colored concrete (Davis Sandstone or equivalent) and stamped with a Dry Creek Bed Pattern or similar; five-foot by five-foot tree grates shall be set flush with the concrete (per San Diego Area Regional Standard Drawing L-4) around each tree located down the center of the median; the design of the median shall be such as to prevent irrigation waters from flowing onto the traveled lanes in dry weather. Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement. **References:** Tentative Map (Sheet C-3) and Preliminary Route Study (Sheet C-11) by Kimley-Horn and Associates; Traffic Study by Darnell & Associates (Section VIII, Figure 52).
- e. With Unit #4, if **Siempre Viva Road** (SC 2360) is not constructed north of the northerly boundary of APN 648-070-21, **Siempre Viva Road** shall terminate at the northerly boundary with a temporary turnaround per County Design Standard DS-05, with a minimum paved turning radius of forty-seven feet (47') to the satisfaction of the Rural Fire Protection District.
- f. With Unit #4, at the intersection of **Airway Road** (SC 2300) and **Alta Road** (SA 1112), improve or agree to improve and provide security to construct a traffic signal, and to accommodate the following lane configurations:
 - 1) One (1) eastbound through lane

- 2) One (1) eastbound shared through-right lane
- 3) One (1) westbound left turn lane
- 4) Two (2) westbound through lanes
- 5) One (1) northbound left turn lane
- 6) One (1) northbound shared left-right lane

A detailed signal warrant analysis shall be conducted prior to recordation of the map for Unit #4, in order to confirm that construction of a traffic signal is warranted at that time. If the traffic signal is not warranted at that time, then the traffic signal shall not be constructed until warrants are met. Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 47).

- g. With Unit #4, at the intersection of **Airway Road** (SC 2300) and **Siempre Viva Road** (SC 2360), improve or agree to improve and provide security to construct a traffic signal, and to accommodate the following lane configurations:

- 1) One (1) eastbound shared left-right lane
- 2) One (1) northbound left turn lane
- 3) Two (2) northbound through lanes
- 4) One (1) southbound through lane
- 5) One (1) southbound shared through-right lane

A detailed signal warrant analysis shall be conducted prior to recordation of the map for Unit #4, in order to confirm that construction of a traffic signal is warranted at that time. If the traffic signal is not warranted at that time, then the traffic signal shall not be constructed until warrants are met. Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 47).

- h. With Unit #4, at the intersection of **Siempre Viva Road** (SC 2360) and **Alta Road** (SA 1112), improve or agree to improve and provide security to construct a traffic signal, and to accommodate the following lane configurations:

- 1) One (1) eastbound left turn lane
- 2) One (1) eastbound through lane
- 3) One (1) eastbound shared through-right lane
- 4) One (1) westbound left turn lane
- 5) One (1) westbound through lane
- 6) One (1) westbound shared through-right lane
- 7) One (2) northbound left turn lanes
- 8) One (1) northbound shared through-right lane
- 9) One (1) southbound left turn lane
- 10) One (1) southbound shared through-right lane

A detailed signal warrant analysis shall be conducted prior to recordation of the map for Unit #4, in order to confirm that construction of a traffic signal is warranted at that time. If the traffic signal is not warranted at that time, then the traffic signal shall not be constructed until warrants are met. Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 47).

- i. With Unit #4, at the intersection of **Siempre Viva Road** (SC 2360) and **Street B** (Paragon Road), assure the installation of stop signs on all the approaches (i.e. an All-Way Stop-Controlled intersection) and improve or agree to improve and provide security to accommodate the following lane configurations:

- 1) One (1) eastbound shared through-left lane
- 2) One (1) eastbound shared through right lane
- 3) One (1) westbound shared through-left lane
- 4) One (1) northbound shared through left-right lane
- 5) One (1) southbound shared through left-right lane

Include tapers and transitions as necessary. **References:** Traffic Study by Darnell and Associates (Table 38 and Figure 47).

- j. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.
- k. Where height of downsloping bank for a two-to-one (2:1) slope is greater than twelve feet (12'); or where height of downsloping bank for a one-and-a-half-to-one (1.5:1) slope is greater than ten feet (10'), guardrail shall be installed per CALTRANS standards.
- l. Unless stated otherwise, improve roads or agree to improve and provide security for them, with the recordation of the unit the road is within, abuts, or provides access to.

All plans and improvements shall be completed pursuant to the County of San Diego Public Road Standards, the DPW Land Development Improvement Plan Checking Manual and the East Otay Mesa Business Park Specific Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **Documentation:** The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve all the

public road segments and intersections as indicated above.

- b. Provide Secured agreements require posting security in accordance with Subdivision Ordinance Sec. 81.407 through 81.408.
- c. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDC].
- d. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

Timing: Prior to the approval of the map for Unit 4, the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] and [DPR, TC, PP] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

57. ONSITE DRAINAGE IMPROVEMENTS: [DPW, LDR], [DPR, TC, PP] [MA]

Intent: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.403 and to comply with the County Flood Damage Prevention Ordinance (Title 8, Division 11), County Watershed Protection Ordinance (WPO) No.10096, County Code Section 67.801 et. seq., and the County Resource Protection Ordinance (RPO) No. 9842, drainage improvements shall be completed. **Description of requirement:** Improve or agree to improve and provide security for the following:

- a. With Unit #4, construct the 12'x8' concrete box culvert crossing at Siempre Viva Road and the drainage channel, as shown on sheet C7 and Preliminary Hydrology/Drainage Study prepared by Kimley-Horn and Associates.

All drainage plan improvements shall be prepared and completed pursuant to the following ordinances and standards: San Diego County Drainage Design Manual, San Diego County Hydrology Manual, County of San Diego Grading Ordinance, Zoning Ordinance Sections 5300 through 5500, County Resource Protection Ordinance (RPO) No. 9842, and County Flood Damage Protection Ordinance (Title 8, Division 11), Low Impact Development (LID) and Hydromodification requirements and the Land Development Improvement Plan Checking Manual.

The improvements shall be completed within 24 months from the recordation of Final Map or Parcel Map pursuant to Subdivision Ordinance Sec. 81.403.1. The execution of the agreements, and acceptance of the securities shall be

completed before the approval of any subdivision map. **Documentation:** The applicant shall complete the following:

- b. Process and obtain approval of Improvement Plans to construct the 12'x8' concrete box culvert crossing at Siempre Viva Road and the drainage channel.
- c. Provide Secured agreements require posting security in accordance with Subdivision Ordinance Sec. 81.405 through 81.406.1.
- d. Pay all applicable inspection fees with [DPW, PDCI].
- e. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

Timing: Prior to the approval of the map for Unit 4, the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] [DPR TC, PP] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

58. LINES OF INUNDATION: [DPW, LDR] [MA]

Intent: In order to prevent future development in flood-prone areas and to comply with Section 81.504.5 of the Subdivision Ordinance, the lines of inundation shall be shown on the non-title sheet of the final map. **Description of requirement:** Lines of inundation to the limits of the 100-year flood along the watercourse, which flows through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the non-title sheet of the Final Map for unit #4.

- a. A Civil Engineer shall provide the necessary hydrology and hydraulics to define the 100 year inundation limits and annotate the limits on a copy of the approved Tentative Map.
- b. Each lot shall have a flood free building site to the satisfaction of the Director of [DPW, LDR]. If any of the lots are found to be devoid of a buildable, flood free site, the subdivider shall take appropriate action so that each lot does have a buildable flood free site. This pertains to watersheds having area of twenty five (25) or more acres.

Documentation: The applicant shall indicate the lines of inundation on the non-title sheet of the final map for unit #4. **Timing:** Prior to the approval of the final map for unit #4, the inundation lines shall be indicated and labeled on the non-

title sheet of the map for unit #4. **Monitoring:** The [DPW, LDR] shall verify that the inundation lines have been indicated pursuant to this condition.

59. ROAD DEDICATION (ON&OFFSITE): [DPW, LDR] [DGS, RP] [MA]

Intent: In order to improve the quality of the roads, promote orderly development, and to comply with the Subdivision Ordinance Sec. 81.403, road right of way shall be dedicated to the County. **Description of requirement:** Dedicate onsite with the map or grant by separate document to the County of San Diego an easement for road purposes that provides right-of-way along the road segments listed below in accordance with County of San Diego Public Road Standards for all the road classifications listed below to a ultimate right-of-way width as indicated below together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.

- a. With Unit #4, dedicate onsite and cause to be granted **Siempre Viva Road** (SC 2360) from **Airway Road** (SC 2300) to the **northerly boundary** in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Gateway Road/Circulation Element Major Road with Bike Lanes and Parking Restriction, right-of-way width of ninety-eight feet (98'), together with right to construct and maintain slopes and drainage facilities.

The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. Otay Water District shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

Documentation: The applicant shall dedicate the easement for the road segment on the map for the unit number and show it as indicated above. For the off-site portions of the easement, the applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [DPW, LDR] for review. **Timing:** Prior to the approval of the map for Unit 4, the onsite dedication and the offsite granting shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. **Monitoring:** The [DPW, LDR] shall verify that the dedication is indicated on the map for the unit number as indicated above. The [DGS, RP] shall prepare, approve the easement documents for recordation, and forward the recorded copies to [DPW, LDR] for review and approval. The [DPW, LDR] shall review that that the off-site granting complies with this condition.

60. RELINQUISH ACCESS: [DPW, LDR] [DGS, RP] [MA]

Intent: In order to promote orderly development and to comply with the Public Facilities Element and the Circulation element of the General Plan, access shall

be relinquished. **Description of requirement:** Relinquish access rights onto the public roads as listed below as shown on the Tentative Map. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. Only the access points listed below are permitted.

- a. With Unit #4, relinquish access rights onto Circulation Element **Airway Road (SC 2300)**, from the northerly boundary to Siempre Viva Road (SC 2360), except for one shared driveway for Lots 54 and 55, one driveway for Lot 56, and one opening for Siempre Viva Road (SC 2360).
- b. With Unit #4, relinquish access rights onto Circulation Element **Siempre Viva Road (SC 2360)** from Airway Road (SC 2300) to the northerly boundary except for one driveway each for Lots 57, 58, and 59.

Documentation: The applicant shall show the relinquishment of access rights on the final map for Unit 4 and show it as indicated above. **Timing:** Prior to the approval of the map, the access shall be relinquished. **Monitoring:** The [DPW, LDR] shall verify that the relinquishment of access rights is properly shown on the final map.

61. OFFSITE ROAD MONUMENTATION: [DPW, LDR] [MA]

Intent: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.404, the centerline shall be shown on the map.

Description of requirement: The following centerlines shall be surveyed and monumented:

- a. With Unit #4, **Siempre Viva Road (SC 2360)**, from an unnamed street at the easterly property line of Parcel Map 19737 to Enrico Fermi Drive (SA 1105).

Monumentation shall consist of street survey monuments, per Drawing M-10 Regional Standard Drawings when the road, as improved, is at ultimate line and grade and 2" x 24" pipe when the road is not at ultimate line and grade. The Director of Public Works will assign a road survey number to the off-site public roads being created. If the off-site road is not shown on the Map, the developer shall file with the County Recorder a Record of Survey after approval of the Director of Public Works showing the centerline Monumentation set with ties to adjacent property. **Documentation:** The applicant shall perform the required surveying work indicated above. **Timing:** Prior to the approval of the map for Unit 4, the surveying monumenting shall be completed. **Monitoring:** The [DPW, LDR] shall verify that the surveying has been completed pursuant to this condition.

62. STATE ROUTE 11 COMPATIBILITY: [DPLU, REG] [MA] [DPLU, FEE]. **Intent:** In order to ensure that the design of the Final Map for Unit 4 fully accommodates

the SR-11 and Port of Entry facilities. **Description of Requirements:** The Final Map shall be designed to fully accommodate the SR-11 and Port of Entry. **Documentation:** The developer shall provide evidence of one of the following to the satisfaction of the Director of DPLU:

- a. The Final Map shall show the final alignment and footprint of the SR-11 and Port of Entry facilities, including grading, as approved by Caltrans and the Federal Highway Administration. The design of the Final Map shall fully accommodate these facilities. To accommodate the alignment for SR-11 and Port of Entry, only interim uses that do not include the construction of permanent buildings will be allowed within the right-of-way for the SR-11 and Port of Entry infrastructure.

OR

- b. If the design of the SR-11 and Port of Entry is not complete, then only interim uses that do not include the construction of permanent buildings will be allowed within any area under consideration by Caltrans and the Federal Highway Administration for inclusion in the footprint the SR-11 and Port of Entry, and the Final Map can be recorded.

Timing: Prior to recordation of Final Map for Unit 4. **Monitoring:** The [DPLU, PCC] shall review the Final Map against the SR-11 and Port of Entry design.

PRIOR TO APPROVAL OF ALL MAPS FOR ALL UNITS/PHASES

The following conditions apply to all units (Units 1, 2, 3, and 4) or they apply to multiple units and should be checked at each Final Map stage.

63. PUBLIC ROAD IMPROVEMENTS: [DPW, LDR], [DPR, TC] [MA]

Intent: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.403 and the East Otay Mesa Business Park Specific Plan, all road improvements shall meet the following requirements. **Description of requirement:**

- a. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.
- b. Where height of downsloping bank for a two-to-one (2:1) slope is greater than twelve feet (12'); or where height of downsloping bank for a one-and-a-half-to-one (1.5:1) slope is greater than ten feet (10'), guardrail shall be installed per CALTRANS standards.
- c. Unless stated otherwise, improve roads or agree to improve and provide security for them, with the recordation of the unit the road is within, abuts, or provides access to.

All plans and improvements shall be completed pursuant to the County of San Diego Public Road Standards, the DPW Land Development Improvement Plan Checking Manual and the East Otay Mesa Business Park Specific Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **Documentation:** The applicant shall complete the following:

- d. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- e. Provide Secured agreements require posting security in accordance with Subdivision Ordinance Sec. 81.407 through 81.408.
- f. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDC].
- g. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

Timing: Prior to the approval of the map each unit, the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] and [DPR, TC, PP] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

64. DRAINAGE AND STORMWATER FACILITIES MAINTENANCE AGREEMENTS: [DPW, LDR], [MA]

Intent: In order to promote orderly development and to comply with the County Flood Damage Prevention Ordinance (Title 8, Division 11), County Watershed Protection Ordinance (WPO) No. 10096, County Code Section 67.801 et. seq., the maintenance agreements shall be completed. **Description of requirement:**

- a. If there is a private storm drain system, it shall be maintained by a maintenance mechanism such as a business owners association or other private entity to the satisfaction of the Director of Public Works.
- b. The project includes Category 2 post-construction BMPs. The applicant will be required to establish a maintenance agreement / mechanism (to include easements) to assure maintenance of these BMP's and to provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works; **OR**

provide evidence of formation of a Category 3 Stormwater Maintenance District.

Documentation: The applicant shall process the agreement forms with [DPW, LDR] and pay the deposit and applicable review fees. **Timing:** Prior to the approval of the map for each of the units, execution of the agreements and securities shall be executed **OR** proof of payment into the Stormwater Maintenance District shall be made. **Monitoring:** The [DPW, LDR] shall review the agreements/mechanisms for consistency with the condition and County Standards.

65. ROAD DEDICATION (ON&OFFSITE): [DPW, LDR] [DGS, RP] [MA].

Intent: In order to improve the quality of the roads, promote orderly development, and to comply with the Subdivision Ordinance Sec. 81.403, road right of way shall be dedicated to the County. **Description of requirement:** Dedicate onsite with the map or grant by separate document to the County of San Diego an easement for road purposes that provides right-of-way along the road segments listed below in accordance with County of San Diego Public Road Standards for all the road classifications listed below to a ultimate right-of-way width as indicated below together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.

- a. With the approval of each Final Map, dedicate the on-site Public Roads. Grant to the County of San Diego any necessary off-site right-of-ways for public roads.
- b. With the approval of each Final Map, dedicate on-site and grant off-site drainage easements to County of San Diego.
- c. With the approval of each Final Map, dedicate a two-foot (2') wide landscape easement along Circulation Element and Specific Plan public roads outside of the right-of-way and within the landscaped setback in order to provide adequate space for street trees in accordance with the East Otay Mesa Business Park Specific Plan.
- d. With the approval of each Final Map, for the drainage to Mexico, easements shall be dedicated to the County of San Diego over detention basins, appurtenant structures and access routes (said routes necessary to maintain the foregoing) to a County maintained road. This requires hydrologic and hydraulic reports to ensure appropriate private stormwater detention facilities such that peak stormwater flows from the site remain the same as before the project was developed. This requirement applies to all property as shown on the approved project.
- e. With the approval of each Final Map, provide a one-foot (1') wide strip placed at the end of all proposed public streets that "stub out" at the

subdivision boundary; the one-foot (1') wide strips to be made a portion of the adjacent lots and designated as "reserved for future streets" on the face of the map; access rights in and to the proposed streets shall be granted to the County.

- f. With the approval of each Final Map, unless stated otherwise, easements shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to.
- g. With the approval of each Final Map, cause the centerline of all on-site roads to be surveyed and monumented. Monumentation shall consist of street survey monuments, per Drawing M-10 Regional Standard Drawings when the road, as improved, is at ultimate line and grade and 2" x 24" pipe when the road is not at ultimate line and grade.
- h. The Final Map for this Tentative Map is to be filed in units. The order of the filing of Final Maps shall be sequential. The first Final Map to be filed shall be Unit #1, followed by Units #2, #3, and #4.

The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. Otay Water District shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

Documentation: The applicant shall dedicate the easement for the road segment on the map for the unit number and show it as indicated above. For the off-site portions of the easement, the applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [DPW, LDR] for review. **Timing:** Prior to the approval of the map for the unit number as indicated above, the onsite dedication and the offsite granting shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. **Monitoring:** The [DPW, LDR] shall verify that the dedication is indicated on the map for the unit number as indicated above. The [DGS, RP] shall prepare, approve the easement documents for recordation, and forward the recorded copies to [DPW, LDR] for review and approval. The [DPW, LDR] shall review that that the off-site granting complies with this condition.

66. LANDSCAPE MAINTENANCE: [DPW, LDR] [MA]

Intent: In order to ensure that landscape improvements per the East Otay Mesa Business Park Specific Plan are maintained, a Landscape Maintenance Agreement shall be executed. **Description of Requirement:**

An Encroachment Maintenance and Removal Agreement for any and all proposed landscaping within the Public Road Right-of-Way shall be executed with the County of San Diego to include onsite and offsite right-of-way as shown on the Preliminary Landscape Plan Sheets L-1 thru L-5. A copy of the agreement shall be submitted to the [DPW, LDR] in addition to obtaining an Encroachment Permit; **OR** contribute or agree to contribute the project's fair share to a Community Facilities District (CFD), approved by the County, established for the purpose of maintaining the landscape improvements within the Public Road Right-of-Way to include onsite and offsite right-of-way as shown on the Preliminary Landscape Plan Sheets L-1 thru L-5 in addition to an Encroachment Permit to the satisfaction of the Director of [DPW, LDR]. **Documentation:** The applicant shall execute an Encroachment Maintenance and Removal Agreement in addition to an Encroachment Permit **OR** provide proof of Payment into the CFD, to the [DPW, LDR] in addition to an Encroachment Permit. **Timing:** Prior to approval of the map for each of the units execution of the Encroachment Maintenance and Removal Agreement **OR** payment into the CFD must be made. **Monitoring:** The [DPW, LDR] shall review the Encroachment Maintenance and Removal Agreement **OR** proof of payment into the CFD shall be reviewed for compliance with this condition.

67. EROSION CONTROL: [DPW, LDR] [DPW, PDCI] [MA, IP, GP].

Intent: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10096 and all other applicable ordinances and standards for this priority project. **Description of Requirement:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Management Plan (SWMP) and Stormwater Protection Plan (SWPP) including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipaters, and silt control measure.

- a. An agreement and instrument of credit shall be provided pursuant to Subdivision Ordinance 81.406, for an amount equal to the cost of this work as determined or approved by the [DPW, LDR], in accordance with the County of San Diego Grading Ordinance Section 87.304(e). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the

satisfaction of the County Department of Public Works by the date agreed.

Documentation: The applicant shall provide the letter of agreement and any additional security and or cash deposit to the [DPW, LDR] for approval with the final submittal of all grading and improvement plans for the subdivision and required improvements as indicated above. **Timing:** Prior to approval of the subdivision map for all phases, and the approval of any plan and the issuance of any permit, the agreement and securities shall be executed. **Monitoring:** The [DPW, LDR] shall ensure that the agreement and the securities provided adequately satisfy the requirements of this conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. The [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforcement the required stormwater and rosin control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

68. HYDROMODIFICATION NOTE: [DPW, LDR] [MA]

Intent: In order to acknowledge future processing requirements for projects which were deemed complete, pursuant to Subdivision Map Act Section 66474.2, prior to January 8, 2011, a note shall be placed on the map. This project has provided acknowledge from the owner and professional that hydromodification needs have been reviewed, based on the project's technical studies, and can be accommodated on the project. Furthermore the acknowledgement states that hydromodification requirements will be complied with prior to development of the lots and that any changes that result from implementing hydromodification requirements may require changes to the project design or processing a revision. **Description of requirement:** The following note shall be shown as the first note in the Non-Title sheet of the map and labeled "Hydromodification Note".

"Approval of a final map does not guarantee that subsequent governmental permits and approvals needed to develop the property can be issued based on laws, regulations or standards in place at the time the subdivision was approved. Changes in the law, regulations or standards that occur or become effective prior to the time development permits are sought can adversely impact the ability to develop a subdivision. In some instances, it may be necessary to redesign or remap a subdivision to address these changes, which can be a costly and time consuming process.

Without limiting the generality of the foregoing, it is specifically noted that starting on January 8, 2011 updated storm water requirements required by the California Regional Water Quality Control Board, San Diego Region, became applicable to priority development projects in the County pursuant to Regional Board Order No. R9-2007-0001, NPDES No. CAS0108758. Subdivisions in process prior to this date may not have been designed to address these new requirements. In

order to issue grading, building and other development permits, it may be necessary to address these new requirements even if such considerations were not required to approve the final map. "

Documentation: The applicant shall add the Hydromodification Note on the Non-Title sheet of the map as indicated above. **Timing:** Prior to the approval of the map, the note shall be shown on the map. **Monitoring:** The [DPW, LDR] shall verify that the note has been added to the map pursuant to this condition.

69. PUBLIC SEWER IMPROVEMENT: [DPW, LDR] [DPW, WWM] [SDCSD] [MA]

Intent: In order to promote orderly development by providing public sewer to the parcels, and to comply with the Subdivision Ordinance Sec. 81.703 through Section 81.707 and East Otay Mesa Business Park Specific Plan the sewer shall be dedicated and installed or agree to install. **Description of Requirement:** A sewer system, which is to be public sewer shall be shown within dedicated right-of-way on the map, and dedicated by separate instrument if located offsite, and the portion of the sewer system which is to be public shall be installed as shown on the approved plans and specifications, to the satisfaction of the San Diego County Sanitation District [SDCSD]. A graded access road to maintain any public sewer constructed within easements shall be required.

a. Plans, specifications and calculations for:

- 1) Pump station (if not previously installed by others) including, but not limited to hydraulic calculations, a dual force main, emergency six (6) hour storage provisions, power supply and auxiliary power supply provisions and downstream mitigation measures to control potential increased odors and corrosion effects from pumping operations. The pump station shall be designed per Hydraulic Institute Standards and the design shall be approved by [DPW, WWM]. The pump station site shall encumber at a minimum one (1) acre at the southwest corner of the project.
- 2) The construction of an onsite subdivision sewer collection system serving each lot to the satisfaction of the [DPW, WWM].
- 3) Proposed wastewater facility plan options (on-site and offsite) shall comply with all regional [SDCSD] plan updates including, but not limited to the most current EOM Sewer Master Plan and EOM Basin No. 6 Regional Sewer Study as directed by DPW Wastewater Management and the Director of Public Works. Phased construction of the pumps and emergency power supply will be subject to approval of the Director of Public Works and [SDCSD]. All other required facilities, at a minimum but not limited to, electrical supply, wet well, dry well, emergency storage and all associated buildings shall be designed for the ultimate flow based

on [SDCSD]'s most current approved Sewer Master Plan and/or sewer study. This shall occur prior to approval of the public improvement plans and recordation of the final map for Unit #1 and each subsequent Unit.

- 4) Plans and specifications for construction within the City of San Diego's right-of-way shall be concurrently submitted to, reviewed by, and approved by, the City of San Diego.
- b. If not previously installed by others, the developer shall cause the proposed onsite pump station and property lots, components of the facilities and respective access easements to be conveyed by the trustee to the [SDCSD].
- c. The developer shall assure the availability of City sewer services to serve a proposed development by means of one of the following methods.

In the case that this project precedes establishment of a Community Facilities District (CFD):

Prior to the recordation of a final map for Unit #1 and each subsequent Unit, the developer shall execute a covenant, to be provided by the City, to participate in, and not object to, the formation of a Community Facilities District or other mechanism, to fund or reimburse the construction of the improvement phases as identified in the Otay Mesa Trunk Sewer Infrastructure Upgrades Cost Estimate and Constructability Review (Brown and Caldwell) dated June 9, 2009.

The developer shall secure performance of this obligation by recording the covenant with the County Recorder with a copy to the City.

OR

In the case where a CFD is already established:

Prior to the recordation of a final map for Unit #1 and each subsequent Unit, the developer shall annex into the Community Facilities District # _____, to fund or reimburse the construction of the improvement phases as identified in the Otay Mesa Trunk

Sewer Infrastructure Upgrades Cost Estimate and Constructability Review (Brown and Caldwell) dated June 9, 2009.

The developer shall secure performance of this obligation by recording the annexation with the County Recorder with a copy to the City.

- d. The developer shall dedicate to the [SDCSD] all necessary easements along with that portion of the sewer collection system that is to be public sewer and all required facility components thereof, to the satisfaction of [DPW, WWM].

The developer may be required to grade and pave additional roads for access to maintain public sewers constructed within inaccessible easements. The developer may also be required to dedicate additional roads as sewer access easements to the public sewers lines.

- e. If not previously installed by others, enter into agreement with the [SDCSD] for planning, designing, financing, constructing, operating and maintaining the proposed regional onsite sewer pump station and force mains, to the satisfaction of the [DPW, WWM].

Provisions shall be established for developer to sufficiently fund the present worth of the estimated O&M costs over the life (estimated at 20 years) of the pump station for Developer's proportion of the EDUs serviced by the pump station to the satisfaction of [DPW, WWM]

The agreement shall include an interim sewer service plan and the purchase of maintenance and emergency response equipment, and other equipment as deemed necessary by the [DPW, WWM] to operate and maintain the proposed pump station and associated facilities.

- f. Submit an engineer's construction cost estimate for all proposed onsite and offsite sewer facilities to the County for review and approval to the satisfaction of [DPW, WWM].
- g. The proposed conceptual sewer plan and/or public sewer improvement plans shall be routed to Caltrans for review and comments. If Caltrans has any comments, those comments shall be reviewed for concurrence by [DPW, WWM] and incorporated if applicable into the proposed conceptual sewer plan and/or public sewer improvement plans, that will be reviewed and approved by [DPW, WWM], prior to recordation of the Final Map. Submit copies of any Caltrans comment letter and/or correspondence to [DPW, WWM].

Documentation: The applicant shall dedicate the sewer easement on the final map and dedicate by separate instrument the offsite portions, and provide improvement plans for the sewer system construction to the [DPW, LDR] and the [DPW, WWM] [SDCSD] for review and approval. **Timing:** Prior to approval of the map for Unit #1, the offsite sewer (if not previously installed by others) and the sewer for Unit #1 shall be dedicated and installed, agreements signed, and fees paid. Prior to the approval of the map for each subsequent unit, the sewer shall be dedicated and installed, agreements signed, and fees paid. **Monitoring:** The

[DPW, LDR] shall review the final map to ensure that the sewer easement has been dedicated. The [DPW, LDR] shall review the improvement plans to ensure compliance with this condition.

70. COST RECOVERY: [DPLU, DPW, DEH, DPR], [MA, GP, IP]

Intent: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5 existing deficit accounts associated with processing this map shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this map. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No map can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any map and prior to the approval of any grading or improvement plan and issuance of any permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

71. ARTIFACT CURATION: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE]

Intent: In order to ensure that all cultural resource artifacts that were discovered during the survey, testing and evaluation phase are curated for future research and study, the artifacts shall be curated in a County approved curation facility. **Description of Requirement:** All archaeological materials recovered by Brian Smith with Brian F. Smith and Associates during the work reported in: "*A Phase I Archaeological Survey and Phase II Cultural Resources Evaluation for the Otay Business Park Project*", dated December 1, 2009 prepared by Brian F. Smith of Brian F. Smith & Associates, have been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. **Documentation:** The applicant shall provide a letter from the curation facility, which identifies that the archaeological materials referenced in the final report have been received and that all fees have been paid. **Timing:** Prior to the approval of any grading or improvement plan, issuance of any permit, and prior to approval of any map, the artifacts shall be curated. **Monitoring:** The [DPLU, PCC] shall review the letter from the curation facility for compliance with this condition.

GRADING PLAN CONFORMANCE: [DPW, ESU] [DPR, TC PP] [GP, IP, MA] Intent:

In order to implement the required mitigation measures for the project, the required grading plan and improvement plans shall conform to the approved Conceptual Grading and Development Plan. **Description of requirement:** The grading and or improvement plans shall conform to the approved Conceptual Grading Plan, which includes all of the following mitigation measures:

PRECONSTRUCTION CONFERENCE:**(BIOLOGICAL RESOURCES)**

GP1. **"BIOLOGICAL MONITORING: [DPLU, PCC] [DPW,PDCI] [PC] [DPLU, FEE X3]. Intent:** In order to prevent inadvertent disturbance to burrowing owls, sensitive plants to be salvaged, vernal pool soil to be salvaged, and other sensitive species, all grading shall be monitored by a biological monitor. **Description of Requirement:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. "The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan and Tentative Map:

- a. Supervise and verify placement of temporary fencing around the approved limits of construction, including protection of occupied owl burrows. The placement of such fencing shall be approved by the DPLU, Permit Compliance Section.
- b. The Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements. Such meeting shall include the DPLU Permit Compliance Section.

Documentation: The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on the site sensitive biological resources that are to be avoided. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances, this condition shall be completed. **Monitoring:** The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

GP2. **BREEDING SEASON BRUSHING, GRADING, AND CLEARING RESTRICTIONS: [DPLU, PCC] [DPW, PDCI] DPLU, FEE X2] Intent:** In order to avoid impacts to breeding or nesting birds, including raptors and the burrowing owl, that could occur during brushing, grading, and clearing activities. **Description of Requirement:** If clearing and grading are to occur *within the breeding season (February 1 – August 31)*, then preconstruction surveys for burrowing owls and other breeding birds must occur before clearing and grading begins and be completed no more than 30 days before initial brushing, clearing, grubbing, or grading, and appropriate measures taken as follows:

- a. Monitoring and mitigation for burrowing owls shall be in accordance with Section 3.0 of the County's adopted Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County.
- b. If no burrowing owls are detected during the survey, the site must be monitored for new burrows each week until grading is complete.
- c. If the surveys are positive then clearing and grading would be restricted from within the appropriate buffer areas as defined in the strategy and below.
 - 1) Direct impacts to nests, as well as occupied burrowing owl burrows (including burrows and/or man-made features such as pipes, etc.) should be avoided.
 - 2) Disturbance must not occur within 300 feet of occupied owl burrows or migratory bird nests or 900 feet from northern harrier nests without concurrence from the County and Wildlife Agencies that construction activities may proceed.
 - 3) Bio-fencing should be placed and maintained around all occupied burrows during construction.

Documentation: The results of the pre-construction survey must be immediately provided to the County Mitigation Monitoring Coordinator, CDFG, and USFWS prior to grading, and must be provided in writing. A written and signed pre-construction survey report must follow within 14 days of the survey and include maps of the project site and burrowing owl locations on aerial photos in the format described in the County's mapping guidelines and in the Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County. **Timing:** Pre-grading surveys must be completed no more than 30 days before initial brushing, clearing, grubbing, or grading of the project site. Throughout the duration of the grading and construction, weekly monitoring is required. Compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies.

Monitoring: The [DPW, PDCI] shall not allow any grading unless a concurrence from the [DPLU, PCC] is received. The [DPLU, PCC] shall review the pre-construction survey results and Wildlife Agency concurrence to ensure compliance with these requirements. If owls are not found during the pre-construction survey, the site must be monitored for new burrows each week until grading is complete.

- GP3. NON-BREEDING SEASON BRUSHING, GRADING, AND CLEARING RESTRICTIONS: [DPLU, PCC] [DPW, PDCI] DPLU, FEE X2] Intent:** In order to mitigate for potential impacts to the burrowing owl that could occur during brushing, grading, and clearing activities. **Description of Requirement:** For brushing, clearing and grading activities that take place *outside of the burrowing owl breeding season (i.e., between September 1 and January 31)*, a pre-construction survey shall be

conducted no more than 30 days before initial brushing, clearing, grubbing, or grading, and appropriate measures taken in accordance with Section 3.0 of the County's adopted Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County. Weed removal (by whacking, bush hogging, or mowing) shall be conducted as part of the pre-construction survey, under the guidance of a qualified biological monitor, to make all potential burrows more visible and to avoid injuring owls by burrow collapse. As a component of this non-breeding season survey, cameras shall be used to verify whether burrows are occupied by burrowing owls.

- a. If no burrowing owls are detected during the survey, the site must be monitored for new burrows each week until grading is complete.
- b. If owls are present in the burrows:
 - 1) A qualified biologist shall implement passive relocation measures (installation of one-way doors) in accordance with CDFG regulations (CDFG 1995) and the County's Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County.
 - 2) Any eviction or passive relocation must be specifically approved by the Wildlife Agencies, and shall occur outside of the burrowing owl breeding season.
 - 3) The applicant shall contact the [DPLU, PCC] to coordinate the attainment of wildlife agency concurrence.
 - 4) Once all owls have vacated the burrows (at least 48 hours), a qualified biologist shall oversee the excavation and filling of the burrows.
 - 5) In order to assure that burrowing owl burrows do not become reoccupied, construction equipment and materials (e.g., pipes, rubble piles, etc.) shall be closed off to prevent burrowing owls from reoccupying the site.

Documentation: The results of the pre-construction survey must be immediately provided to the County Mitigation Monitoring Coordinator, CDFG, and USFWS prior to grading, and must be provided in writing. A written and signed pre-construction survey report must follow within 14 days of the survey or burrowing owl eviction and include maps of the project site and burrowing owl locations on aerial photos in the format described in the County's mapping guidelines. If owls are determined to be present within the burrows, the applicant shall submit wildlife agency concurrence for eviction, a written report of the passive relocation measures undertaken to preclude direct impacts to burrowing owl individuals, and the Project biologist shall certify that all owls have vacated any occupied burrows. **Timing:** A pre-construction survey shall occur no more than 30 days prior to commencement of brushing, grading, or

clearing activities to determine the presence or absence of burrowing owls, with weekly monitoring thereafter. Survey results must be reported immediately in writing, and concurrence must be obtained prior to any eviction/passive relocation. The written report must follow within 14 days of the survey or burrowing owl eviction. **Monitoring:** The [DPW, PDCI] shall not allow any grading unless a concurrence from the [DPLU, PCC] is received. The DPLU shall review the pre-construction survey results, along with evidence of any passive relocation measures, to ensure compliance with these requirements.

GP4. FUGITIVE DUST: [DPW, PDCI] Intent: In order to mitigate for indirect impacts to local wildlife due to fugitive dust, watering of unpaved surfaces shall occur during grading activities. **Description of Requirement:** Potential indirect impacts to local wildlife caused by fugitive dust shall be mitigated by requiring that active construction areas and unpaved surfaces be watered per County standards to reduce potential indirect impacts caused by fugitive dust. **Documentation:** Include a note on Project grading plans indicating a requirement to water unpaved surfaces in accordance with County standards. **Timing:** Compliance with this condition is required throughout the duration of grading and construction. **Monitoring:** The Permit Compliance Engineer (as defined in Section 87.420 of the County Grading Ordinance) shall provide documentation/evidence of compliance with each note in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance. The [DPW, PDCI] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the applicant fails to comply with this condition.

GP5. TEMPORARY FENCING FOR ERRANT CONSTRUCTION IMPACTS: [DPLU, PCC] [DPW, PDCI] [PC] [DPLU, FEE] Intent: In order to prevent errant grading or clearing beyond the proposed construction limits that could impact sensitive vegetation communities or species intended for preservation. **Description of Requirement:** Orange construction fencing shall be installed around the approved limits of impacts to define the grading boundaries and prevent unintended impacts. **Documentation:** The applicant shall provide evidence that the fencing has been installed and have the biological monitor certify that the fencing is located on the boundary of the open space easement(s) or other sensitive areas. The applicant shall submit photos of the fencing along with the certification letter to the [DPLU, PCC] for approval. **Timing:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **Monitoring:** The [DPLU, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.

(CULTURAL RESOURCES)

- GP6. **ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2]** **Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to TM5505, a Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The County approved 'Project Archaeologist,' Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources. **Documentation:** The applicant shall have the contracted Project Archeologist and Native American attend the preconstruction meeting to explain the monitoring requirements. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **Monitoring:** The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the Cultural Resource Monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archeologist.

DURING GRADING:**(NOISE)**

- GP7. **TEMPORARY NOISE IMPACTS: [DPLU, PCC] [DPW, PDCI] [DPLU, FEE X1].** **Intent:** In order to comply with the County of San Diego Noise Ordinance 36.409 and to preclude potential noise impacts during construction activities, the following noise attenuation measures shall be implemented to reduce the sound level generated from project construction. **Description of Requirement:** The Department of Public Works shall determine what Project grading operations will occur simultaneously with grading operations for adjacent properties. Non-Project related grading operations occurring within 160 feet of the proposed Project site simultaneously with Project grading activities would require on-site Project grading operations not to occur within 225 feet of the affected shared project property line. This noise mitigation measure is designed and placed to reduce cumulative construction noise impacts at the property line where an existing occupied structure is located.

- a. If Non-Project related grading operations occur 160 feet from the affected property line, On-site Project related grading activities adjacent to the said property line shall occur at a minimum setback distance of 225 feet from this shared property line.
- b. The Permit Compliance Engineer [PCC] (as defined in Section 87.420 of the County Grading Ordinance) shall demonstrate compliance with this requirement in the regular reports required pursuant to Section 87.420(a) of the county Grading Ordinance. The regular reports shall identify any days where grading activities were restricted on-site or on adjacent properties in order to ensure the minimum setback distance of 225 feet for on-site Project related grading activities.

Documentation: The applicant shall maintain the construction noise mitigation measure as indicated above until all grading activities have been completed. The applicant is responsible for implementing the required setback for grading operations to remain in compliance with this condition. **Timing:** The above actions shall occur throughout the duration of the grading construction for Lots 1-59 of TM5505. **Monitoring:** The [DPW, PDCI] shall ensure that the construction noise attenuation measures remain in place as indicated on this plan.

(AIR QUALITY)

GP8. AIR QUALITY: [DPW, PDCI]. Intent: In order to lower construction emissions of particulate matter (PM₁₀ and PM_{2.5}) to below the County's established Screening Level Thresholds (SLTs) for construction activities, grading monitoring and emission reduction activities shall occur. **Description of Requirement:** The following grading monitoring and emission reduction activities shall be undertaken during earthmoving activities to implement Section 87.428 "Dust Control Measures" of the County's Grading Ordinance:

- a. All haul/dump trucks entering or leaving the site with soil or fill material must maintain at least 2 feet of freeboard or cover loads of all haul/dump trucks securely (unnumbered design measure).
- b. Sweepers and water trucks shall be used to control dust and debris at public street access points.
- c. Dirt storage piles will be stabilized by chemical binders, tarps, fencing or other suppression measures.
- d. Internal construction-roadways will be stabilized by paving, chip sealing or chemicals after rough grading.

- e. During grading and ground-disturbing construction activities, the Permit Compliance Engineer shall assure that water trucks or sprinkler systems apply water to areas undergoing active ground disturbance, and unpaved roads, a minimum of three (3) times daily (3.2 hour watering interval). All areas of disturbed soils shall be kept damp enough to prevent airborne dust from dispersing beyond the boundaries of the site. The Permit Compliance Engineer shall order increased watering frequency when airborne dust is visible. A log of all site watering activities shall be maintained by the Permit Compliance Engineer, and this log shall be made available to the County upon request.
- f. The Permit Compliance Engineer shall assure that temporary signs indicating a maximum 15 miles per hour (MPH) speed limit are placed along all unpaved roads and/or unpaved haul routes on the Project site, before construction activities commence. Signs shall be spaced no more than 1,000 linear feet apart. The Permit Compliance Engineer also shall be responsible for assuring radar enforcement of the 15 MPH speed limit throughout the duration of construction activities.
- g. A gravel apron measuring at least 25 feet long by road width shall be provided at all unpaved entrances into the construction site and shall be maintained until the entrance is removed, paved, or no longer in use by construction vehicles and equipment.
- h. The Permit Compliance Engineer shall ensure that all grading, earthmoving, and ground-disturbing construction activities are temporarily halted when sustained wind speeds exceed 25 MPH.
- i. The Permit Compliance Engineer shall ensure that street sweeping of adjacent public roads occurs at the end of each work day that visible soil material is carried onto paved roads and at least once every two weeks. A log of all street sweeping activities shall be maintained by the Permit Compliance Engineer and shall be made available to the County upon request.
- j. The Permit Compliance Engineer shall ensure that chemical dust suppressants are applied at least once per year to all designated unpaved parking areas used by construction workers and/or construction equipment.
- k. The Permit Compliance Engineer shall ensure that rough grading activities and demolition activities do not overlap with each other and with other phases of construction (i.e., paving, underground, building, and architectural coatings). A schedule of such activities shall be maintained by the Permit Compliance Engineer, and shall be made available to the County upon request.

Documentation: The Permit Compliance Engineer shall provide the Department of Public Works with evidence of compliance with this mitigation measure in the regular reports required pursuant to Section 87.422(a) of the County's Grading Ordinance, and shall make such evidence available when requested by the County. **Timing:** The listed actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the applicant fails to comply with this condition.

GP9. **AIR QUALITY: [DPW, PDCI]. Intent:** In order to lower construction emissions of oxides of nitrogen (NO_x) to below the County's established Screening Level Thresholds (SLTs) for construction activities, emission reduction activities shall occur. **Description of Requirement:** The following emission reduction activities shall be undertaken during construction activities to reduce construction vehicle and equipment emissions of NO_x:

- a. The Permit Compliance Engineer shall verify that all construction equipment and vehicles are properly tuned and maintained in accordance with manufacturers' recommendations, to ensure proper timing and tuning of engines.
- b. The Permit Compliance Engineer shall instruct all diesel-fueled construction vehicle and equipment operators to restrict idling times to five minutes and to turn off engines when vehicles and equipment are not in use. The Permit Compliance Engineer shall be responsible for enforcing this requirement during all construction activities.

Documentation: The Permit Compliance Engineer shall provide the Department of Public Works with evidence of compliance with this mitigation measure in the regular reports required pursuant to Section 87.422(a) of the County's Grading Ordinance, and shall make such evidence available when requested by the County. **Timing:** The listed actions shall occur throughout the duration of construction activities. **Monitoring:** The [DPW, PDCI] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the applicant fails to comply with this condition.

(CLIMATE CHANGE)

GP10. **CLIMATE CHANGE: [DPW, PDCI]. Intent:** Construction equipment shall utilize biodiesel fuels, when feasible, to reduce greenhouse gas emissions (GHG) emissions that would occur during construction. **Description of**

Requirement: Construction equipment shall utilize biodiesel fuels, when feasible, as follows:

"With the exception of equipment used for asphalt paving, trenching, and off-site improvements, all diesel-powered construction equipment shall use B20 biodiesel fuel (comprising a minimum of 20% biodiesel) for the duration of construction activities. Any construction equipment whose warranty would be voided upon the use of B20 biodiesel fuel shall be exempt from this requirement. The County DPLU may exempt additional pieces of equipment from this requirement upon written request from the Permit Compliance Engineer documenting a valid technical, economic, or physical reason why the use of B20 biodiesel fuel cannot be used. This requirement shall only apply if B20 biodiesel fuel is available within 15 roadway miles from the proposed Project site at the time construction activities commence."

Documentation: The Permit Compliance Engineer shall include evidence of the use of B20 biodiesel fuel in the regular reports required pursuant to Section 87.422(a) of the County's Grading Ordinance, or shall provide evidence that B20 biodiesel fuel is not available within 15 roadway miles of the proposed Project site. **Timing:** The listed actions shall occur throughout the duration of construction activities. **Monitoring:** The [DPW, PDCI] shall make sure that the grading contractor complies with the Climate Change requirements of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the applicant fails to comply with this condition.

GP11. GEOTECHNICAL STUDIES: [DPLU, BD] [GP] Intent: In order to ensure specific mitigation measures for geologic hazards are implemented into the grading plans.. **Description of Requirement:** All recommendations presented in Section 6 from *Geotechnical Investigation, 159-Acre Property, Alta Road and Airway Road, San Diego County, California* prepared by Geocon, Inc. dated February 28, 2005 shall be incorporated into the grading plans and part of the grading notes to be observed during grading operations. **Documentation:** The applicant shall prepare the grading plans to [DPLU, BD]. **Timing:** Prior to the approval of any grading plans, the grading plans shall include required elements indicated in this condition. **Monitoring:** The [DPLU, BD] shall review the Grading Plan to ensure all recommendations and notes are included per this condition. If there are any additional recommendations for slope stability, the [DPLU, BD] shall ensure that they are incorporated into the grading plans for the project.

(CULTURAL RESOURCES)

GP12. ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [DPLU, FEE X2] Intent: In order to comply with the Mitigation Monitoring and Reporting Program pursuant to TM5505, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources, Cultural Resource Grading Monitoring Program shall be implemented.

Description of Requirement: The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the following requirements during grading:

- a. "During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist."
- b. "In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the DPLU Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the DPLU Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods."
- c. "If any human bones are discovered, the Project Archaeologist shall contact the County Coroner and the DPLU Staff Archaeologist. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains."
- d. "If the grading will take more than 1 month, the Project Archaeologist shall submit monthly status reports to the Director of

Planning and Land Use starting from the date of the Notice to Proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction."

Documentation: The applicant shall implement the grading monitoring program pursuant to this condition. **Timing:** The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the Project Archeologist or applicant fails to comply with this condition.

GP13. **"BIOLOGICAL MONITORING: [DPLU, PCC] [DPW,PDCI] [PC] [DPLU, FEE X3]. Intent:** In order to prevent inadvertent disturbance to burrowing owls, sensitive plants to be salvaged, vernal pool soil to be salvaged, and other sensitive species, all grading shall be monitored by a biological monitor. **Description of Requirement:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any biological open space areas or sensitive habitats. If there are disturbances to sensitive species, the monitor must report them immediately to the [DPLU PCC]. Additionally, the biologist shall perform the following duties:

- a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
- b. Periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
- c. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the burrowing owl and its habitat, and the conservation measures that should be implemented during project construction;
- d. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;

- e. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
- f. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and DPLU Permit Compliance Section within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the DPLU (final report will release bond);
- g. Confer with the Wildlife Agencies and DPLU Permit Compliance Coordinator within 24 hours any time protected habitat or species are being affected by construction;
- h. Attend pre-construction, construction meetings, and other meetings as necessary.

Documentation: The Project Biologist shall prepare and submit monitoring reports to the satisfaction of the [DPLU, PCC], which indicate that the monitoring has occurred as indicated above. **Timing:** These shall occur throughout the duration of the grading construction.

Monitoring: The [DPW, PDCI] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [DPW, PDCI] shall contact the [DPLU, PCC] if the Project Biologist or applicant fails to comply with this condition. The [DPLU, PCC] shall review and approve the monitoring reports for compliance with this condition.

ROUGH GRADING: (Prior to rough grading approval and issuance of any building permit).

(BIOLOGICAL RESOURCES)

GP14. BIOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE].

Intent: In order to prevent inadvertent disturbance to burrowing owls, sensitive plants to be salvaged, vernal pool soil to be salvaged, and other sensitive species, a Grading Monitoring Program shall be implemented in accordance with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources. **Description of Requirement:** The Project Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact additional burrowing owls, plants to be salvaged, or other sensitive biological resources. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources. It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.

- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

Documentation: The applicant shall submit the final biological monitoring report to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection (Grading Ordinance SEC 87.421.a.2), the final report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

(CULTURAL RESOURCES)

GP15. ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TM 5505, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources, a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:

- a. If ***no archaeological resources are encountered*** during grading, then submit a final Negative Monitoring Report substantiating that grading activities are completed and no cultural resources were encountered. Monitoring logs showing the date and time that the monitor was on site must be included in the Negative Monitoring Report.
- b. If ***archaeological resources were encountered*** during grading, the Project Archaeologist shall provide a Monitoring Report stating that the field grading monitoring activities has been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation phase of the monitoring.

Documentation: The applicant shall submit the Monitoring report to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

(BIOLOGICAL RESOURCES)

GP16. OPEN SPACE SIGNAGE & FENCING: [DPLU, PCC] [DPW, PDCI] [FG, UO] [DPLU, FEE]. **Intent:** In order to protect the proposed on-site open space easement from entry and disturbance, the fencing and signage shall be installed. **Description of Requirement:** The permanent fences or walls, and open space signs shall be placed along the open space boundary of lots(s) C as described in the On-Site Resource Management Plan as shown on these plans and the Approved Conceptual Grading and Development Plan for TM 5505.

- a. The fencing/wall design shall be reviewed by DPLU prior to installation to ensure that they comply with the East Otay Mesa Specific Plan.
- b. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- c. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Department of Planning and Land Use
Reference: TM 5505

Documentation: The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [DPLU, PCC]. **Timing:** Prior to the occupancy of any structure or use of the premises in reliance of TM 5505, and prior to Final Grading Release (Grading Ordinance Sec. 87.421.a.3) the fencing and signage shall be installed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

GP17. "EASEMENT AVOIDANCE: [DPLU, PCC] [DPW, PDCI] [DPLU, FEE]. **Intent:** In order to protect sensitive resources, pursuant to County Grading Ordinance Section 87.112 the open space easements shall be avoided. **Description of Requirement:** The easement indicated on this

plan is for the protection of the realigned drainage channel and transplanted San Diego marsh-elder and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement. Any disturbance shall constitute a violation of the County Grading Ordinance Section 87.112 and will result in enforcement action and restoration. The only exception(s) to this prohibition are:

- a. Construction and maintenance of the realigned drainage channel according to condition 7 and the conditions of the Corps 404 Nationwide Permit and the RWQCB 401 Water Quality Certification obtained for the Project per condition 33
- b. Transplantation of salvaged San Diego marsh-elder according to the approved San Diego Marsh-Elder Translocation Plan per condition 28
- c. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use or the Director of Public Works.
- d. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
- e. Maintenance and construction of private and public drainage facilities to the extent approved or required by written order of the Director of Public Works for the express purpose of reducing an identified flooding or drainage hazard. All maintenance of drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state and local permits (e.g., California Section 1600 Streambed Alteration Agreement, County Watercourse Permit) have been obtained.

Documentation: The applicant shall provide a letter statement to the [DPLU, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. **Timing:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **Monitoring:** The [DPW, PDC] shall not allow any grading, clearing or encroachment into the open space easement."

(CULTURAL RESOURCES)

GP18. ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TM 5505, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources, a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during grading. The report shall include the following:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a brief letter to that effect must be submitted stating that the grading monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

Documentation: The applicant shall submit the report to the [DPLU, PCC] for review and approval. **Timing:** Prior to the occupancy of any structure or use of the premises in reliance of TM 5505, and prior to Final Grading Release (Grading Ordinance Sec. 87.421.a.3), for the final report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the final

report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

(PALEONTOLOGICAL RESOURCES)

GP19. PALEONTOLOGICAL MITIGATION AND MONITORING PROGRAM:

[DPLU] [Grading Inspection] Intent: In order to mitigate potential impacts to previously unknown paleontological resources during Project grading and excavation activities, a mitigation and monitoring program shall be established. **Description of Requirement:** The impacts will be mitigated by implementing the mitigation and monitoring program detailed in the County's Guidelines for Determining Significance – Paleontological Resources (County of San Diego 2008). Initial cutting, grading, or excavation of undisturbed substratum in areas of high and moderate sensitivity will be monitored by a Project Paleontologist or a Paleontological Resources Monitor under the supervision of the Project Paleontologist. If paleontological resources are unearthed, the Qualified Paleontologist or Paleontological Monitor shall direct, divert, or halt any grading or excavation activity until such time that the sensitivity of the resource can be determined and the appropriate recovery implemented. If found, significant paleontological resources will be salvaged, cleaned, curated, and transferred to an accredited museum or university in California. Mitigation shall be considered complete when the County's Permit Compliance Coordinator, on behalf of the Director of Planning and Land Use, receives a final report prepared by the Project Paleontologist, and a letter from the accredited institution stating that the paleontological resources have been received and accepted. **Documentation:** The applicant shall prepare a final report documenting the findings and analysis of field work. The final report shall be submitted to the Department of Planning and Land Use. **Timing:** Fieldwork and analysis shall be completed prior to final grading inspection. **Monitoring:** The Department of Planning and Land Use shall review the final paleontological report in conformance with this mitigation measure and the San Diego County Paleontological Guidelines for Determining Significance.

IMPROVEMENT PLANS:

(BIOLOGICAL RESOURCES)

GP20. BREEDING SEASON CONSTRUCTION NOISE RESTRICTIONS: [DPW]

[Improvement Plans] Intent: In order to mitigate for potential indirect impacts to breeding or nesting birds, including raptors and the burrowing owl that could be impacted by construction activities. **Description of Requirement:** Construction noise may not exceed 60 dB L_{eq} at any active raptor or burrowing owl nest site. If construction occurs during the

breeding season (**February 1 – August 31**), a pre-construction survey shall be conducted by a County-approved biologist to determine whether construction activities are located within 300 feet of burrowing owl burrows or within 800 feet of ground dwelling raptor nests. Construction activities may not proceed within 300 feet of active burrowing owl burrows or within 800 feet of active ground dwelling raptor nests. This limitation may only be waived by the Director of DPLU if a noise report by a County-approved noise consultant certifies that noise levels would not exceed 60 dB L_{eq} at the nest site. If the noise report determines that noise mitigation measures such as noise barriers are necessary to bring noise levels to below 60 dB L_{eq} at the nest site(s), they shall be installed prior to starting construction.

Documentation: The DPW shall ensure that improvement plans include a note documenting these requirements. The applicant shall prepare a pre-construction survey no more than 30 days prior to the commencement of construction activities to determine whether construction activities are proposed within 300 feet of burrowing owl burrows or 800 feet of ground dwelling raptor nests. If construction activities are proposed within 300 feet of burrowing owl burrows or 800 feet of ground dwelling raptor nests, the applicant shall provide a noise report prepared by a County-approved noise consultant specifying what mitigation measures, if any, are required to bring the noise level at the nest site(s) below 60 dB L_{eq} . If noise mitigation measures are required, the applicant shall provide evidence (e.g., photos) that demonstrates that the measures have been undertaken in accordance with the noise report. **Timing:** These restrictions shall be documented on all project improvement plans prior to Final Map approval. Pre-construction surveys shall occur no more than 30 days prior to construction activities. If noise barriers or other noise mitigation measures are required, such measures shall be installed prior to commencement of any construction activities which occur within 300 feet of burrowing owl burrows or 800 feet of ground dwelling raptor nests. **Monitoring:** The DPW shall review improvement plans to ensure that the required notes have been included on the plans. The DPLU shall review the pre-construction survey, noise report, and evidence that noise minimization measures have been undertaken to ensure that the requirements specified by this measure have been satisfied.

Documentation: The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **Timing:** Prior to the approval of the map for all maps and phases and prior to the approval of any grading or improvement plan and issuance of any permit, the notes and items shall be placed on the plans as required. **Monitoring:** The [DPW, ESU, or DPLU, BD for DPLU Minor Grading, [DPR, TC for trails and PP for park improvements]] shall verify that the grading and or improvement plan requirements have been implemented on the final grading and or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

IT IS FURTHER RESOLVED, THEREFORE, that the Planning Commission of the County of San Diego hereby makes the following findings as supported by the minutes, maps, exhibits, and documentation of said Tentative Map all of which are herein incorporated by reference:

1. The Tentative Map is consistent with all elements of the San Diego County General Plan and with the Specific Plan Area Land Use Designation of the Otay Subregional Plan because it proposes a mixed industrial use type consistent with the Mixed Industrial Designation of the East Otay Mesa Specific Plan and complies with the provisions of the State Subdivision Map Act and the Subdivision Ordinance of the San Diego County Code;
2. The Tentative Map is consistent with the Zoning Ordinance because it proposes an industrial use type with a minimum net lot size of 30,000 SF in the S88 Use Regulation;
3. The design and improvements of the proposed subdivision are consistent with all elements of the San Diego County General Plan and with the Otay Subregional Plan, and comply with the provisions of the State Subdivision Act and the Subdivision Ordinance of the San Diego County Code;
4. The site is physically suitable for the industrial type of development because it is generally flat vacant land that lies adjacent to the U.S/Mexico border and has been designated for industrial development;
5. The site is physically suitable for the proposed density of development because the area is designated for industrial development including State Route 11 and the future Port of Entry;
6. The design of the subdivision and the type of improvements will not cause public health problems because adequate water supply and sewage disposal services have been found to be available or can be provided concurrent with need;
7. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings of an Environmental Impact Report dated October 2011;
8. The design of the subdivision or the type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision, as defined under Section 66474 of the Government Code, State of California; and

9. The division and development of the property in the manner set forth on the approved Tentative Map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;
10. The discharge of sewage waste from the subdivision into the San Diego County Sanitation District sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6;

MITIGATION MONITORING OR REPORTING PROGRAM (MMRP): Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Monitoring or Reporting Program for any project approved with the adoption of a Mitigated Negative Declaration or with the certification of an Environmental Impact Report, for which changes in the project are required in order to avoid significant impacts.

Section 21081.6(a)(1) states, in part:

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

Section 21081(b) further states:

A public agency shall provide [that] the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.

As indicated above, a Mitigation Monitoring or Reporting Program is required to assure that a project is implemented in compliance with all required mitigation measures. The Mitigation Monitoring or Reporting Program (MMRP) for this project is incorporated into the mitigation measures adopted as project conditions of approval. Each mitigation measure adopted as a condition of approval (COA) includes the following five components.

Intent: An explanation of why the mitigation measure (MM) was imposed on the project.

Description: A detailed description of the specific action(s) that must be taken to mitigate or avoid impacts.

Documentation: A description of the informational items that must be submitted by the applicant to the Lead Agency to demonstrate compliance with the COA.

Timing: The specific project milestone (point in progress) when the specific required actions are required to implemented.

Monitoring: This section describes the actions to be taken by the lead agency to assure implementation of the mitigation measure.

The conditions of approval required to mitigate or avoid significant impacts on the environment are listed below and constitute the MMRP for this project:

1-5, 7, 12-32, 35-44, 49-51, 55, 56, 62, 69, 71, GP1-GP20

MAP PROCESSING REQUIREMENTS: The parcel map shall comply with the following processing requirements pursuant to the Sections 81.801 through 81.811 of the Subdivision Ordinance and the Subdivision Final Map Processing Manual.

- ☒ The Final map shall show an accurate and detailed vicinity map.
- ☒ The Basis of Bearings for the Final Map shall comply with Section 81.506 of the Subdivision Ordinance.
- ☒ Prior to the approval of the Final Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Final Map report from a qualified title insurance company.
- ☒ The following notes shall appear on the Final Map:
 - ☒ All parcels within this subdivision have a minimum of 100 square feet of solar access for each future industrial unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance.
 - ☒ At the time of recordation of the Final Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.
 - ☒ The public and private easement roads serving this project shall be named. The responsible party shall contact the Street Address Section of the Department of Planning and Land Use (858-694-3797) to discuss the road naming requirements for the development. Naming of the roads is necessary for the health and safety of present and future residents.
- ☒ The Zoning regulations require that each parcel shall contain a minimum net area of 30,000 square feet. If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Map is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall

comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.

- ☒ Cause the centerline of Siempre Viva Road and Airway Road to be surveyed and monumented. Monumentation shall consist of street survey monuments, per Drawing M-10 Regional Standard Drawings when the road, as improved, is at ultimate line and grade and 2" x 24" pipe when the road is not at ultimate line and grade.

ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

NOTICE: This project has been found to conform to the San Diego County Multiple Species Conservation Program Subarea Plan, Biological Mitigation Ordinance and Implementing Agreement. Upon fulfillment of the requirements for permanent mitigation and management of preserved areas as outlined in Section 17.1 (A) of the County's Implementing Agreement for the Multiple Species Conservation Program (MSCP) Plan, Third Party Beneficiary Status can be attained for the project. Third party beneficiary status allows the property owner to perform "incidental take" under the State and Federal Endangered Species Acts, of species covered by the MSCP Plan while undertaking land development activities in conformance with an approval granted by the County in compliance with the County's Implementing Agreement.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10096 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal

Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf.

<http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>.

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link above.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of excavation or eight feet (8') of cut/fill per criteria of Section 87.201 of the County Code.

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit from the Department of Public Works for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

EXCAVATION PERMIT REQUIRED: Obtain an excavation permit from the County Department of Public Works for undergrounding and/or relocation of utilities within the County right-of-way.

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to County TIF Ordinance number 77.201 – 77.219. The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [DPW, Land Development Counter] and provide a copy of the receipt to the [DPLU, Building Division Technician] at time of permit issuance.

SANITATION NOTICE: The following shall be met after map recordation:

COMMITMENT FOR CAPACITY AND LIST OF FEES: A commitment for capacity to serve the proposed development and list of required fees (per County Ordinance Number 9146) will be provided by [SDCSD] at time of building permit issuance.

PAY DISTRICT FEES: The developer shall pay all [SDCSD] fees in effect at time of issuance of the Wastewater Discharge Permit.

PAY FAIR SHARE COSTS: Prior to issuance of the Wastewater Discharge Permit, the developer shall pay all fair share costs attributable to third party reimbursement agreement(s) associated with this project that may be in effect at time of permit issuance.

INDUSTRIAL WASTEWATER DISCHARGE PERMIT FROM CITY: If required, the developer shall obtain an Industrial Wastewater Discharge Permit from the City, as directed by [DPW WWM]. For information, contact Armando Martinez at (858) 654-4122.

COMMERCIAL WASTEWATER DISCHARGE PERMIT: The developer shall obtain a Commercial Wastewater Discharge Permit from the County. The developer/owner shall make a written application to the County through Department of Planning and Land Use, building permit counter. For information, contact Louis Conde at 858-694-2660.

NOTICE: Fish and Game Fees have been paid in the amount of \$2,839.25 for the review of the EIR, Receipt number 410476, dated October 17, 2011.

NOTICE: Time Extension requests cannot be processed without updated project information including new Department of Environmental Health certification of septic systems. Since Department of Environmental Health review may take several months, applicants anticipating the need for Time Extensions for their projects are advised to submit applications for septic certification to the Department of Environmental Health several months prior to the expiration of their Tentative Maps.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Department of Planning and Land Use	<u>DPLU</u>	Department of Public Works	<u>DPW</u>
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC

Building Inspector	BI	Private Development Construction Inspection	PDCI
Landscape Architect	LA	Environmental Services Unit Division	ESU
Zoning Counter	ZO		
Department of Environmental Health	<u>DEH</u>	Department of Parks and Recreation	<u>DPR</u>
Land and Water Quality Division	LWQ	Trails Coordinator Group Program Manager Parks Planner	TC GPM PP
Vector Control	VCT	Department of General Service	<u>DGS</u>
Local Enforcement Agency	LEA	Real Property Division	RP
Hazmat Division	HMD		

APPEAL PROCEDURE: Within ten days after adoption of this Resolution, these findings and conditions may be appealed in accordance with Section 81.307 of the Subdivision Ordinance and as provided in Section 66452.5 of the Government Code. An appeal shall be filed with the appellant body and/or the Board of Supervisors within TEN CALENDAR DAYS of the date of this Resolution AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, DPLU FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. No Final Map shall be approved, no grading permit issues, and no building permits for model homes or other temporary uses as permitted by Section 6116 of the Zoning Ordinance shall be issued pursuant to said Tentative Map until after the expiration of the 10th day following adoption of this Resolution, or if an appeal is taken, until the appeal board has sustained the determination of this advisory body. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of adoption of this Resolution.

ON MOTION of Commissioner Riess, seconded by Commissioner Norby, this Resolution is passed and approved by the Planning Commission of the County of San Diego, State of California, at a regular meeting held on this 4th day of November 2011, in the Department of Planning and Land Use Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California, by the following vote:

AYES: 6

NOES: 0

ABSENT: 1

November 4, 2011

cc: Ricardo Jinich, Otay Business Park, LLC, 4370 La Jolla Village Drive Suite 640,
San Diego, CA 92122
Matt Barlow, Kimley-Horn and Associates, 401 B Street, Suite 600, San Diego,
CA 92101

email cc:

Jeramey Harding, T&B Planning, jharding@tbplanning.com
David Sibbet, Planning Manager, Department of Planning and Land Use
Ed Sinsay, Project Manager, Department of Public Works
Rene Vidales, DPW Project Engineer, Department of Public Works

**Attachment B –
Notice of Preliminary Decision of the Director of PDS
and
Final Notice of Action of the Planning Commission
Approving A Time Extension for TM 5505**



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds
PHONE (858) 694-2962 FAX (858) 694-2555

April 28, 2017

REFERENCE: TENTATIVE MAP TIME EXTENSION PDS2016-TM-5505TE

NOTICE OF PRELIMINARY DECISION OF THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES

On the above date, the Director of Planning & Development Services (PDS) adopted this preliminary decision approving Time Extension PDS2016-TM-5505TE. A copy of this Notice of Preliminary Decision will be filed with the Planning Commission as an informational agenda item on May 12, 2017. In the event the Planning Commission takes no action to initiate a public hearing on the preliminary decision, the preliminary decision shall become a final decision of the Planning Commission that is effective immediately.

I, Mark Wardlaw, Director of PDS, San Diego County, State of California, hereby certify that this is a copy of the official document authorizing an amendment to the referenced Tentative Map.

PLANNING & DEVELOPMENT SERVICES
MARK WARDLAW, DIRECTOR

By:

A handwritten signature in black ink, appearing to be "Lisa Gordon", written over a horizontal line.

LISA GORDON, DEPUTY DIRECTOR
PLANNING & DEVELOPMENT SERVICES

May 12, 2017

REFERENCE: TENTATIVE MAP TIME EXTENSION PDS2016-TM-5505TE

FINAL NOTICE OF ACTION OF
THE PLANNING COMMISSION APPROVING
A TIME EXTENSION FOR TENTATIVE MAP 5505

PLEASE NOTE: THIS LETTER EXTENDS THAT DATE UPON WHICH THE TENTATIVE MAP WILL EXPIRE AND MAKES CERTAIN OTHER CHANGES AS LISTED BELOW. ALL OTHER RESOLUTION LANGUAGE AND CONDITIONS REMAIN AS ORIGINALLY ADOPTED. [Strikeout indicates deletion, underline indicates addition.]

1. The approval of this Tentative Map expires on November 4, 2022 at 4:00 p.m.

The conditions within the Resolution of San Diego County, Conditionally Approving Tentative Map No. 5505 dated November 4, 2011 and decision to adopt Revised Map TM No. 5505R on January 22, 2015 are still applicable.

ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

ORDINANCE COMPLIANCE NOTIFICATIONS: The project is subject to, but not limited to the following County of San Diego, State of California, and U.S. Federal Government, Ordinances, Permits, and Requirements:

NOTICE: The subject property contains wetlands, a lake, a stream, and/or waters of the U.S. which may be subject to regulation by State and/or federal agencies, including, but not limited to, the Regional Water Quality Control Board, U.S. Army Corps of Engineers and the California Department of Fish and Wildlife. It is the applicant's responsibility to consult with each agency to determine if a permit, agreement or other approval is required and to obtain all necessary permits, agreements or approvals before commencing any activity which could impact the wetlands, lake, stream, and/or waters of the U.S. on the subject property. The agency contact information is provided below.

U.S. Army Corps of Engineers: 915 Wilshire Blvd., Suite 1101, Los Angeles, CA 90017; (213) 452-3333; <http://www.usace.army.mil/>

Regional Water Quality Control Board: 2375 Northside Drive, Suite 100, San Diego, CA 92108; RB9_DredgeFill@waterboards.ca.gov ;<http://www.waterboards.ca.gov/sandiego/>

California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 636-3160; AskR5@wildlife.ca.gov; <http://www.dfg.ca.gov/>

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10410 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Quality Management Plan (SWQMP), all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013 and amended in November 2015. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below.
<http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410 (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

DRAINAGE: The project shall be in compliance with the County of San Diego Flood Damage Prevention Ordinance No. 10091, adopted December 8, 2010.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of movement of material or eight feet (8') of cut/fill per criteria of Section 87.201 of Grading Ordinance.

- 4 -

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to County TIF Ordinance number 77.201 – 77.223. The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [*PDS, LD Counter*] and provide a copy of the receipt to the [*PDS, BD*] at time of permit issuance.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: The project will be required to pay Planning & Development Services Mitigation Monitoring and Condition Review Fee. The fee will be collected at the time of the first submittal for Condition Satisfaction to PDS, including Mitigation Monitoring requests. The amount of the fee will be determined by the current Fee Ordinance requirement at the time of the first submittal and is based on the number of PDS conditions that need to be satisfied. The fee amount will only be paid one time for those conditions that are indicated with the [*PDS, FEE*] designator. The fee will not apply to subsequent project approvals that require a separate submittal fee such as, Revegetation and Landscape Plans, Resource (Habitat) Management Plans, Habitat Loss Permits, Administrative Permits, Site Plans, and any other discretionary permit applications.

cc: Otay Business Park, LLC, 4370 La Jolla Village Drive, Ste 640, San Diego, CA 92122
Stevens Cresto Engineering, Inc., 9665 Chesapeake Drive, San Diego, CA 92123

email cc:

Ed Sinsay, Land Development, Team Leader, Planning & Development Services
David Sibbet, Planning Manager, Planning & Development Services
Marisa Smith, Project Manager, Planning & Development Services

Attachment C – Environmental Documentation

The project is relying on the Final Supplemental Environmental Impact Report (FSEIR) for Otay Business Park, dated November 2011. A copy of the FSEIR is available at Planning & Development Services or online at

<http://www.sandiegocounty.gov/content/sdc/pds/PC/170512-Supporting-Documents.html>



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds
PHONE (858) 694-2962 FAX (858) 694-2555

AN ADDENDUM TO THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR PURPOSES OF CONSIDERATION OF PDS2016-TM-5505TE

May 12, 2017

CEQA Guidelines, Section 15164 (a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 or 15163 calling for the preparation of subsequent or supplemental EIR have occurred.

There are some changes and additions, which need to be included in an Addendum to the previously certified EIR to accurately cover the new project. The additions are underlined and deletions are struck out. The changes and additions consist of the following:

1. To the Project Name add: Otay Business Park Tentative Map Time Extension
2. To the Project Number(s) add: PDS2016-TM-5505TE; PDS2016-ER-93-19-006WZ
3. To the first paragraph add as indicated: The Environmental Impact Report for this project is comprised of this form along with the Environmental Review Update Checklist Form for Projects with a Previously Approved Environmental Document dated May 12, 2017, which includes the following forms attached.
 - A. An Addendum to the previously certified Environmental Impact Report with an Environmental Review Update Checklist Form for Projects with a Previously Approved Environmental Document dated May 12, 2017.
 - B. An Ordinance Compliance Checklist.
 - C. An updated Major Stormwater Quality Management Plan (Major SWQMP) prepared by Stevens Cresto Engineering, Inc., dated December 16, 2016.



County of San Diego

MARK WARDLAW
DIRECTOR

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May 12, 2017

Environmental Review Update Checklist Form For projects with Previously Approved Environmental Documents

FOR PURPOSES OF CONSIDERATION OF OTAY BUSINESS PARK; PDS2016-TM-5505TE

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously certified Environmental Impact Report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

1. Background on the previously certified EIR:

A Subsequent EIR for Otay Business Park, PDS2006-3100-5505 was certified by the Planning Commission on November 4, 2011. The certified EIR found significant effects to air quality, biology, cultural, paleontology, public services, traffic and greenhouse gas emissions. Effects to biology, cultural, paleontology, public services and greenhouse gasses were determined to be mitigated or avoided to a level below significance.

On April 22, 2015, the Board of Supervisors approved a General Plan Amendment and Specific Plan Amendment to remove an Airway Road segment between Alta Road and Siempre Viva Road from the General Plan and East Otay Mesa Specific Plan because the said portion of the intersection would not meet intersection spacing requirements from the recently planned State Route 11 (SR-11) off-ramp. In addition, the General Plan Amendment removed the segment of Airway Road from the Otay Mobility Element Network Map and Appendix. The approved Specific Plan Amendment removed the segment of Airway Road from the East Otay Mesa Specific Plan, including maps and text. A Revised Tentative Map was filed and approved which mapped the sewer pump station and Caltrans right-of-way as non-buildable lots.

Otay Business Park TM Time Extension - 2 -
PDS2016-TM-5505TE

May 12, 2017

2. Lead agency name and address:
County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123

- a. Contact Marisa Smith, Project Manager
b. Phone number: (858) 694-2621
c. E-mail: marisa.smith@sdcounty.ca.gov

3. Project applicant's name and address:

Otay Business Park, LLC, 4370 La Jolla Village Drive, Suite 640, San Diego, CA 92122

4. Summary of the activities authorized by present permit/entitlement application(s):

The present permit application would extend the expiration date of the approved Tentative Map by the maximum allowed by the Subdivision Map Act (six years) so that the expiration date would become November 4, 2022.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES
☐

NO
☒

6. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

☒ NONE

☐ Aesthetics

☐ Biological Resources

☐ Greenhouse Gas Emissions

☐ Land Use & Planning

☐ Population & Housing

☐ Transportation/Traffic

☐ Agriculture and Forest Resources

☐ Cultural Resources

☐ Hazards & Haz Materials

☐ Mineral Resources

☐ Public Services

☐ Utilities & Service Systems

☐ Air Quality

☐ Geology & Soils

☐ Hydrology & Water Quality

☐ Noise

☐ Recreation


☐ Mandatory Findings of Significance

May 12, 2017

DETERMINATION:

On the basis of this analysis, Planning & Development Services has determined that:

- ☒ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate upon completion of an Addendum.
- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with a EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.


Signature

May 12, 2017
Date

Marisa Smith
Printed Name

Project Manager
Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an EIR certified for a project, no Subsequent or Supplemental EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

ENVIRONMENTAL REVIEW UPDATE CHECKLIST

I. AESTHETICS -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES

☐

NO

☒

II. AGRICULTURE AND FORESTRY RESOURCES -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, or conversion of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

YES

☐

NO

☒

III. AIR QUALITY -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES

☐

NO

☒

IV. BIOLOGICAL RESOURCES -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities

Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES

☐

NO

☒

V. CULTURAL RESOURCES -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES

☐

NO

☒

VI. GEOLOGY AND SOILS -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

YES

☐

NO

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VII. GREENHOUSE GAS EMISSIONS -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects related to environmental effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES

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NO

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The California Air Pollution Control Officers Association (CAPCOA) CEQA Climate Change White Paper (CAPCOA White Paper) dated January 2008 recommends using a 900 metric tons (MT) screening level to determine GHG impacts. As stated in the CAPCOA White Paper, 900MT of GHG emissions are generally produced by a 50-unit single family residential or 70-unit multifamily development. Since the project propose eight single family residential lots, the project's GHG emissions would be below the CAPCOA-recommended 900MT screening level and impacts would

be less than significant. The proposed Time Extension would not result in significant impacts related to GHG emissions. Further, there are no changes in circumstance under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects relating to GHG emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES
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NO
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IX. HYDROLOGY AND WATER QUALITY -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES
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NO
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A Stormwater Quality Management Plan (SWQMP) was prepared for the project by Stevens Cresto Engineering, Inc. dated December 16, 2016. The SMQWP was reviewed and determined to comply with current stormwater regulations.

X. LAND USE AND PLANNING -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES
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NO
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XI. MINERAL RESOURCES -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES
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NO
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XII. NOISE -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES
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NO
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XIII. POPULATION AND HOUSING -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES
☐NO
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XIV. PUBLIC SERVICES -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES
☐NO
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XV. RECREATION -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES
☐NO
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XVI. TRANSPORTATION/TRAFFIC -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES
☐NO
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XVII. UTILITIES AND SERVICE SYSTEMS -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of

which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES

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NO

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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

YES

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NO

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Attachments

- Previous environmental documentation
- Addendum to the previously certified EIR

XVIII. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM

California Department of Fish and Wildlife. Fish and Wildlife Code, Section 1600 *et. seq.*

California Environmental Quality Act, CEQA Guidelines

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3, Section 15382.

Otay Business Park TM Time Extension - 11 -
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May 12, 2017

California Integrated Waste Management Board, Title 14, Natural Resources, Division 7

California Integrated Waste Management Board, Title 27, Environmental Protection, Division 2,
Solid Waste

California Public Resources Code, CPRC, Sections 40000-41956

County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3

County of San Diego Conservation/Open Space Element of the General Plan (Goal COS-17: Solid
Waste Management)

County of San Diego Conservation/Open Space Element of the General Plan

County of San Diego Zoning Ordinance (Agricultural Use Regulation, Sections 2700-2720)

County of San Diego. Resource Protection Ordinance, Article II (16-17). October 10, 1991

County of San Diego. 1997. Multiple Species Conservation Program, County of San Diego
Biological Mitigation Ordinance

County of San Diego Watershed Protection, Stormwater Management, and Discharge Control
Ordinance (WPO) (Ordinance Nos. 9424 and 9426, County Codes §§ 67801 et seq.)

Farmland Mapping and Monitoring Program, California Department of Conservation, Division of
Land Resource Protection

Order No. 2001-01, NPDES No. CAS 0108758, California Regional Water Quality Control Board,
San Diego Region

Ordinance 8334, An Ordinance to amend the San Diego County Code of Regulatory Ordinances
relating to Flood Damage Prevention, Adopted by the Board of Supervisors on 12/7/93

Public Resources Code Sections 4290 and 4291

San Diego County Light Pollution Code (San Diego County Code Section 59.101)

The Importance of Imperviousness from *Watershed Protection Techniques* Vol. 1, No. 3 - Fall
1994 by Tom Schueler Center for Watershed Protection

The Resource Conservation and Recovery Act (RCRA), 1976

Uniform Fire Code, Article 9 and Appendix II-A, Section 16

Water Quality Control Plan for the San Diego Basin (9), California Regional Water Quality Control
Board, San Diego Region

**REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH
ORDINANCES/POLICIES**

**FOR PURPOSES OF CONSIDERATION OF
Otay Business Park Tentative Map Time Extension
PDS2016-TM-5505TE**

May 12, 2017

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES
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NO
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NOT APPLICABLE/EXEMPT
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The proposed project and any off-site improvements are located within the boundaries of the Multiple Species Conservation Program.

Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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A Minor Amendment to the MSCP was granted for the Otay Business Park Project on March 31, 2011.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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The project will obtain its water supply from the Otay Water District, which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Wetland and Wetland Buffers: The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance, as discussed on page 12 of the Biology Report (EIR Appendix C1). Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe: This project is not located in a Floodway or Floodplain.

Steep Slopes: Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property.

Sensitive Habitats: Sensitive habitat lands were identified within the previously approved Biology Report. However, all feasible mitigation measures to protect the sensitive habitat lands are required as a condition of approval and implementation of that mitigation would provide an equal or greater benefit to the affected species. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites: Testing and other investigation from the previously certified EIR has determined that the archaeological site is not significant under the Resource Protection Ordinance, but is significant under the State California Environmental Quality Act (CEQA) Guidelines, Section 15064. The project complies with the CEQA because the site has been sufficiently tested and does not warrant preservation. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

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NO

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NOT APPLICABLE

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The project Storm Water Management Plan for this project has been submitted, and DPW has reviewed it and found it in compliance with the Watershed Protection Ordinance (WPO). The plan is adequate for CEQA purposes.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

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NO

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NOT APPLICABLE

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The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.