

MARK WARDLAW

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

KATHLEEN A. FLANNERY ASSISTANT DIRECTOR

February 8, 2019

TO:

Planning Commission

FROM:

Mark Wardlaw, Director

Planning & Development Services

SUBJECT:

Notice of Preliminary Decision of the Director of Planning & Development Services

and Final Notice of Action of the Planning Commission Approving a Revised

Tentative Map for Hawano Tentative Map 5566 (District: 1)

# **REVISED TENTATIVE MAP INFORMATIONAL ITEM G-1**

# **PURPOSE**

The purpose of this informational report is to provide the Planning Commission notice of a decision of the Director of Planning & Development Services (Director) to approve revised conditions (Revised Tentative Map) for the Hawano Tentative Map (TM 5566) to allow completion of the Final Map.

The applicant is requesting a Revised Tentative Map in order to remove and revise several of the original conditions for TM 5566. The existing conditions for TM 5566 require offsite improvements to specific segments of roads. Some of the conditions are no longer required because previously analyzed traffic impacts of the project will not occur, primarily due to completion of an segment of SR-11. The request also includes revising a condition regarding maintenance of specified stormwater facilities.

The Director's decision will become final and effective unless the Planning Commission takes action to schedule the Revised Tentative Map 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 Revised Tentative Map.

# **BACKGROUND**

The Planning Commission approved TM 5566 on December 13, 2013 to subdivide 80 acres into 24 lots ranging in size from 1 to 5.4 acres. The project site is located at the Southwest corner of Airway Road and Alta Road in the Otay Subregional Plan area. The Planning Commission approved TM 5566 for three years, with an expiration date of December 13, 2016. The applicant filed a request on September 12, 2016 for a six-year Time Extension to allow more time to satisfy the conditions of approval to obtain the Final Map for the property. The Planning Commission

approved the Time Extension on July 14, 2017 for six-years with a new expiration date of December 13, 2022. Approval of the Revised Tentative Map will not change the expiration date.

On October 24, 2017, the applicant filed a request for a Revised Tentative Map to revise several conditions of approval for the Tentative Map that are related to road and drainage improvements. The Revised Tentative Map requests three sets of revisions: the deletion of Otay Mesa Road improvements, the deletion of Airway Road improvement, and allowing a stormwater pipe to be maintained by the County.

The first request is based on an updated Traffic Impact Analysis that takes into account the recently completed segment of SR-11 that extends to Enrico Fermi Drive. The analysis concluded that previously required road improvements are no longer necessary due to the construction of that segment of SR-11. Accordingly, the applicant requested the deletion of conditions for constructing the following improvements to Otay Mesa Road or providing an Irrevocable Offer of Dedication: 1) Offsite Otay Mesa Road on the north side of centerline from Sanyo Avenue/Sunroad Boulevard to the future alignment of Vann Centre Boulevard; 2) Offsite Otay Mesa Road on the north side of centerline from the future alignment of Vann Centre Boulevard to 680 feet east of the future alignment of Michael Faraday Drive; 3) Offsite Otay Mesa Road on the north side of centerline from 680 feet east of the future alignment of Michael Faraday Drive to Enrico Fermi Drive; 4) Offsite Otay Mesa Road on the south side of centerline west of Enrico Fermi Drive; 5) Irrevocable Offers of Dedication for specified segments of Otay Mesa Road; 6) restriping of Otay Mesa Road from Sanyo Avenue to the City/County limits; 7) traffic signal and additional through lanes and turn lanes at the intersection of Otay Mesa Road and Enrico Fermi Drive.

The second request is to delete a condition to construct Airway Road adjacent to the project site from Airway Place to Alta Road, which will no longer be required because the project will neither have driveway access to nor impact Airway Road.

The third request is to revise a condition regarding specified stormwater facilities. The existing condition requires they will be privately maintained. With the revision, the County will maintain storm drain facilities on the east side of Alta Road if in the future the road pavement is widened and the storm drain facilities are protected under the pavement.

The locations of these revisions are shown in Attachment A. All revisions are shown in strikeout and underline in the Final Notice of Action found in Attachment B.

On October 24, 2017, 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 the application for a Revised TM 5566 was filed. No phone calls or written comments were received as a result of the public notification of October 24, 2017. There is no Planning or Sponsor Group that represents this area of unincorporated San Diego County.

The Director reviewed the application for a Revised Tentative Map with considerations to the following requirements: conformance with all Federal, State, and County regulations, including the County General Plan, Community Plans, Zoning Ordinance, and California Environmental Quality Act (CEQA). No significant changes were found to density, zoning, or CEQA requirements. The Revised Tentative Map was found to comply with the originally certified CEQA document. The application is required to comply with any new state or local requirements prior to approval of the Final Map and construction, including MS4 stormwater regulations. In

addition, the Director reviewed the conditions of approval and justification from the subdivider including permit streamlining goals including the reduction of processing time and cost.

In accordance with the County of San Diego Subdivision Ordinance Section 81.317(c), the January 29, 2019 Notice of Preliminary Decision of the Director of Planning & Development Services to Approve Tentative Map Revision PDS2017-TM-5566R (Attachment B) has been issued and filed with the Planning Commission as an Administrative Item.

# ATTACHMENTS:

Attachment A - Planning Documentation

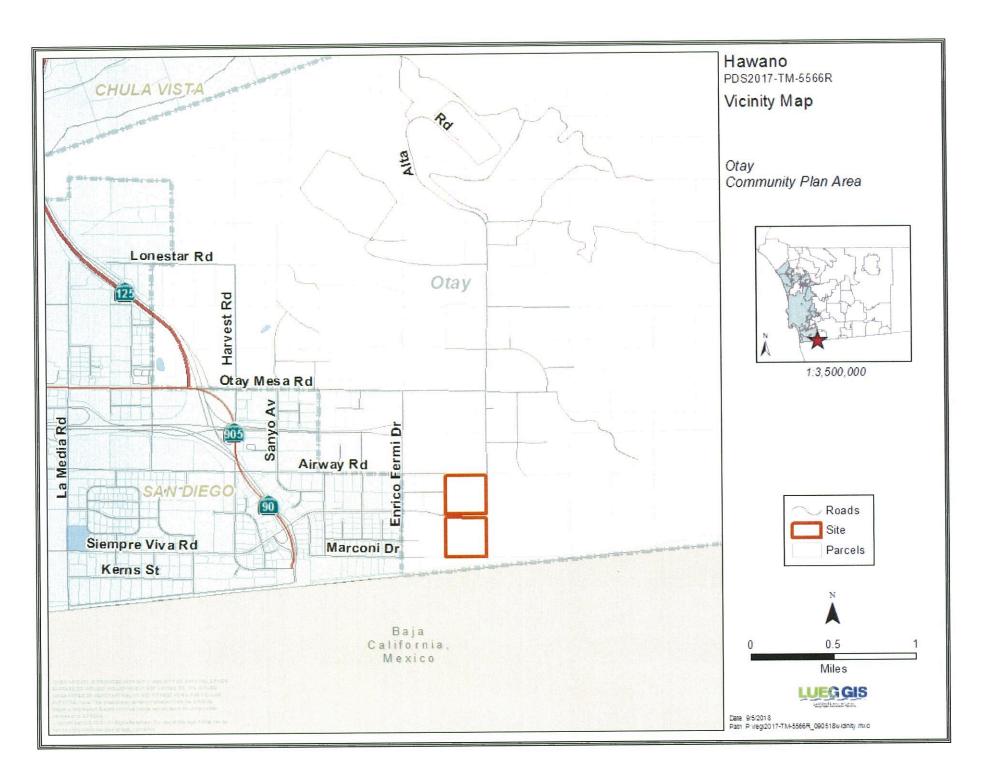
Attachment B – Notice of Preliminary Decision of the Director of Planning & Development Services and Final Notice of Action of the Planning Commission Approving a Tentative Map Revision for TM-5566

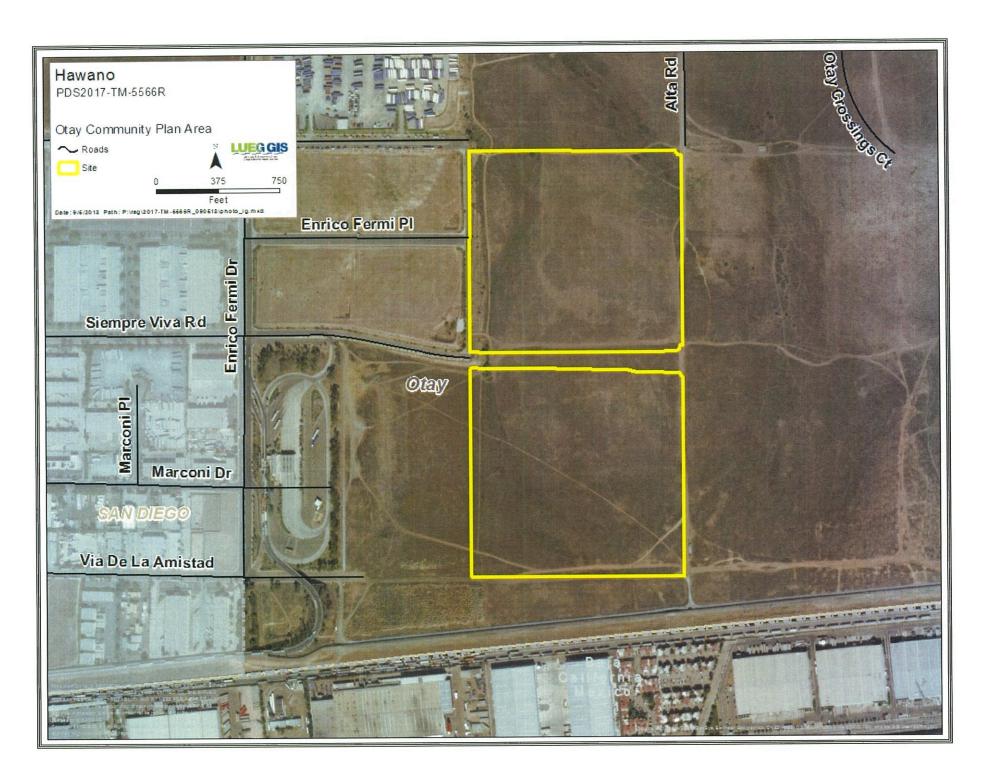
Attachment C - Environmental Documentation

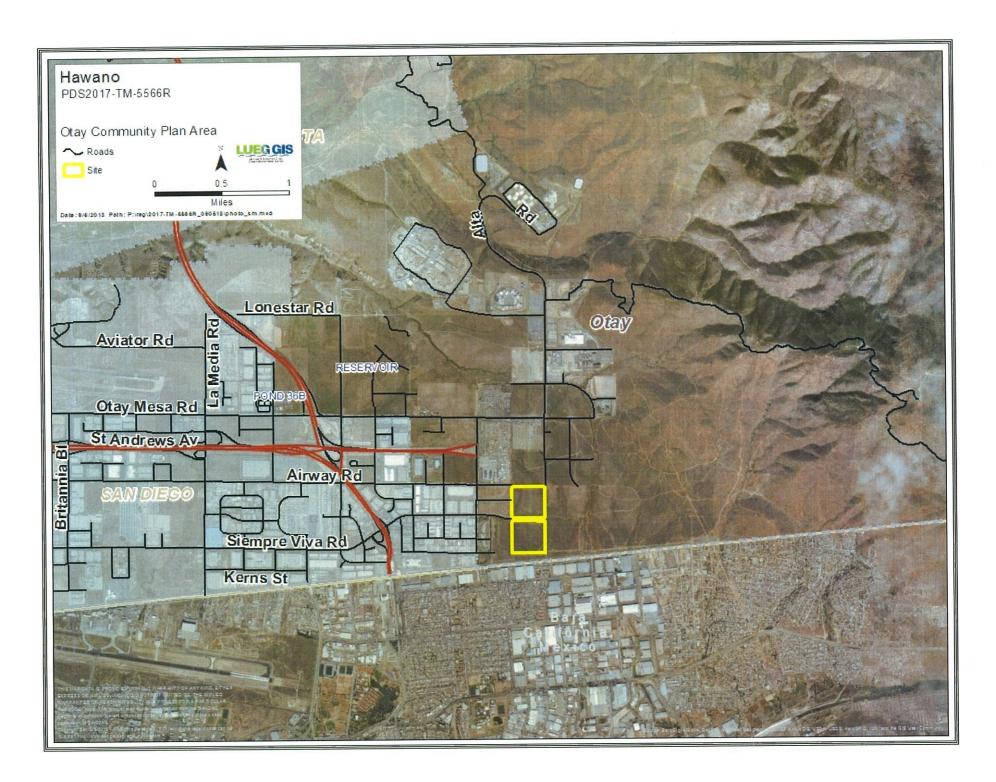
Attachment D - Ownership Disclosure

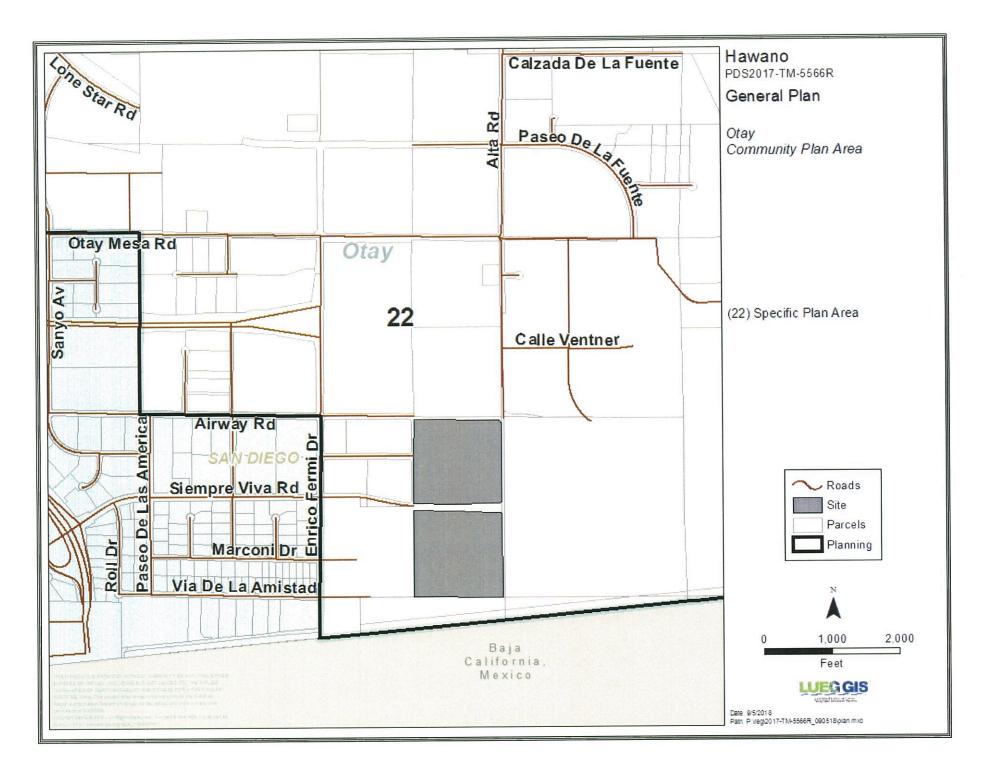
# **Attachment A – Planning Documentation**

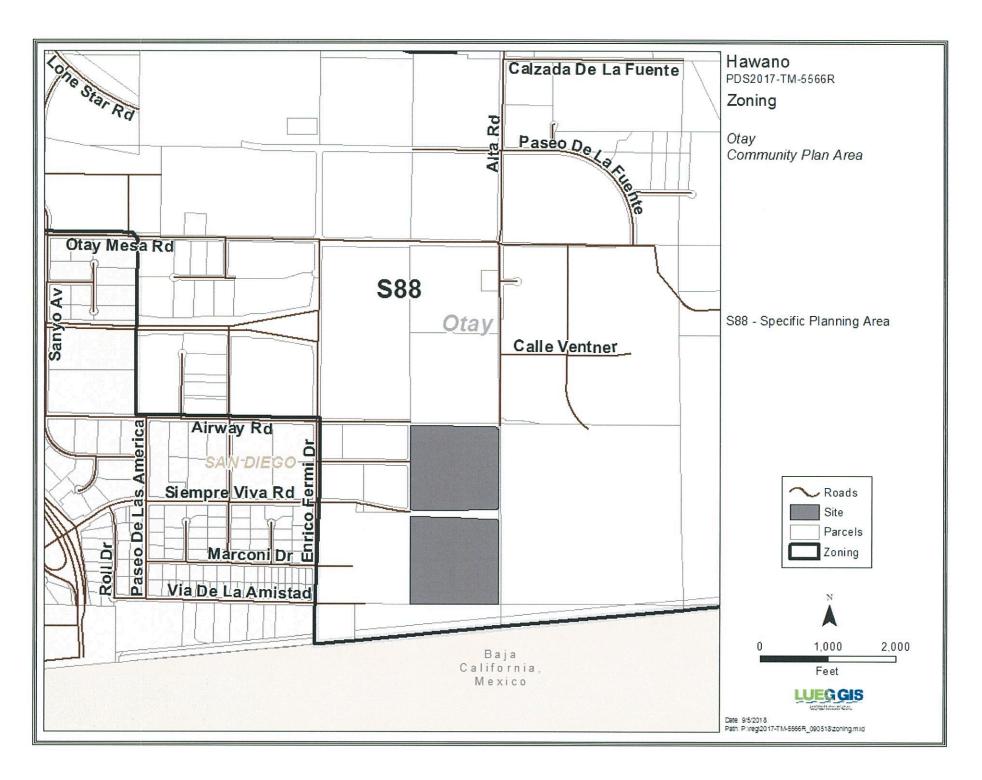












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### COUNTY OF SAN DIEGO TRACT 5566 TENTATIVE MAP OMNEVEREDMOCH SIMOGLAGA HARMNO, S.A. DE C.V. AVENDA EJERCTIO NACIONAL 1991-A COLUMA MJEVA DRANDA, D.F. 11520 MEJOO HAWANO SUBDIVISION DNE (5255) 5209-6018 APN 848-070-14 OWNER MIGHAEL MCKANY 1 JOHN J. FAHIDA DAN BERKUS DANE PARAGON MANAGEMENT COMPANY APN 648-070-00 OWNER: KEARNY PCCP OTAY 311 LLC ASSESSOR'S PARCEL NUMBER EXISTING AIRWAY BOAD LEGAL DESCRIPTION 1 (1) 5.02 Ac. 2.19 Ac. 1.95 Ac. APN 648-070-32 APN 648-070-31 OWNER DTAY DWNERI DTAY EXCEPT DEPRETROM THE EASTERLY 30 FILE. INDUSTRIAL LLC BASIS OF BEARINGS (1) 10 1.94 Ac. 1.94 Ac. 4.25 Ac. EXISTING ENRICO FERMI PLACE **EXISTING EASEMENTS** 11 APN 848-070-30 1.98 Ac. 1.94 Ac. 4.25 Ac. DWNER PLR INVESTMENTS LLC ENGINEER OF WORK KIMLEY-HORN AND ASSOCIATES, INC. 401 B STREET, SUITE 600 SAN DECO, CA. 52101 FHORE (819) 254-9431 FAX (819) 234-9433 12 EXISTING SIEMPRIE WVA ROAD 4.14 Ac. 1.90 Ac. 1.84 Ac. 1111+ D MATTHEW BARGOW R.C.E. C62906 FUTURE SIEMPRE SIEMPRE VIVA ROAD Parcel Area Table OFFISITE EASEMENT Parcel (Nn) Area (Ac) 5.02 17 EASEMENT 13 5.44 Ac. 2.44 Ac. 2.14 Ac. (1) +0 4.14 1.98 1,94 NOT USED (1) 14 1 95 (9) 4.43 Ac. STREET DETHICKTION (FOR ALTA RO.) SLOPE & DRAMAGE (FOR ALTA ROAD) NOT USED 1.94 2.20 Ac. (6) 15 1.84 2.90 Ac. 0 2.14 FUTURE ENTERPRISE ROAD (6) 19 24 2,44 5,44 23 SLOPE & DRAWAGE (FOR 5.03 Ac 83 1.00 Ac. 1.01 Ac. 4.43 60 5.03 (2) ONE(1) ACRE OF DEFOI THE SECS LOT NO. SE, CONVEYED BY TRESSEE CONVEYED BY TRESSEE CONSIDER STREET DEDICATION (ALTA MD.) NOT USED 21 (3) 20 4.38 BASIN A LIFT STATION 1.57 Ac 1.98 Ac. 23 1.00 22 0 4.38 Ac. HOSS LOT AREA 6786 AC 43 BASIN A AREA" 4.58 AC CNISTE ROAD AREA 13.99 AC 0 DRAWATE ACCESS 4 EXISTING WA DE LA AMISTAD APN 848-070-25 GROSS PROJECT AREA BEG AC 10 APN 848-G70-23 OWNER: PATRICIA G. MILLICAN B MILLICAN BORDER PATROL CORRIDOR USA MEXICO ZONING APN 648-070-21 SHEET NOEX STREET

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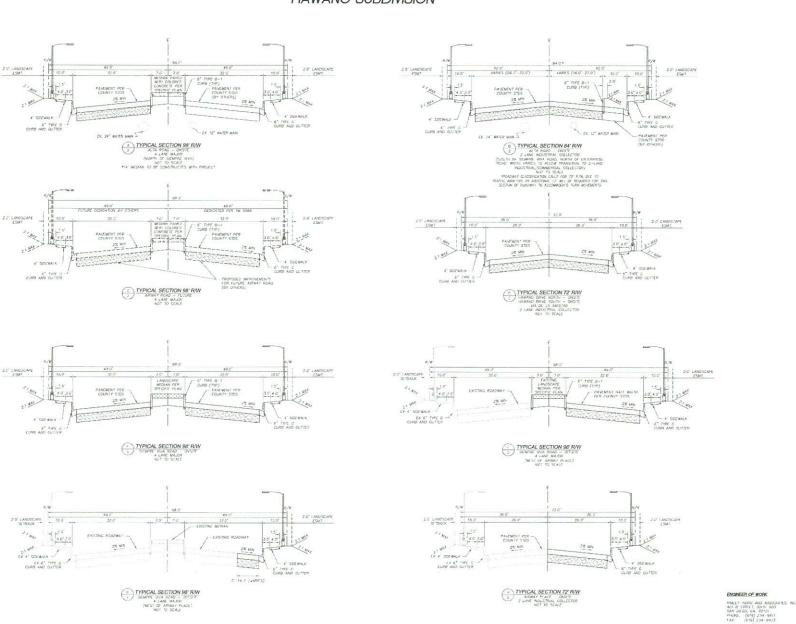
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FEB 2018 C-1R2

# COUNTY OF SAN DIEGO TRACT 5566 TENTATIVE MAP HAWANO SUBDIVISION



Kimley » Horn

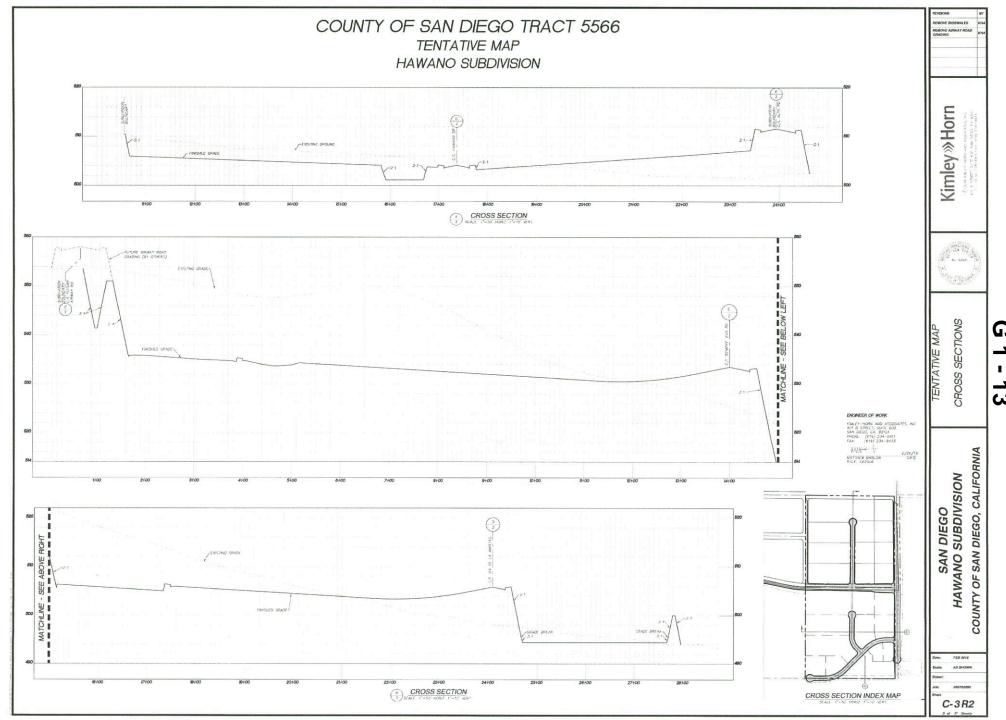


TYPICAL ROAD SECTIONS

COUNTY OF SAN DIEGO, CALIFORNIA HAWANO SUBDIVISION SAN DIEGO

FEB 2018 095765000 C-2R2

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# COUNTY OF SAN DIEGO TRACT 5566 TENTATIVE MAP



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KMAET-HOPN AND ASSOCIATES INC. 401 B STREET, SUITE 650 SAN DEFOC, CA. 92701 PHOSE: (619) 234-9411 FAX: (619) 234-9433

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Parcel Area Table

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NOTE: THE DROSS PROJECT AREA INCLUDES OFFSITE IMPROVEMENTS AND CRADING SLOPES THAT EXTEND SEYOND THE PROPERTY BOUNDARY.

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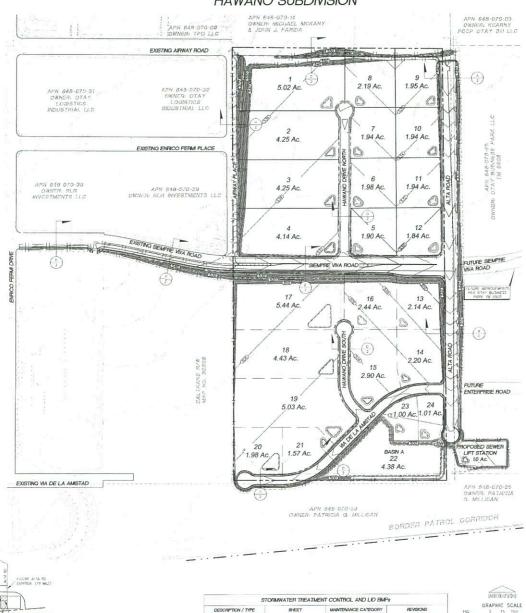
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- 8 SPECIAL ASSESSMENT ACT PROCEEDINGS MAY BE REQUESTED FOR THIS PROJECT.
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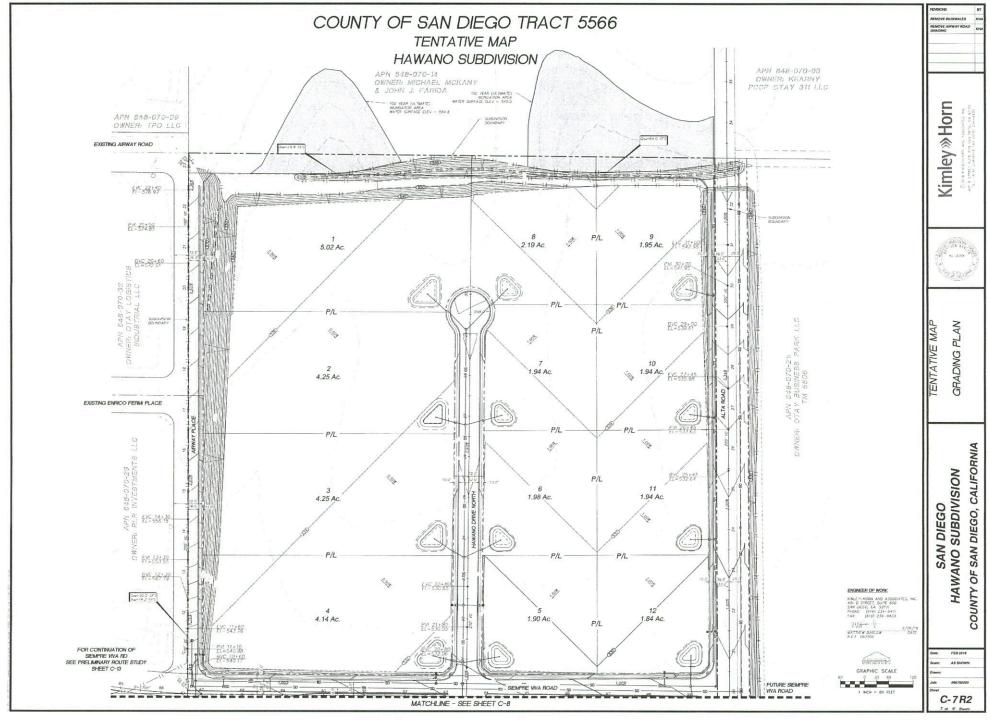
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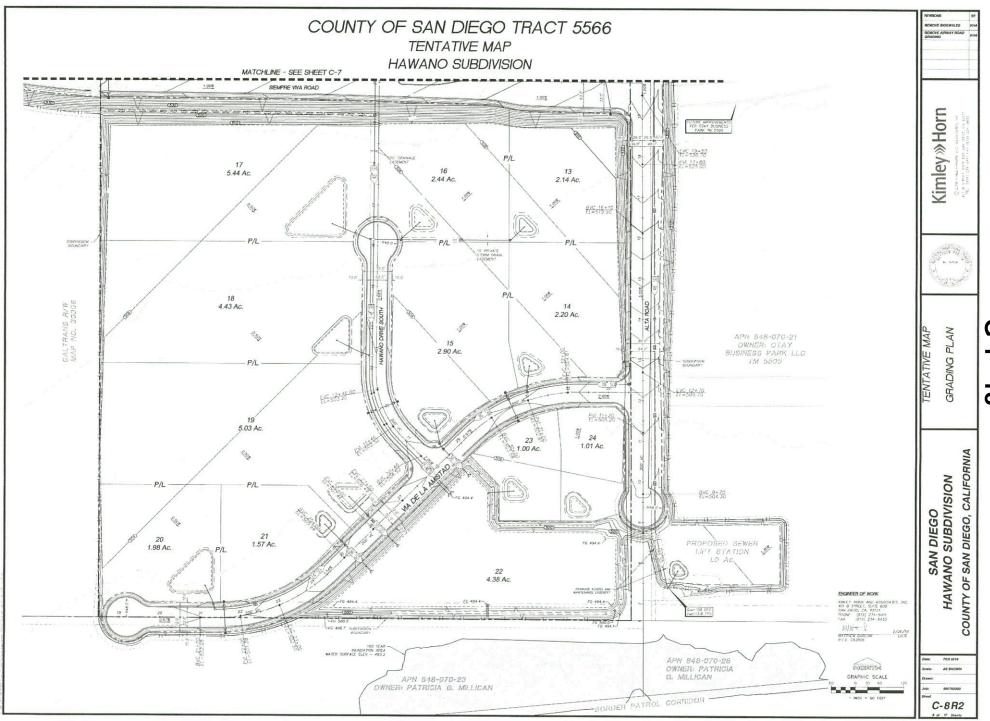
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GRADING PLAN TITLE SHEET

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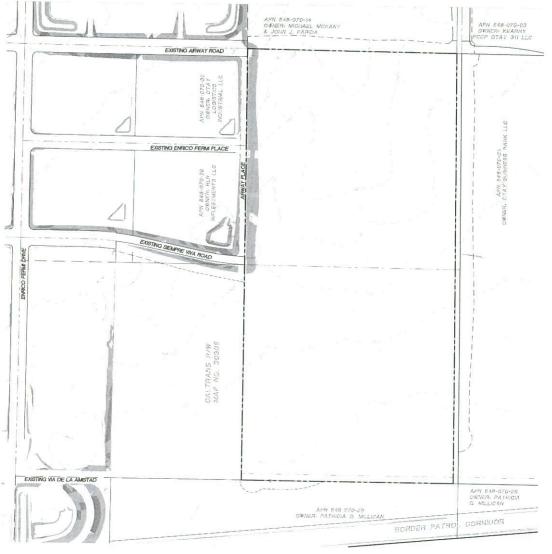
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# COUNTY OF SAN DIEGO TRACT 5566 TENTATIVE MAP HAWANO SUBDIVISION







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FAX (019) 234-9413

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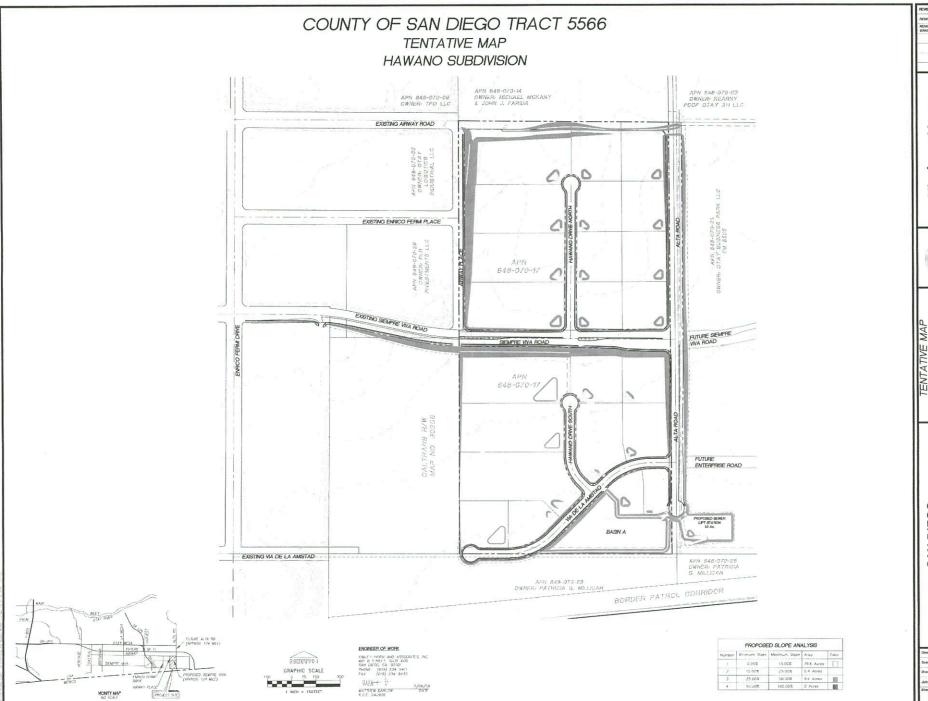
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TENTATIVE MAP SLOPE ANALYSIS

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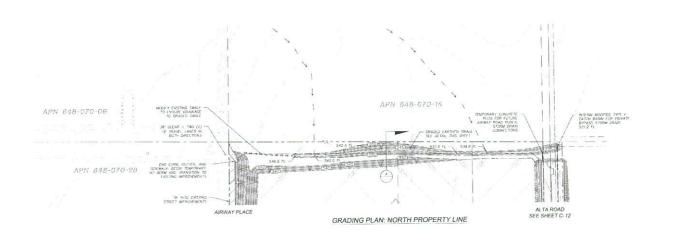
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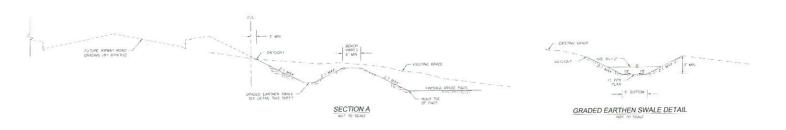
TENTATIVE MAP ENCROACHMENT -OPEN SPACE MAP

SAN DIEGO HAWANO SUBDIVISION COUNTY OF SAN DIEGO, CALIFORNIA

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# COUNTY OF SAN DIEGO TRACT 5566 TENTATIVE MAP HAWANO SUBDIVISION





ENGINEER OF WORK

KOMEY - HORN AND ASSOCIATES, INC.
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SAN 08:00 CA 97:01
PHONE (819) 234-9413

TAX (819) 234-9433

WATHER BARCON DATE
RCJ C62908



REVISIONS BY REMOVE BUGSWALES AND REMOVE BURSWAY ROAD GRADING

Kimley» Horn



TENTATIVE MAP GRADING PLAN FOR NORTH PROPERTY LINE

SAN DIEGO HAWANO SUBDIVISION COUNTY OF SAN DIEGO, CALIFORNIA

CENTERLINE DATA

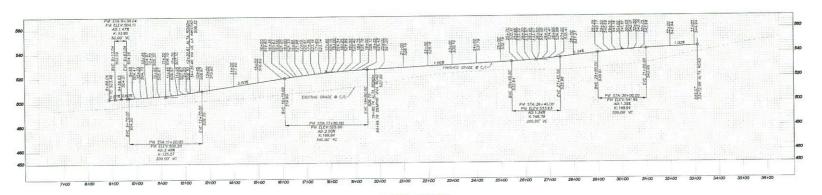
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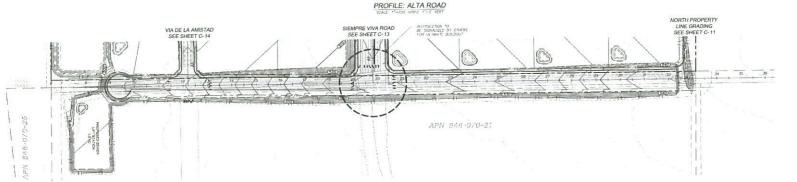
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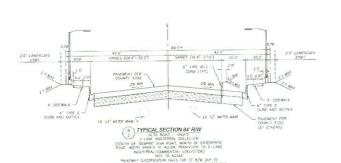


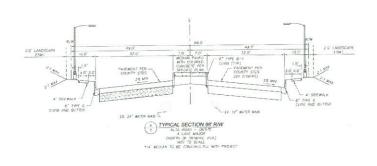
# COUNTY OF SAN DIEGO TRACT 5566 TENTATIVE MAP HAWANO SUBDIVISION

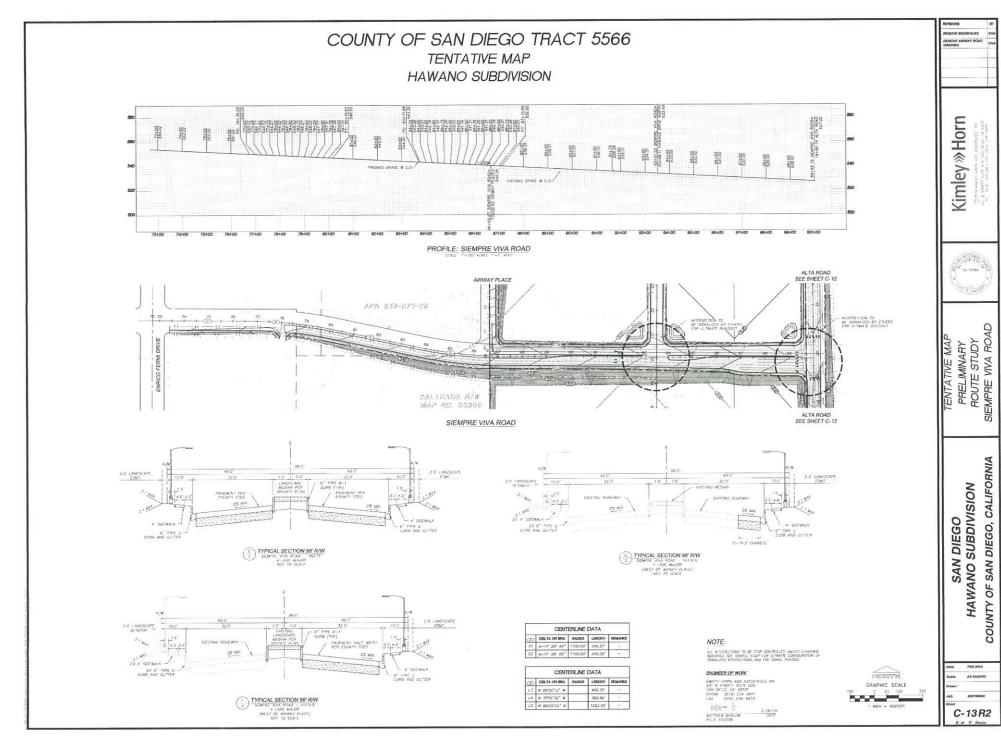




ALTA ROAD



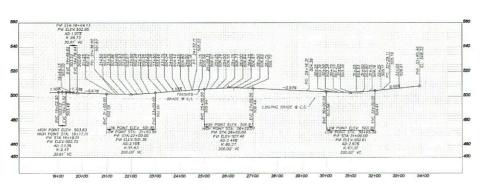




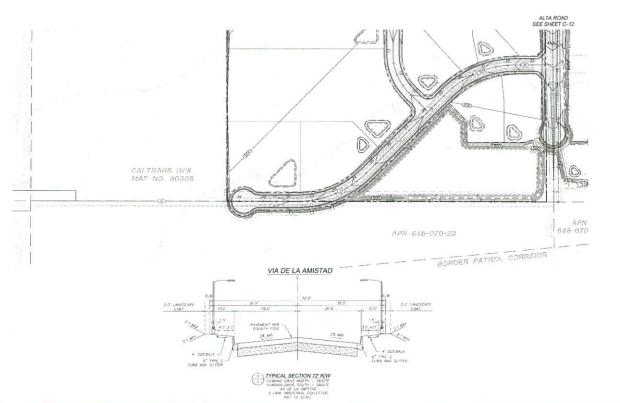
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Kimley » Horn

# COUNTY OF SAN DIEGO TRACT 5566 TENTATIVE MAP HAWANO SUBDIVISION



PROFILE: VIA DE LA AMISTAD



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| CENTERLINE CURVE DATA |        |         |             |                   |
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| -                     | RADIUG | LENGTH  | DELTA       | REMARKS           |
| C3                    | 400.00 | 313.88" | A=44'57'34" | 22 - 21 - 27 - 27 |
| 24                    | 400.00 | 312.80  | Δ=44'48'17" |                   |

### ENGINEER OF WORK

KOREY-HOPM AND ASSOCIATES, IN 401 B STREET, SULTE 600 SAN DRICE, CA. 99101 PHORE: (819) 234-9411 FAX: (819) 234-9423

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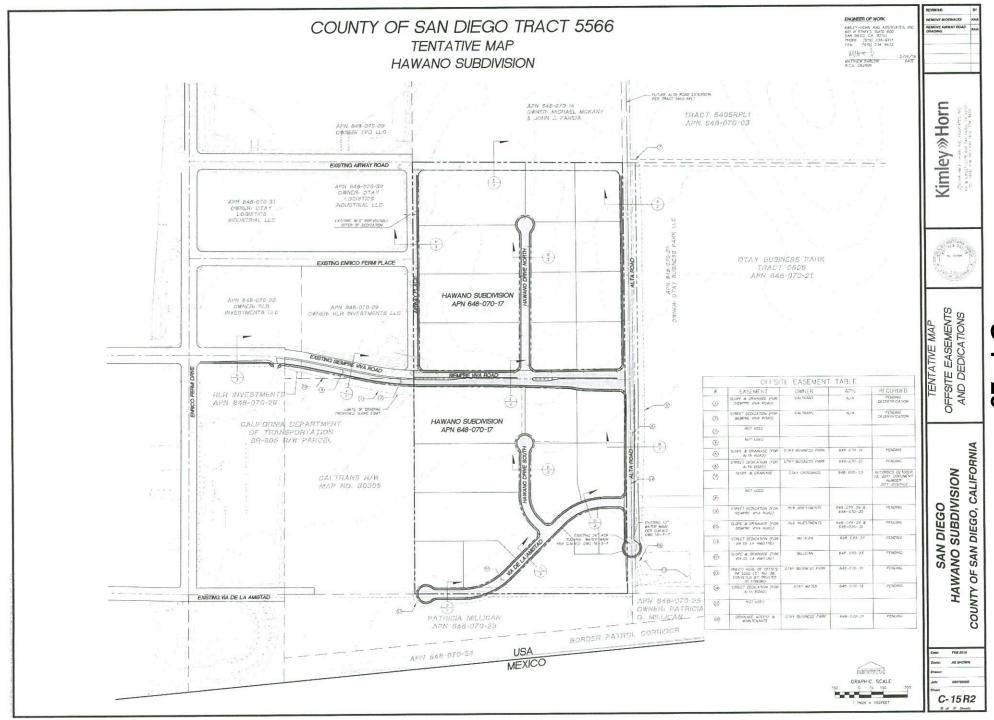
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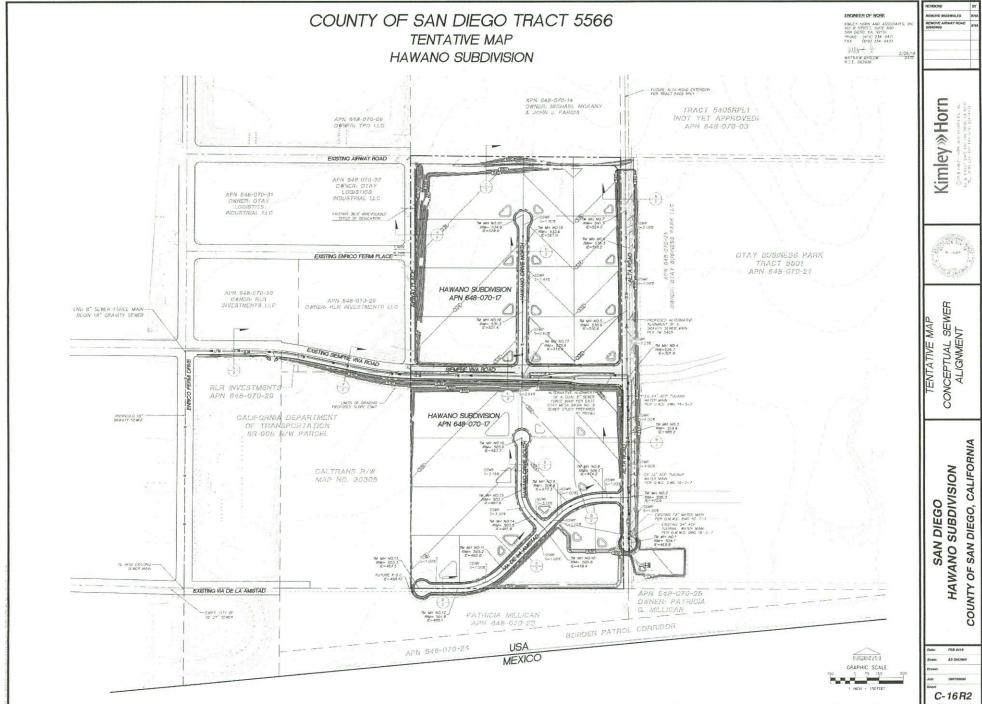
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SAN DIEGO HAWANO SUBDIVISION COUNTY OF SAN DIEGO, CALIFORNIA





REMOVE ARRWAY ROAD

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C-17R2

# COUNTY OF SAN DIEGO TRACT 5566 TENTATIVE MAP HAWANO SUBDIVISION

(CULTURAL RESOURCES)
GP1. ARCHAELOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X21

ARCHALOGICAL MONITORING: [DRW, POCI] [DRU, PCC] [PC] [DRU, PCE 37]
Interest in a constyle Millingine Montering and Reporting Program
Interest in 2,310 (260) (This, a Collectin Recorder Caulity Membrane) and Reporting Program
And Its implemental Description of Requirement. The Country approach
Project Archaeologist: Native American Membra and the DRU, Pemil
Compliance Conditional PCCs, shall used enter by excensition meeting with
recordinated and minister (PCCs), shall used enter the process of the Country approach
monitoring program. The Project Archaeologist is not known American Monter, if
contraded shall monitor original culting of shall imprevenents. The garding
between the project archaeologist and shall imprevenents and usuas discriptional configuration of the project in the project of the project in the project of the project in the project i

### (PALEONTOLOGICAL RESOURCES)

# GP2. PALEONTOLOGICAL MONITORING: [DPW, PDCI] [PDS, PCC] [PC] [PDS, FEE X2]

Heart. In criter to comply with Miligation Monitoring and Reporting Program pursuant to 3100 5500/TM, a Placentological Resource Grading Monitoring Program to 3100 5500/TM, a Placentological Resource Grading Monitoring Program to 3100 5500/TM, a Placentological Resource Grading Monitoring Program to 3100 5500/TM, and a second resource of the Placent Control of the Control of the Second Control

GP3. BEEDING JELSON ANCORANCE, IEPPE (proving Permit) which is not in clipide by pricing and impact to improve protein migratory losts and/or between great between the could cover during between greating, and cleaning activities. Description of Requirement. This between greating and cleaning of veryplation shad cover during the breading bases for the betweening grading permit and the proving and proving the proving grading permit shall include in row. Taking: The constraint applies throughout the duration of the cleaning and grading Belletings. The IDPW. FECH shall not table way grading between relocuty is and Appell 31.

### GF4. BURROWING OWL SURVEY: [DPW] [Grading Permit]

BURROWING OWS. SURVEY: (Driving Permit) that the control of the c

a component of this survey, cameras shall be used to verify whether burrows accupied by burrowing owls.

- If burrowing owls are not detected during pre-grading surveys, based on Section 3.4.1.1 of the Burrowing Owl Strategy, the following shall be
- If burrowing owls were not found on the site during the pre-grading survey but are found to be using the title occasionally for noising or foraging, they should be allowed to do so with no changes in the grading or grading schedule.
- If Jurnaling auth were not found on the six during the pre-grading sown yet are board to be using the six expected by the coding to coding the country with the pre-grading six country in register context should be rainfed and the portion of the six that that not been graded should be serviced for the source. If we have it is built pre-gradient of the Code's source, and the service is the service of the pre-gradient of the Code's procedures is section 3.4.1.2 of the Barrowing Owl Strategy must be followed.
- if a burrowing owl begins using a burrow on the site at any time after the Initial pre-grading survey grading begins, procedures described in section 3.4.1.2 of the Burrowing Owl Stralegy must be
- Any actions other than these require the approval of the County. USFWS and CDFG.
- If owls are present bissed on Section  $3.4\,1.2$  of the Burrowing Owl Strategy, the following shall be required.
  - If one or more burrowing owls are using burrows on or within 300 feet of the proposed grading. the County Miligarten Mentioning Coordinator's should be contacted. The County Miligarten Mentioning Coordinator will certain USFVID and CDFC regarding the eviction of the owls and collapse of the burrows, and will entitle the high of a County staff biologist is continue with the coordinator.

- If the owl is using a burrow on the site and it is not the breeding season, the owl may be evided as described in section 4.5.4 of the burrowing old Stenagy after a qualified burrowing old withologes thas estimated, by using a fiber optic pamera or other appropriate device that no eggs or young as in the burrow. Evidon requires written one-currente from the USE WS and CDFG prior to implementation.
- If a burrow is bring used and if is the breeding season, grading shall not occur within 300 feet of the burrow until the young have feedinged and see no longer dependent on the burrow. At which time the burrowing with can be evided. Evidion requires written oncurrence from the USEVINE and CDPG prior to implementation.
- Crading closer than 300 feet may occur with concurrence from the USFWS, CDFG, and County Milipation Moratoring Coordinator. This distance will dispend on the burrow's location in relation to the set's topography and other physical and biological consideratoris.
- 8) Burrowing colds are known to use open poet culvaria, escarabid holes, and other burrow-like shuckarss at construction littles. Therefore, resources should be taken to decounge colonization or recolonization at the construction set by burrowing over. Such resources include, but see roll intelled is, removing plat the critical of set piece and culverts are consected when they are not being worked or, and covering tables place of piece, affect on the covering tables place of piece, although each of terms.

Documentation: The risks of the proceedings of the control country must be investigately provided to the Changi Mingdom Mechaning Coordinate CDIG. The risks of the proceedings of the control control country must be investigately provided to the Changi Mingdom Mechaning Coordinate CDIG. Support pro-centrification investigated procedings have support pro-centrification investigated procedings have support pro-centrification investigated procedings are supported to the proceding and excitor and risks frame of the proceding and excitor and risks framework that submitted appears consumed to excitor, a written import of the shall submitted support of the proceding and the proceding and the procedings and the procedings are supported to excitor, a written import of the order submitted support of the proceding and the procedings and proceding submitted in the proceding submitted submitted submitted in the proceding submitted in the proceding submitted submitte

Description of Requirement: A County approved biologist shall perform biological monitoring disring all grading; cleaning, grubbing, trenching, and construction activities: "The Project Biologist shall also perform the following dississ before construction to comply with the conditions of this Grading Pain and

- Complete all required burrowing owl surveys, monitoring and follow-up according to the Burrowing Owl Strategy.
- The Biologist shall attend the preconstruction meetings and other meetings to discuss trurowing and avaidance requirements. Such moeting shall include the PDS Permit Compliance Section.

Documentation. The Biological Monther shall prepare written documentation that confide that the temporary ferrory has been installed and that all constructions after been terrated in the sensentiae biological resource that are to be noted. Trailing First to Proceedwichs Conference, and prior to all set to explore the mode of trailing First to Proceedwichs Conference, and prior to all the completed Monthering Tip (First PCO) shall more the PMICS PCO) to the procretifuction conference to occurrence the Biological Monthering requirements of the Conference to Securities the Biological Monthering requirements of the Conference to Securities and Artificial Monthering Tip (First PCO) shall attend the procreamsuicin conference and variety the installation of the temporary forming and approve the training documentation oregarded by the Volume (First PCO).

DURING CONTRUCTION: (The following actions shall occur throughout the duration

GPA. FUGITIVE DUST: [DPW] [Grading Parmit] leaset: In order to noligible for radirect records to local while due to fugitive modern to the property of the control of the

CPT. TRANSFORM PERSONN FOR REMAIN CONSTRUCTION MEMORIAS. [IP-LL]
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GPS. CONSTRUCTION RESTRICTIONS: [DPW] [Improvement Plans and Building

CORSTRUCTION RESTRICTIONS; IDPWJ [Insprovement Plans and Building Premist]

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instructionest plans and hudding permits. Per contribution surveys shall occur no more than 7 dayly prior to construction activities. If notes basties in or other roles instituted in the construction activities. If notes basties in or other roles instituted in the construction activities which cour within 300 feel of commencement of any construction activities which cour within 300 feel of other constructions and the construction activities and the component of the commencement of the commencement include a new documenting these requirements. The applicant shall prepare a pion contention survey no more than 7 dayly prior to the commencement of constitution activities are proprieted within 300 feel of ground desting pactor values construction activities are proprieted within 300 feel of ground desting pactor values constituted specifying when included in seasons. If any, implication reseasons are required. In supplicat shall provide a none report prepared by a Country approved makes constituted activities and the measures have been undertaken in empreciation reseasons are required. In supplicat shall provide colonics (e.g., photos) that demonstrates that the measures have been included on the plans. The DPLU shall review the pre-constitution survey, reason apport, and excitoms that not continue that required makes are required to enterior that it required reduction survey, reason apport, and excitoms that not continue that required the head activities that not continue that the required have been activated to continue that the required have been activated to continue the required reduction that continue that the required have been actived by the required have been actived.

### (CULTURAL RESOURCES)

## OPS. ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [DPLU, FEE

32] In order to comply with friligation Monthoring and Reporting Program between the Complete Complete Complete Complete Conference Conference Conference Conference Complete Complete

During the original stating grassing. During the deposits, the Project Archaeologist and Notice American Monitor shall be onsite as determined necessary by the Project Archaeologist impactions self-way based on the table of estawation, the materials excaused, and the prosector the abundance of windows and releasures. The Requesting and location of Project Archaeologist in consultation.

### with the Native American Monitor. Monitoring of outling of proviously disturbed deposits will be determined by the Project Archaeologist.

- distubble disposits will be determined by the Project Archaeologist. In the sevent that previously uninefficial potentials spinlared cultural resources are discovered, the Project Archaeologust, in consultation with the label of the project archaeologust, in consultation with the label of t
- control out using yromeonia accessor, provinced the Present Andraeologist shall contact the County Corone and the DPLU Staff Andraeologist if the remains are determed to be of Navie American crip, the Most Lakey Decondent as identified by the Native American regime, the Most Lakey Decondent as identified by the Project Andraeologist in order to determine proper treatment and disposition of the remains.
- proget insulations and outgoings shall author morthly status reports to the Director of Plasming and Lant Lies starting from the date of the Motion to Phenoudo the Inventions of the graduation provided previous and the status of progress on overall given replanmation. Use outgoing the graduation of the graduation of

Documentation: The applicant shall insidement the grading monitoring program persent to the condition. Tending The foliating actions shall count broughout persent to the condition. Tending The foliating actions shall count broughout make some that the Present Anchologies is on alle performing the Monitoring dues of this condition. The [EPVII, PCOL] shall conduct the [EPXII, PCOL] if the Present Anchologies or explicant fasts to comply with the condition.

GP10. TEMPORARY NOISE IMPACTS. [DPLU, PCC] [DPW, PDCI] [DPLU, FEE X1].

Intent: In order to comply with the County of San Diego Noise Ordinance
30.400 , the following noise attorusion measures shall be implemented to

reduct pre-unclaire sound even generate tree regard gravity generates reductive or a similar section of the sec

### GP11 PALEONTOLOGICAL MONITORING: IDPW. PDCII IPDS. PCC1 IPCS IPDS.

- If paleontological resources are encountered during gradinglexicavation, the following shall be completed.
  - The Qualified Paleontological Resources Monitor shall have the authority to direct, divert, or hait any grading/searwation activity until such time that the sensitivity of the resource can be determined and the appropriate solvings enginemented.
  - The Qualified Monitor shall immediately contact the Qualified Paleontologist.
  - The Qualified Paleontologist shall contact the County's Permit Completing Confinator immediately
  - The Qualified Palcontologist shall determine if the discovered resource is significant. If it is not significant, grading/excevation shall resume."

- If the paleomological resource is significant or potentially significant, the Qualified Paleomologist or Qualified Paleomological Resources Monitor, under the supervision of the Qualified Paleomologist, shall complete the following tasks in the fals:
  - Salvage uncertified fossil remains, including simple excavation of exposed specimens or of necessary, plastic jucketing of large, and/or tragile specimens or more elaborate quarry excavations of notify fossiliterous deposits.
  - Record stratgraphic and geologic data to provide a context for the recovered forest remains, typically including a detailed description of all palenoisilogical bostless within the project site. as well as the lithology of fossil bearing strata within the measured stratgraphic section, if feesible, and photographic occumentation of the geologic delings and

Documentation: The applicant shall engineers the grading monitoring program pursuant to this condition. Timing The following actions shall occur broughout make the property of the following it is on-the preferring the Membragh duties of this condition. The [IPW PDCI] shall contact the [PDC, PDC] if the Propert Pelerothicipid or applicant fails to comply with the condition.

OPEN PROFIT CONTINUES AND ADDRESS OF THE STATE OF THE STA

If no paleontological resources were discovered submit a "No Fossilis Found" lettle from the grading contractor to the [PDS, PCC] steing that the monitoring has been completed and that no losells were discovered.

final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDC] that the requirement is completed

FINAL GRADING RELEASE: (Prior to any occupancy, final grading release, or use of

GP13.ARCHAEOLIGICAL MONITORING REPORT: [DPLU, PCC] [RG, BP] [DPLU, FEE].

FEE, leave 1, order to comply with the adopted Magazion Montaining and Reporting Program (MARP) pursuant to 3100 5504 CML and the County of Sea Those Outdiened to Determina Statiffaction and Report Strong and colorated Resourcember Outdiened to Determina Statiffaction and Report Strong and County Reportment Description of Reportment. The Program Activation of the Program of Activation of Reportment that discources the results, analysis, and consciours of all phosics of the Activation(seal Montaviry Program if cultural resources were encountered during particip The report and architecture Strong and County protecting Theorem and architecture Strong protecting Technique and architecture Strong protecting Technique and architecture Strong protecting Technique Strong protecting protecting

- Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs.
- Everence that all claims resources, colocide during the gradient memorary program has been been been facilitied in a six Diego parasitie solidy that meets federal standards per 36 CFF Ref 73, and therefore, usually programs of many membrane to consider the professional consideration and many membrane to considerate the professional standards per 36 CFF Ref 73, and therefore, the consideration federal consideration federal consideration federal consideration federal consideration federal consideration federal stalls the consorted by payment of the federal consideration federal considerati
- If no cultural resources are discovered a brief letter to that effect must be submitted stating that the grading monitoring activities have been correpted. Deby Monitoring Logs triust be submitted with the negative monitoring report.

Documentation: The applicant shall aubrell the report to the [DPEU, PCC] for review and appreval. Timing: Prior to the occupancy of any structure or use of the premises and prior to Ernal Grading Reference (Gading Officience, Sec. 87.421.a.2); for 3100 5586 (TM), the final report shall be completed. Manitoring:

The [DPLU, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDC] that the requirement is completed.

GP14 PALEONTOLOGICAL MONITORING: [PDS. PCC] [RG, BP] [PDS, FEE]. I. PALEONTO, COGICAL, MONITORNIC: [PDS. PCC] [RG, BP] [PDS. FCE] Index. It crists to enemy with the adopted Marpiano Montrelary and Reporting Health application of the Cogicty of See Department of 100 5905/TLB, and the Cogicty of See Department of Paleonthogous, (Report See Department of Paleonthogous, (Report See Department of Paleonthogous, Paleonthogous, 180 and Cogicty of Paleonthogous, 180 and Cogicty (Paleonthogous, 180 and 180 and

- Prepare collected fosall zernains for curation, to include cleaning the fosain by removing the enclosing rock material, stabilizing rapile speciment using glues and other hardeners. If necessary, and repairing broken spe
- Curate, cutalog and identify all focal remains to the lowest taxon possible, inventory specimens, assigning catalog numbers, and erete the appropriate specimen and locality data rato a collection database.
- Transfer the cutalogist fissal remains and copies of nelevant field notes, maps, stratigicalnic sections, and photographs to an accredited installation (insistent or uninvently in Californa that maintein's gatheritological collections for archival stratege analor display, and submit Proof of Transfer of Paleontological Resources, in the form of a letter. From the cirector of the paleontological transfer.

If no resources were discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning and Land Use by the Project Paleontologist.

DOCUMENTATION: The applicant shall submit the letter report to the IPDS, PCCI for serious and approval. TMMNOS: Prior to the exceptory of any structure or used for the premions in relatings of 3000-05664(11), and prior to Final Graderia, Postantice, Sec. E7.431.23; for the final report shall be compliated MONTONIONIC. The IPDS PCCI shall review the final report shall be compliated with the project MARON and inform [IDNN, PDCI] that the requirement is compliated.

### ENGINEER OF WORK

BULL !

MATTHEW BARLOW P.C.L. 052906

Attachment B – Notice of Preliminary Decision of the Director of Planning & Development Services and Final Notice of Action of the Planning Commission Approving a Tentative Map Revision for TM 5566



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

KATHLEEN A. FLANNERY ASSISTANT DIRECTOR

January 29, 2019

REFERENCE: TENTATIVE MAP REVISION PDS2017-TM-5566R

# 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 a Revised Tentative Map for Hawano Tentative Map (TM 5566). A copy of this Notice of Preliminary Decision will be filed with the Planning Commission as an informational agenda item on February 8, 2019. 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:

MARK SLOVICK, DEPUTY DIRECTOR PLANNING & DEVELOPMENT SERVICES

December 13, 2013

February 8, 2019

RESOLUTION OF SAN DIEGO COUNTY) CONDITIONALLY APPROVING) TENTATIVE MAP NO. 5566)

# REFERENCE: TENTATIVE MAP REVISION PDS2017-TM-5566R

# FINAL NOTICE OF ACTION OF THE PLANNING COMMISSION APPROVING A REVISION FOR PDS2017-TM-5566R

On the above date, the Planning Commission adopted this decision approving a Revised Map for the above referenced Tentative Map.

PLEASE NOTE THAT THE ONLY CHANGES (AMENDMENTS) HEREBY AUTHORIZED ARE AS FOLLOWS AND THAT ALL OTHER CONDITIONS REMAIN AS ORIGINALLY ADOPTED [Strikeout indicates deletion, underline indicates addition.]

The conditions within the Resolution Conditionally Approving Tentative Map No. TM 5566 dated December 13, 2013 are still applicable with the following revisions:

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, 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 here by 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 20: Said condition pertains to an affirmative fair housing marketing plan. This project proposes an Industrial Commercial development.
- (5) Standard Condition 22: Said condition pertains to private subsurface sewage disposal systems. This project proposes a public sewer system.

(6) 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 September 4, 2018 consisting of ten (10) sheets (Attached Herein as Exhibit A) pursuant to Section 81.305 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 <u>SPECIFIC CONDITIONS</u> SHALL BE COMPLIED WITH BEFORE A MAP 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):

**1-29.** The "Standard Conditions (1-29) for Tentative Subdivision Maps" approved by the Board of Supervisors on June 16, 2000, with the exception of those "Standard Conditions" waived above.

<u>ALL UNITS:</u> Conditions that apply to all Units (Units 1 and 2) 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 first Final Map to be filed shall be Unit 1. In addition, conditions that apply to all units (Units 1 and 2) are listed in a separate section at the end, following the conditions for Unit 2.

30. ROADS#1—PUBLIC ROAD IMPROVEMENTS: [PDS, LDR], [DPR, TC] [MA] Intent:In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.404 and the East Otay Mesa Business Park Specific Plan; all the public road segments and intersections as indicated below shall be improved. Description of requirement: Improve or agree to improve and provide security for all the public road segments and intersections as indicated below to the satisfaction of the Director of Public Works:

- With Unit 1, Airway Road (SC 2300), from Airway Place (end of improvements per CG 4289) to Alta Road (SA 1112) along the project frontage in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Mobility Element Major Road plus bike lanes with Parking Restriction, and a two foot (2') landscape easement, to a half width of fifty-one feet (51') from centerline and to an improved half width of thirty-nine feet (39') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, detached sidewalk, median, and street lights. Face of curb shall be at thirty-nine feet (39') from 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, asphalt concrete dike tapers, and transitions to exiting pavement. If Airway Road is fully improved north of the centerline, construct a fourteen foot (14') wide raised median with the concrete curb and gutter on both sides of the centerline; median shall be paved with Sandstone colored (Davis Sandstone or equal) and stamped with a Dry Creek Bed pattern or similar. Striping shall be such to allow for a minimum of two (2) lanes, with one (1) lane in each direction. Traffic Study References: Table 26 and Figure 34.
- With Unit 1, Siempre Viva Road (SC 2360), from Airway Place (end of improvements <del>b</del>а. per CG 4289) to Alta Road (SA 1112) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Gateway Road/Mobility Element Major Road plus bike lanes with Parking Restriction, and a two-foot (2') landscape easement, to a variable graded width of fifty-one feet (51') to sixty-three feet (63') from centerline and to an improved width of thirty-nine feet (39') to fifty-one feet (51') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, detached sidewalk, and street lights. Face of curb shall be 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, asphalt concrete dike tapers, and transitions to exiting pavement. Striping shall be such to allow for a minimum of two (2) lanes, with one (1) lane in each direction plus an additional left turn lane from Siempre Viva Road to Alta Road. NOTE: The additional width above the minimum is to allow for northbound left turn lanes onto Alta Road and southbound right turn lanes onto Alta Road as shown on future TM 5505. Traffic Study References: Table 26 and Figure 34.
- eb. With Unit 1, widen offsite Siempre Viva Road (SC 2360), from the California Highway Patrol facility (CHP) access located east of Enrico Fermi Drive to Airway Place 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/Mobility Element Major Road, to a one half graded width of fortynine 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. Traffic Study References: Section VIII, Phase 1 Construction Impacts Recommended Improvements [EIR M-TR-3]

- 4 -

- dc. With Unit 1, **Siempre Viva Road** (SC 2360), from Airway Place (end of improvements per CG 4289) to Alta Road (SA 1112) in order to provide a transition eastbound from the California Highway Patrol facility (CHP) access and allow for one (1) travel lane in each direction to Unit 1 along Siempre Viva Road, in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for an interim Gateway Road/Mobility Element Major Road plus Bike Lanes and Parking Restriction, 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. NOTE: The improvements on the south side of Siempre Viva Road are required in order to provide a transition for eastbound traffic into the two-lane facility along project frontage of Unit 1.
- ed. With Unit 1, Alta Road (SA 1112), from Airway Road (SC 2300) to Siempre Viva Road (SC 2360) along the project frontage in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Mobility Element Major Road with Bike Lanes, Parking Restriction, and a two-foot (2') landscape easement, to a graded width of fifty-one feet (51') from centerline and to an improved width of thirtynine feet (39') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, detached sidewalk, and street lights. Face of curb shall be at thirty-nine feet (39') from 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 already improved east of the centerline, construct a fourteen foot (14') wide raised median with the concrete curbs and gutters at seven feet (7') from both sides of centerline. Median shall be paved with sandstone colored concrete (Davis Sandstone or equal) and stamped with a Dry Creek Bed pattern or similar. Provide all traffic striping and smooth connection to existing pavement. Provide necessary traffic restriping, transitions, asphaltic concrete dike tapers and striped median onsite and offsite in order to provide for one (1) travel lane in each direction. NOTE: If Site Implementation Agreements are allowed at time of final map recordation and improvement of the east side of Alta Road has not occurred, the applicant will be required to construct the portion of the raised median on the west side of the centerline. This will be required when construction of Alta Road adjacent to the east side of Unit 1 occurs. If shown on the improvement plans, the proposed by-pass storm drain facilities will be maintained pursuant to Condition 64.c DRNG#1.
- fe. With Unit 1, offsite Alta Road (SC 2360), from Airway Road (SC 2300) to Siempre Viva Road (SC 2360) in order to provide a transition southbound to allow 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 Mobility Element Major Road plus Bike Lanes and Parking Restriction, to a one half graded width of five feet (5') to thirty-two feet (32') on the east side of the centerline and to a one half improved width of zero feet (0') to twenty-seven feet (27') on the east side of the centerline, with asphalt concrete pavement over approved base with asphalt dike, with face of dike

at zero feet (0') to twenty-seven feet (27') on the east side of the centerline. Provide all traffic striping, asphaltic concrete dike tapers, and transitions to existing pavement. NOTE If shown on the improvement plans, the proposed by-pass storm drain facilities will be maintained pursuant to Condition 64.c DRNG#1.

- f. With Unit 1, Alta Road (SC 2360) shall terminate with a temporary cul-de-sac graded and surfaced with asphalt concrete pavement over approved base to the satisfaction of the Director of Public Works, the Rural Fire Protection District and San Diego County Fire Authority.
- g. With Unit 1, **Airway Place**, from Airway Road to Siempre Viva 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), to a minimum graded width of thirty-eight feet (38') from the 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, and street lights. Face of curb shall be at twenty-six feet (26') from 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'). The temporary AC dike shall be removed and all distressed sections shall be replaced. NOTE: Airway Place is not shown as a Specific Plan Road in the East Otay Mesa Business Park Specific Plan but the westerly half was constructed with a detached sidewalk per Improvement Plan CG 4289 and therefore the east half is required to be constructed with a detached sidewalk as well.
- h. With Unit 1, **Hawano Drive North** in accordance with Public Road Standards for an Industrial/Commercial Cul-De-Sac Road, to a minimum graded width of seventy-two feet (72') [thirty-six feet (36') from centerline] and to a minimum 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, contiguous sidewalk, and street lights, with face of curb at twenty-six feet (26') from centerline. The following requirements are based on a Design Exception Request recommended by PDS on October 7, 2011:
  - The length of the cul-de-sac shall be a maximum of seven hundred fifty feet (750') from centerline intersection of Siempre Viva Road to radius point of culde-sac
  - 2) Provide a fifty-foot (50') long no-parking/red curb restriction at the northwest corner of the Siempre Viva Road/Hawano Drive North intersection in order to accommodate the truck turning movements.
- i. With Unit 1, **Hawano Drive North** 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 sixty-five feet (65') from the radius point to the satisfaction of the Rural Fire Protection District and San Diego County Fire Authority.

- With Unit 1, improve or agree to improve and provide security for offsite Otay Mesa Road on the north side of the centerline from Sanyo Avenue/Sunroad Boulevard to the future alignment of Vann Centre Boulevard in order to provide an interim four (4) lane facility with two (2) lanes in each direction in accordance with Public Road Standards for road widening and a five hundred fifty foot (500') pavement taper; pavement taper to start at approximately three hundred seventy five feet (375') east of Sunroad Boulevard, from a one 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. Traffic Study References: Section VIII and Figure 38 [EIR M-TR-1].
- Road on the north-side of the centerline from the future alignment of Vann Centre Boulevard to approximately six hundred eighty feet (680') east of the future alignment of Michael Faraday Drive in order to provide an interim four (4) lane facility with two (2) lanes in each direction in accordance with Public Road Standards to an interim one half graded width of thirty feet (30') from centerline, an interim one half improved width of twenty-five feet (25') from centerline with asphalt concrete pavement over approved base with asphaltic concrete dike, with face dike at twenty-five feet (25') from centerline. Provide all traffic striping and transitions to existing pavement. Traffic Study References: Section VIII and Figure 38 [EIR M-TR-1].
- Road on the north side of the centerline from approximately six hundred eighty feet (680') east of the future alignment of Michael Faraday Drive to Enrico Fermi Drive (SA 1105) in order to provide an interim four (4) lane facility with two (2) lanes in each direction in accordance with Public Road Standards for road widening and a four hundred forty foot (440') pavement taper, from an interim one half graded width of thirty five feet (35') from centerline, an interim one half improved width of twenty-five feet (25') from centerline with asphalt concrete pavement over approved base with asphaltic concrete dike, with face of dike at twenty five feet (25') from centerline, to an interim one half graded width of forty three feet (43') from centerline, an interim one half improved width of thirty-three feet (33') from centerline with asphalt concrete pavement over approved base with asphaltic concrete dike, with face dike at thirty-three feet (33') from centerline. Provide all traffic striping and transitions to existing pavement. Traffic Study References: Section VIII and Figure 38 [EIR M-TR-1].
- m. With Unit 1, improve or agree to improve and provide security for offsite Otay Mesa Road on the south side of the centerline from the westerly property line of Assessor Parcel Number 646-130-39 (TM 5394R) to Enrico Fermi Drive (SA 1105) in order to

provide an interim four (4) lane facility with two (2) lanes in each direction in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan to a one half graded width of forty nine feet (49') 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 and 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. **Traffic Study References:** Section VIII and Figure 38 [EIR M-TR-1].

nj. With Unit 1, construct a traffic signal at the intersection of Siempre Viva Road and Hawano Drive North, based on Design Exception Request recommended by PDS on October 7, 2011.

All plans and improvements shall be completed pursuant to the <u>County of San Diego Public Road Standards</u>, the DPW <u>Land Development Improvement Plan Checking Manual</u> and the <u>East Otay Mesa Business Park Specific Plan</u>. 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:

- ek. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above. Provide Landscape Plans that are consistent with Improvements Plans.
- <u>pl.</u> Provide Secured agreements require posting security in accordance with <u>Subdivision Ordinance Sec. 81.407 through 81.408</u>.
- qm. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI].
- <u>Fn.</u> 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 the specific unit as indicated above, the plans, agreements, and securities shall be approved. **Monitoring:** The [PDS, LDR] and [DPR, TC, PP] shall review the plans for constancy with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

#### 31. ROADS#2-SIGHT DISTANCE: [PDS, LDR] [MA]

Intent: In order to comply with the Design Standards of Section 6.1(E) of the <u>County of San Diego Public Road Standards</u>, 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 **Airway Road** (SC 2300) with the following intersections:
  - 1) Alta Road (SA 1112)
  - 2) Airway Place

For the design speed on Airway Road (SC 2300) per the Design Standards of Section 6.1.F of the County of San Diego Public RoadStandards (approved March 3, 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 **Siempre Viva Road** (SC 2360) with the following intersections:
  - 3) Alta Road (SA 1112)
  - 4) Airway Place
  - 5) Hawano Drive North

For the design speed on Siempre Viva Road (SC 2360) per the Design Standards of Section 6.1.F of the County of San Diego Public Road Standards (approved March 3, 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."

- c. Physically, there is a minimum unobstructed sight distance in both directions along **Alta Road** (SA 1112) with the following intersections:
  - 6) Airway Road (SC 2300)
  - 7) Siempre Viva Road (SC 2360)

For the design speed on Alta Road (SA 1112) per the Design Standards of Section 6.1.F of the County of San Diego Public Road Standards (approved March 3, 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 [PDS, LDR] for review. **Timing:** Prior to the approval of the final map for the specific unit as indicate above, the sight distance shall be verified. **Monitoring:** The [PDS, LDR] shall verify the sight distance certifications.

- 32. ROADS#3–ROAD DEDICATION (ON&OFFSITE): [PDS, LDR] [DGS, RP] [MA] Intent: In order to improve the quality of the roads, promote orderly development, and to comply with the <u>Subdivision Ordinance Sec. 81.402</u>, 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 north half of Airway Road (SC 2300) within APN 648-070-14, from Airway Place to Alta Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Mobility 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 the right to construct and maintain slopes and drainage facilities.
  - ba. With Unit 1, dedicate or cause 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 Airway Place in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Gateway Road/Mobility 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 the right to construct and maintain slopes and drainage facilities.
  - eb. With Unit 1, dedicate or cause to be granted *offsite* the east half of **Alta Road** (SA 1112) within APN 648-070-21, from Airway Road to Siempre Viva Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Mobility Element Major Road with Bike Lanes and Parking Restriction, right-of-way width of forty-nine feet (49') on the east side of the centerline, together with the right to construct and maintain slopes and drainage facilities.
  - dc. With Unit 1, dedicate onsite or cause to be granted the project half of **Airway Place** along the project frontage in accordance with Public Road Standards for

- an Industrial/Commercial Road, a half right-of-way width of thirty-six feet (36'), to include thirty-foot (30') radius corner roundings at road intersections.
- ed. With Unit 1, dedicate onsite and cause to be granted **Hawano Drive North** in accordance with Public Road Standards for an Industrial/Commercial Cul-De-Sac Road, right-of-way width of seventy-two feet (72') [thirty-six feet (36') from centerline] to include thirty-foot (30') radius corner roundings at road intersections. Hawano Drive North shall terminate with a minimum sixty-foot (60') property line radius.
- f. With Unit 1, cause to be granted the Irrevocable Offer to Dedicate Real Property for a portion of the north side of Otay Mesa Road filed under Document No. 2012-0183852, recorded March 29, 2012, variable right-of- way width. Traffic Study References: Section VIII and Figure 38 [EIR M- TR-1].
- g. With Unit 1, cause to be granted the Irrevocable Offer to Dedicate Real Property for a portion of the south side of Otay Mesa Road filed under Document No. 2011-0481323, recorded September 16, 2011, variable rightof-way width. Traffic Study References: Section VIII and Figure 38 [EIR M-TR-1].
- he. With Unit 1, cause to be granted the Irrevocable Offer to Dedicate Real Property for a portion of the west of **Enrico Fermi Drive** filed under Document No. 2011-0481324, recorded September 16, 2011, right-of-way width of twenty-eight feet (28'). **Traffic Study References:** Section VIII and Figure 38 [EIR M-TR-1].

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. The affected utility company/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. NOTE: Dedication along Airway Road, Alta Road, and Siempre Viva Road along the project frontage has been granted to the County of San Diego by Easement for County Highway, Document No. 2012- 0540244, recorded September 7, 2012.

**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 [PDS, 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 [PDS, 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 *[PDS, LDR]* for review and approval. The *[PDS, LDR]* shall review that the off-site granting complies with this condition.

#### 33. ROADS#4-JOINT USE AGREEMENT: [PDS, LDR] [DGS, RP] [MA]

Intent: In order for the County and Otay Water District to properly document the use of the same strip of land along Alta Road, a Joint Use Agreement shall be executed. **Description of requirement:** Preparation and execution of a Joint Use Agreement for the portion of the 30' strip of land along Alta Road (APN 648- 070-18) that is required for the project. **Documentation:** The applicant shall provide a Preliminary Title Report, legal descriptions and plats of the 30' strip of land along Alta Road to [DGS, RP] for review and pay all applicable fees associated with the preparation of the documents. [DGS, RP] shall prepare the Joint Use Agreement and obtain signatures from Otay Water District and the County. Upon Recordation of the Joint Use Agreement, [DGS, RP] shall provide copies of the Joint Use Agreement documents to [PDS, LDR]. **Timing:** Prior to the approval of the map for Unit 1, the Joint Use Agreement shall be executed. **Monitoring:** The [DGS, RP] shall prepare, approve the Joint Use Agreement for recordation, and forward the recorded copies to [PDS, LDR]. The [PDS, LDR] shall review that the off-site granting complies with this condition.

#### 34. ROADS#5-CENTERLINE LOCATION: [PDS, LDR] [MA].

**Intent:** In order to promote orderly development and to comply with the <u>Subdivision Ordinance</u>, <u>Sec 81.507</u>, 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:

- a. **Airway Road** along the project frontage, which is shown on the Mobility Element of the General Plan as a Major Road on Unit 1.
- b. **Alta Road** along the project frontage, which is shown on the Mobility Element of the General Plan as a Major Road on Unit 1.
- c. **Siempre Viva Road** along the project frontage, which is shown on the Mobility Element of the General Plan as a Major Road on Unit 1.

The following shall be shown on the Final Map:

d. The centerline location as approved by the Department of Public Works.

**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 the Unit # for the road segment as indicated above, the centerlines shall be indicated on the map. **Monitoring:** The [PDS, LDR] shall verify that the centerlines are indicated on the map.

#### 35. ROADS#6-RELINQUISH ACCESS: [PDS, LDR] [DGS, RP] [MA]

Intent: In order to promote orderly development and to comply with the <u>Mobility Element of the General Plan</u>, 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 Mobility Element **Airway Road** along the project frontage except for an opening for Airway Place and Alta Road.
- b. With Unit 1, relinquish access rights onto Mobility Element **Alta Road** along the project frontage except for an opening for Airway Road, Siempre Viva Road, and an opening each for Lots 9 thru 12.
- c. With Unit 1, relinquish access rights onto Mobility Element **Siempre Viva Road**, except for an opening for Airway Place, Hawano Drive North, and Alta Road.

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

# 36. ROADS#7-OTAY MESA ROAD RE-STRIPING (CITY OF SAN DIEGO): [PDS, LDR], [MA]

Intent: In order to mitigate traffic impacts below a level of significance, Otay Mesa Road from Sanyo Avenue to the City/County limits shall be re-striped. Description of requirement: Obtain a Permit from the City of San Diego for the re-striping of Otay Mesa Road from Sanyo Avenue to the City/County limits to provide a four (4) lane facility with two (2) lanes in each direction. NOTE: The south side of Otay Mesa Road is already improved and does not require additional widening. Prior to the recordation of the Final Map for Unit 1, the County-will-require the applicant to seek a written agreement with the City of San Diego authorizing the required improvements. If this written agreement with the City is not issued, then the Project applicant would be required to provide a letter documenting the City's objection to the improvements and would be allowed to proceed with recordation of a Final Map for Unit 1 without the required improvements. If the City of San Diego issues such a written agreement. then the Project Applicant would be required to implement the necessary improvements (or a subset thereof, as approved by the City of San Diego) prior to the recordation of a Final Map for Unit 1. Timing: Prior to approval of the Final Map for Unit 1, evidence of a permit-from the City of San-Diego or letter of objection as described above must be submitted. Monitoring: The [PDS, LDR] shall review the plans for consistency with the condition. Traffic Study References: Section VIII and Figure 38 [EIR M-TR-1].

# 37. ROADS#8-PUBLIC ROAD IMPROVEMENTS OR FAIR SHARE FOR AIRWAY ROAD/SANYO AVENUE INTERSECTION WITHIN THE CITY OF SAN DIEGO: [PDS, LDR] [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 as recommended by the Traffic Impact Study and in consultation with the City of San Diego and to the satisfaction of the Director of Public Works OR provide a fair share payment in the form of cash or letter of credit for a percentage to be determined of the cost of design and installation of those same road improvements. Improvements required for the intersection of Airway Road/Sanyo Avenue 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 left-through turn lane
- h. One (1) southbound right turn lane

Prior to the recordation of the Final Map for Unit 1, the County will require the applicant to seek a written agreement with the City of San Diego authorizing the required improvements. If this written agreement with the City is not issued, then the Project applicant would be required to provide a letter documenting the City's objection to the improvements and would be allowed to proceed with recordation of a Final Map for Unit 1 without the required improvements. If the City of San Diego issues such a written agreement, then the Project Applicant would be required to implement the necessary improvements (or a subset thereof, as approved by the City of San Diego) prior to the recordation of a Final Map for Unit 1. 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 and the Director of Public Works prior to recordation of the Final Map of Unit 1. Monitoring: The Director of Planning & Development Services shall review the evidence provided by the applicant for compliance with this mitigation measure. Following review, the Director of Planning & Development Services shall provide the applicant with a letter of release. Traffic Study References: Section VIII and Figure 40 [EIR M- TR-10].

# 38. ROADS#9-PUBLIC ROAD IMPROVEMENTS OR FAIR SHARE FOR SIEMPRE VIVA ROAD/MICHAEL FARADAY DRIVE INTERSECTION WITHIN THE CITY OF SAN DIEGO: [PDS, LDR] [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 as recommended by the Traffic Impact Study and in consultation with the City of San Diego and to the satisfaction of the Director of Public Works OR provide a fair share payment in the form of cash or letter of credit for a percentage to be determined of the cost of design and installation of those same road improvements. Improvements required for the intersection of Siempre Viva Road/Michael Faraday Drive 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

Prior to the recordation of the Final Map for Unit 1, the County will require the applicant to seek a written agreement with the City of San Diego authorizing the required improvements. If this written agreement with the City is not issued, then the Project applicant would be required to provide a letter documenting the City's objection to the improvements and would be allowed to proceed with recordation of a Final Map for Unit 1 without the required improvements. If the City of San Diego issues such a written agreement, then the Project Applicant would be required to implement the necessary improvements (or a subset thereof, as approved by the City of San Diego) prior to the recordation of a Final Map for Unit 1. 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 and the Director of Public Works prior to recordation of the Final Map of Unit 1. Monitoring: The Director of Planning & Development Services shall review the evidence provided by the applicant for compliance with this mitigation measure. Following review, the Director of Planning & Development Services shall provide the applicant with a letter of release. Traffic Study References: Section VIII and Figure 40 [EIR M- TR-12].

39.

# 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.

CULT#1-DATA RECOVERY PROGRAM: [PDS, PCC] [MA, GP, IP] [PDS, FEE]

**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 Hawano Project" prepared by Brian F. Smith of Brian F. Smith and Associates, dated March 10, 2011. The implementation of the research design constitutes mitigation for the proposed destruction of archaeological site CA-SDI-8081. 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. 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 <u>phase one</u> data recovery referenced above, the applicant shall submit the letter report to the [PDS, PCC] for review and approval. If a <u>phase two</u> data recovery program is required, the applicant shall provide a Final Technical Report from the Principal Investigator to the [PDS, 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 plan, issuance of any permit and prior to approval of any map, the data

recovery program shall be completed. **Monitoring:** The *[PDS, PCC]* shall review the <u>phase one</u> letter from the project archaeologist (PI) for compliance with this condition. If a <u>phase two</u> data recovery program is required, the *[PDS, PCC]* shall review the final data recovery program report for compliance with this condition.

- 40. LAW ENFORCEMENT SERVICES: [PDS, REG] [SHERIFF] [BP, GP, IP, UO] [PDS, 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. <u>Permanent Sheriff Substation.</u> 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. <u>Interim Sheriff Substation.</u> 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 & Development Services 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 PDS and Sheriff's Department shall review the submitted documentation. If, upon review, the PDS and the Sheriff's Department determine the documentation demonstrates conformance with this condition, the PDS and Sheriff's Department shall approve the documentation and deem the condition satisfied.

#### **UNIT 2: PRIOR TO APPROVAL OF FINAL MAP**

The Final Map for this Tentative Map is to be filed in units. The first Final Map to be filed shall be Unit 1. In addition, conditions that apply to all units (Units 1 and 2) are listed in a separate section at the end, following the conditions for Unit 2.

- 41. ROADS#10-PUBLIC ROAD IMPROVEMENTS: [PDS, LDR], [DPR, TC] [MA] Intent:In order to promote orderly development and to comply with the <u>Subdivision Ordinance Sec. 81.404</u> and the <u>East Otay Mesa Business Park Specific Plan</u>; all the public road segments and intersections as indicated bellow shall be improved. **Description of requirement:** Improve or agree to improve and provide security for all the public road segments and intersections as indicated below to the satisfaction of the Director of Public Works:
  - a. With Unit 2, **Siempre Viva Road** (SC 2360), from Airway Place (end of improvements per CG 4289) to Alta Road (SA 1112) in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Gateway Road/Mobility Element Major Road plus bike lanes with Parking Restriction, and a two-foot (2') landscape easement, to a minimum graded width of fifty-one feet (51') from centerline and to a minimum improved width of thirty-nine feet (39') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, detached sidewalk, raised median, and street lights. Face of curb shall be at a minimum of thirty-nine feet (39') from centerline. The width of detached sidewalk shall be four feet (4') and the distancebetween face of curb and edge of sidewalk shall be three feet (3'). Construct a fourteen foot (14') wide raised median with the

concrete curb and gutter at seven feet (7') from centerline on both sides. Median shall provide an opening to allow for eastbound left turns to Hawano Drive North as shown on Tentative Map. Median shall be paved with Sandstone colored concrete (Davis Sandstone or equal) 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 Tree spacing shall be per the East Otay Mesa Business Park Specific Plan. Provide all traffic striping, asphalt concrete dike tapers, and transitions to exiting pavement. NOTE: The additional width above the minimum is to allow for northbound left turn lanes onto Alta Road, and southbound right turn lanes onto Alta Road as shown on future TM 5505. The following requirement is based on a Design Exception Request recommended by PDS on October 7. 2011: Provide a three hundred ten foot (310') long left-turn pocket along the eastbound direction of Siempre Viva Road. Traffic Study References: Table 26 and Figure 34.

- b. With Unit 2, Alta Road, from Siempre Viva Road (SC 2360) to Via De La Amistad in accordance with Public Road Standards and the East Otay Mesa Park Specific Plan for а Specific Plan 2-Lane (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, and street lights. The face of curb shall be at a minimum of twenty-six feet (26') from 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, asphalt concrete dike tapers, and transitions to existing pavement. NOTE: The west side of Alta Road may transition from a graded width of thirty-eight feet (38') & an improved width of twenty-six feet (26') from centerline to a graded width of forty-four feet (44') & an improved width of thirty-two feet (32') from centerline in order to provide additional widening for northbound left turn lanes to Siempre Viva Road and southbound left turn lanes to Enterprise Road (future) as shown in TM 5505.
- c. With Unit 2, offsite Alta Road, from Siempre Viva Road (SC 2360) to the north boundary of Lot 24 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, to a minimum graded width of thirty-two feet (32') & a minimum improved width of twenty-seven feet (27') from centerline to a minimum graded width of eighteen feet (18') & a minimum improved width of thirteen feet (13') from centerline with asphalt concrete pavement over approved base with asphalt concrete dike, with face of dike shall be at a minimum of twenty- seven feet (27') on the east side of the centerline in the vicinity of Siempre Viva Road and at a minimum of thirteen feet

- (13') on the east side of the centerline in the vicinity of Via De La Amistad and the north boundary of Lot 24. Provide all traffic striping, asphalt concrete dike tapers, and transitions to existing pavement.
- d. With Unit 2, **Alta Road**, from Via De La Amistad to the north boundary of Lot 24 in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road (Industrial/Commercial Cul-De-Sac), to a minimum graded width of forty- four feet (44') from centerline and to a minimum improved width of thirty- two feet (32') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, detached sidewalk, and street lights, with face of curb at a minimum of thirty-two feet (32') from centerline. Provide all traffic striping, asphalt concrete dike tapers, and transitions to existing pavement. NOTE: The west side of Alta Road may transition from a graded width of forty-eight feet (48') & an improved width of thirty-six feet (36') from centerline to a graded width of forty-four feet (44') & an improved width of thirty-two feet (32') from centerline in order to provide additional widening for acceleration and deceleration transitions as shown in TM 5505.
- e. With Unit 2, **Via De La Amistad** from the westerly boundary to Alta 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 and a two-foot (2') landscape easement, to a graded width of seventy-six feet (76') [thirty- eight feet (38') 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, detached sidewalk, and street lights. The face of curb shall be at twenty-six feet (26') from both sides of 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'). NOTE: The portion of Via De La Amistad from the westerly boundary to the southwest corner of Lot 23 is located within APN 648-070-23.
- f. With Unit 2, **Hawano Drive South** in accordance with Public Road Standards for an Industrial/Commercial Cul-De-Sac Road, to a minimum graded width of seventy-two feet (72') [thirty-six feet (36') from centerline] and to a minimum improvhed 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, contiguous sidewalk, and street lights, with face of curb at twenty-six feet (26') from centerline.
  - g. With Unit 2, **Hawano Drive South**, **Via De La Amistad** and **Alta Road** shall terminate with a cul-de-sacs 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 cub at

sixty-five feet (65') from the radius point to the satisfaction of the Rural Fire Protection District and San Diego County Fire Authority.

h. With Unit 2, at the intersection of **Otay Mesa Road** and **Enrico Fermi Drive** (SA 1105), improve or agree to improve and provide security to modify the existing traffic signal and widen the intersection to provide the following lane configurations:

- 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. Traffic Study References: Section VIII and Figure 39 [EIR M-TR-2].

ih. With Unit 2, modify the traffic signal previously constructed with Unit 1 at the intersection of Siempre Viva Road and Hawano Drive North to account for full improvements along Siempre Viva Road.

All plans and improvements shall be completed pursuant to the <u>County of San Diego Public Road Standards</u>, the DPW <u>Land Development Improvement Plan Checking Manual</u> and the <u>East Otay Mesa Business Park Specific Plan Sub- Area 1</u>. 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:

- <u>ji</u>. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above. Provide Landscape Plans that are consistent with Improvements Plans.
- kj. Provide Secured agreements require posting security in accordance with Subdivision Ordinance Sec. 81.405 through 81.406.1.
- <u>lk.</u> Upon approval of the plans, pay all applicable inspection fees with [*DPW*, *PDCI*].
- ml. 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 the specific unit as indicated above, the plans, agreements, and securities shall be approved. **Monitoring:** The [PDS, LDR] and [DPR, TC, PP] shall review the plans for constancy with the condition and

County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

#### 42. ROADS#11-SIGHT DISTANCE: [PDS, LDR] [MA]

**Intent:** In order to comply with the Design Standards of Section 6.1(E) of the <u>County of San Diego Public Road Standards</u>, 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 **Alta Road** (SA 1112) with the following intersections:
  - 1) Airway Road (SC 2300)
  - 2) Siempre Viva Road (SC 2360)
  - 3) Via De La Amistad

For the design speed on Alta Road (SA 1112) per the Design Standards of Section 6.1.F of the County of San Diego Public Road Standards (approved March 3, 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 **Via De LA Amistad** with the following intersections:
  - 4) Alta Road (SA 1112)
  - 5) Hawano Drive South

For the design speed on Via De La Amistad per the Design Standards of Section 6.1.F of the County of San Diego Public Road Standards (approved March 3, 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 [PDS, LDR] for review. **Timing:** Prior to the approval of the final map for the specific unit as indicate above, the sight distance shall be verified. **Monitoring:** The [PDS, LDR] shall verify the sight distance certifications.

# 43. ROADS#12-ROAD DEDICATION (ON&OFFSITE): [PDS, LDR] [DGS, RP] [MA].

**Intent:** In order to improve the quality of the roads, promote orderly development, and to comply with the <u>Subdivision Ordinance Sec. 81.402</u>, 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 along **Alta Road** from Siempre Viva Road (SC 2360) to 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 and a two-foot (2') landscape easement the necessary right-of- way to complete a variable width of thirty-six feet (36') to forty-two feet (42') from centerline, to include thirty-foot (30') radius corner roundings at road intersections. NOTE: The additional width above the minimum is to allow for southbound left turn lanes onto Via De La Amistad and acceleration/deceleration lanes as shown on future TM 5505.
- b. With Unit 2, dedicate or cause to be granted along **Alta Road** from Via De La Amistad Road to the north boundary of Lot 24 in accordance with Public Road Standards for an Industrial/Commercial Cul-De-Sac Road the necessary right-of-way to complete a variable width of forty-six feet (46') to forty-two feet (42') from centerline, to include thirty-foot (30') radius corner roundings at road intersections. Alta Road shall terminate with a minimum of sixty-foot (60') property line radius. NOTE: The additional width above the minimum is to allow for northbound left turn lanes onto Via De La Amistad and acceleration/deceleration lanes as shown on future TM 5505.
- c. With Unit 2, dedicate or cause to be granted *offsite* the east half of **Alta Road** (Sa 1112) within APN 648-070-21, from Siempre Viva Road (SC 2360) to the north boundary of Lot 24 in accordance with Public Road Standards for an Industrial/Commercial Cul-De-Sac Road, a variable half right-of-way width of forty-eight feet (48') to forth-two feet (42') on the east side of the centerline, together with the right to construct and maintain slopes and drainage facilities. NOTE: The additional width above the minimum is to allow for northbound left turn lanes onto Siempre Viva Road, southbound left turn lanes onto Enterprise Road, and acceleration/deceleration lanes as shown on future TM 5505.
- d. With Unit 2, dedicate onsite and cause to be granted Via De La Amistad, from westerly boundary to Alta 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), a right-of-way width of seventy-two feet (72'). Via De La Amistad shall terminate with a minimum sixty-foot (60') property line radius.

- e. With Unit 2, dedicate or cause to be granted *offsite* the south half of **Via De La Amistad** within APN 648-070-23, from the westerly property line to the intersection with the southerly property line in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road (Industrial/Commercial), right-of-way width of thirty-six feet (36') on the south side of the centerline, together with the right to construct and maintain slopes and drainage facilities.
- f. With Unit 2, dedicate onsite and cause to be granted **Hawano Drive South** in accordance with Public Road Standards for an Industrial/Commercial Cul-De-Sac Road, minimum right-of-way width of seventy-two feet (72') to include thirty-foot (30') radius corner roundings at road intersection. Hawano Drive South shall terminate with a minimum sixty-foot (60') property line radius.
- g. With Unit 2, dedicate onsite a Drainage, Access, and Maintenance Easement at the end of Alta Road and the eastern boundary of Lot 24.
- h. With Unit 2, dedicate *offsite* within APN 648-070-21 a Drainage, Access, and Maintenance Easement at the end of Alta Road and the eastern boundary of Lot 24.

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. The affected utility company/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. NOTE: Dedication along **Alta Road** and **Siempre Viva Road** along the project frontage has been granted to the County of San Diego by Easement for County Highway, Document No. 2012-0540244, recorded September 7, 2012.

**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 [PDS, 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 [PDS, 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 [PDS, LDR] for review and approval. The [PDS, LDR] shall review that the off-site granting complies with this condition.

#### 44. ROADS#13-JOINT USE AGREEMENT: [PDS, LDR] [DGS, RP] [MA]

Intent: In order for the County and Otay Water District to properly document the use of the same strip of land along Alta Road, a Joint Use Agreement shall be executed. **Description of requirement:** Preparation and execution of a Joint Use Agreement for the portion of the 30' strip of land along Alta Road (APN 648- 070-18) that is required for the project. **Documentation:** The applicant shall provide a Preliminary Title Report, legal descriptions and plats of the 30' strip of land along Alta Road to [DGS, RP] for review and pay all applicable fees associated with the preparation of the documents. [DGS, RP] shall prepare the Joint Use Agreement and obtain signatures from Otay Water District and the County. Upon Recordation of the Joint Use Agreement, [DGS, RP] shall provide copies of the Joint Use Agreement documents to [PDS, LDR]. **Timing:** Prior to the approval of the map for Unit 2, the Joint Use Agreement shall be executed. **Monitoring:** The [DGS, RP] shall prepare, approve the Joint Use Agreement for recordation, and forward the recorded copies to [PDS, LDR]. The [PDS, LDR] shall review that the off-site granting complies with this condition.

#### 45. ROADS#14-CENTERLINE LOCATION: [PDS, LDR] [MA].

**Intent:** In order to promote orderly development and to comply with the <u>Subdivision Ordinance</u>, <u>Sec 81.507</u>, 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:

- a. **Alta Road** along the project frontage, which is shown on the Mobility Element of the General Plan as a Major Road on Unit 1.
- b. **Siempre Viva Road** along the project frontage, which is shown on the Mobility Element of the General Plan as a Major Road on Unit 1.

**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 the Unit # for the road segment as indicated above, the centerlines shall be indicated on the map. **Monitoring:** The [PDS, LDR] shall verify that the centerlines are indicated on the map.

#### 46. ROADS#15-RELINQUISH ACCESS: [PDS, LDR] [DGS, RP] [MA]

**Intent:** In order to promote orderly development and to comply with the <u>Mobility Element of the General Plan</u>, 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 Mobility Element **Siempre Viva Road** on the south side, except for an opening for Alta Road and a thirty- foot (30') opening for utility maintenance.

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

#### 47. CULT#2-ARTIFACT CURATION: [PDS, PCC] [MA, GP, IP] [PDS, 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 F. Smith and Associates during the work reported in: "A Phase I Archaeological Survey and Phase II Cultural Resources Evaluation for the Hawano Project" dated March 10, 2011, 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 plan, issuance of any permit, and prior to approval of any map, the artifacts shall be curated. Monitoring: The IPDS, PCCI shall review the letter from the curation facility for compliance with this condition.

#### PRIOR TO APPROVAL OF ALL MAPS FOR ALL UNITS/PHASES

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

- 48. GEN#1-COST RECOVERY: [PDS, DPW, DEH, DPR], [GP, CP, BP, UO] 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 permit shall be paid. Description of Requirement: The applicant shall pay off all existing deficit accounts associated with processing this permit. Documentation: The applicant shall provide a receipt to the Department of Planning & Development Services, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit accounts. Timing: Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and discretionary deposit accounts shall be paid. Monitoring: The PDS Zoning Counter shall review the receipts and verify that all PDS, DPW, DEH, and DPR deposit accounts have been paid.
- 49. BIO#1-BURROWING OWL SURVEY: [DPW] [GRADING PERMIT]
  Intent: In order to mitigate for potential impacts to the burrowing owl that could occur during brushing, grading, and clearing activities. Description of Requirement:
  During the allowed grading period (September 1 through January 31), a pre-

construction survey shall be conducted to identify any active burrows 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 survey, cameras shall be used to verify whether burrows are occupied by burrowing owls.

- a. If burrowing owls are not detected during pre-grading surveys, based on Section 3.4.1.1 of the Burrowing Owl Strategy, the following shall be required:
  - 1) Following the initial pre-grading survey, the site must be monitored for new burrows each week until grading is complete.
  - 2) If burrowing owls were not found on the site during the pre-grading survey but are found to be using the site occasionally for roosting or foraging, they should be allowed to do so with no changes in the grading or grading schedule.
  - 3) If burrowing owls were not found on the site during the pre-grading survey but are found to be using the site repeatedly for roosting or foraging, the County's mitigation monitor should be notified and the portion of the site that has not been graded should be searched for burrows. If no burrow is found, only notification of the County's mitigation monitor is needed. If an active burrow is found, the procedures in section 3.4.1.2 of the Burrowing Owl Strategy must be followed.
  - 4) If a burrowing owl begins using a burrow on the site at any time after the initial pre-grading survey grading begins, procedures described in section 3.4.1.2 of the Burrowing Owl Strategy must be followed.
  - 5) Any actions other than these require the approval of the County, USFWS and CDFG.
  - 6) Burrowing owls may not be injured or killed.
- b. If owls are present, based on Section 3.4.1.2 of the Burrowing Owl Strategy, the following shall be required:
  - 1) If one or more burrowing owls are using burrows on or within 300 feet of the proposed grading, the County Mitigation Monitoring Coordinator should be contacted. The County Mitigation Monitoring Coordinator will contact the USFWS and CDFG regarding the eviction of the owls and collapse of the burrows, and will enlist the help of a County staff biologist to continue with the coordination with the wildlife agencies and a

qualified burrowing owl biologist regarding the burrowing owls. No grading shall occur within 300 feet of an active burrow.

- 2) If the owl is using a burrow on the site and it is not the breeding season, the owl may be evicted as described in section 4.5.4 of the Burrowing Owl Strategy after a qualified burrowing owl biologist has ensured, by using a fiber optic camera or other appropriate device that no eggs or young are in the burrow. Eviction requires written concurrence from the USFWS and CDFG prior to implementation.
- 3) If a burrow is being used and it is the breeding season, grading shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the burrowing owls can be evicted. Eviction requires written concurrence from the USFWS and CDFG prior to implementation.
- 4) Grading closer than 300 feet may occur with concurrence from the USFWS, CDFG, and County Mitigation Monitoring Coordinator. This distance will depend on the burrow's location in relation to the site's topography and other physical and biological considerations.
- 5) Burrowing owls may not be injured or killed.
- Burrowing owls are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Therefore, measures should be taken to discourage colonization or recolonization at the construction site by burrowing owls. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.

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. 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 [PDS, PCC] is received. The PDS shall review the pre-construction survey results, along with evidence of any passive relocation measures, to ensure compliance with these requirements.

#### 50. BIO#2-ROAD POOL MITIGATION: [DPW] [GRADING PERMIT]

Intent: In order to mitigate for direct and cumulative impacts to 0.06-acre of road pools containing San Diego fairy shrimp or Riverside fairy shrimp, which are sensitive resources pursuant to the Biological Mitigation Ordinance (BMO) and Army Corps of Engineers jurisdictional areas, vernal pool restoration and creation shall occur. **Description of Requirement:** Prior to the issuance of grading or clearing permits. impacts to 0.06-acre of road pools supporting San Diego or Riverside fairy shrimp shall be mitigated at a ratio of 5:1 for a total of 0.30-acre of vernal pools. Mitigation shall occur at Lonestar Ridge. It should be noted that all of the Project's 0.06-acre impact to road pools would overlap with impacts proposed as part of the Otay Business Park Project (TM 5505). If the Otay Business Park project is not implemented before the proposed Project, the Project applicant shall mitigate on-site impacts to road pools according to the Vernal Pool Preserve Restoration Plan for the Otav Business Park project (provided as Appendix H to the biological impact analysis. which is included as Appendix C to the SEIR for TM 5566, on file with the Department of Planning & Development Services under Environmental Log #93-19-006) and the conditions set forth by the Wildlife Agencies in the Biological Opinion for the Otay Business Park Project. The required restoration for the proposed Project shall be limited only to that required to mitigate impacts to the fairy shrimp/pool impacts of TM 5566 (i.e., 0.30-acre of restoration/creation), and shall not include other mitigation requirements identified in the plan for Otay Business Park (i.e., grassland dethatching, mowing, artificial owl burrows, QCB locations, etc.). If the Otay Business Park project is implemented first, then the applicant shall provide evidence that the required restoration/creation efforts have occurred in conformance with the Vernal Pool Preserve Restoration Plan for the Otay Business Park project. Documentation: The applicant shall provide the PDS with evidence that 0.30-acre of vernal pools have been created/restored within the Lonestar Parcels in accordance with the Vernal Pool Preserve Restoration Plan and Biological Opinion for the Otay Business Park project. The applicant shall also demonstrate that take authorization from the Wildlife Agencies has been issued for Project-related impacts. Timing: Prior to the approval of the Final Map and prior to the approval of any grading or improvement plan and issuance of any permit, the applicant shall provide the PDS evidence that adequate mitigation for impacts to road pools has occurred. Monitoring: The PDS shall review the evidence provided by the applicant to ensure that the habitat preservation efforts have been completed. If the Hawano project implements the road pool mitigation, the [PDS, 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.

- 51. BIO#3-SECURED AGREEMENT (VERNAL POOLS): [PDS, PPD] [MA, GP, IP] Intent: If the Hawano project is the one to implement the road pool mitigation in condition 49, then in order to assure project completion and success of the Revegetation Plan 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:** If completing the mitigation, 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 *[PDS, Landscape Architect]* for final review and approval. **Timing:** Prior to the approval of the Final Map and prior to the approval of any grading or improvement plan and issuance of any permit. **Monitoring:** If the applicant provided evidence under condition 49 that Otay Business Park completed the road pool mitigation, the *[PDS, PCC]* shall sign off this condition. If the applicant is doing the mitigation, the *[PDS, 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 [PDS, LA] shall sign the Agreement for the Director of PDS and ensure the cash deposit is collected by [PDS, FISCAL]. Upon acceptance of the Agreement, securities and cash deposit, the *[PDS, LA]*, shall provide a confirmation letter acknowledging acceptance of securities.

#### 52. BIO#4-VERNAL POOL PROPAGATION: [DPW] [GRADING PERMIT]

Intent: In order to mitigate for impacts to 0.06-acre of road pools containing San Diego fairy shrimp or Riverside fairy shrimp, which are sensitive resources pursuant to the Biological Mitigation Ordinance (BMO), the created/restored vernal pool habitat required pursuant to condition 49 shall be propagated with soil containing San Diego and Riverside fairy shrimp cysts if approved by the Wildlife Agencies. **Description of Requirement:** If approved by the Wildlife Agencies, as a component of vernal pool restoration and creation activities required pursuant to Mitigation Measure M-BI-1a, soil from the impacted road pools on-site shall be salvaged and translocated to the Lonestar Parcels. The salvaged soil shall be used to inoculate the created/restored

vernal pools at the Lonestar Parcels (totaling a minimum of 0.30-acre). It should be noted that all of the Project's 0.06-acre impact to road pools would overlap with impacts proposed as part of the Otay Business Park Project (TM 5505). If the Otay Business Park project is not implemented before the proposed Project, the Project applicant shall salvage soil from the on-site road pools, translocate the soil, and inoculate created/restored vernal pools on the Lonestar Parcels according to the Vernal Pool Restoration Plan for the Otay Business Park project and the conditions set forth by the Wildlife Agencies in the Biological Opinion for the Otay Business Park Project. The required restoration for the proposed Project shall be limited only to that required to mitigate impacts to the fairy shrimp/pool impacts of TM 5566 (i.e., 0.30-acre of restoration/creation), and shall not include other mitigation requirements identified in the plan for Otay Business Park (i.e., grassland dethatching, mowing, artificial owl burrows, QCB locations, etc.). If the Otay Business Park project is implemented first, then the applicant shall provide evidence that the required restoration/creation efforts have occurred in conformance with the Vernal Pool Preserve Restoration Plan for the Otay Business Park project. Documentation: The applicant shall provide the PDS with evidence that soil salvage, translocation and inoculation activities have occurred within the Lonestar Parcels in accordance with the Vernal Pool Preserve Restoration Plan and Biological Opinion for the Otay Business Park project. Timing: Prior to the approval of the Final Map and prior to the approval of any grading or improvement plan and issuance of any permit., the applicant shall provide the PDS evidence that adequate mitigation for impacts to road pools has occurred. Monitoring: PDS shall review the evidence provided by the applicant to ensure that the habitat preservation efforts have been completed.

## 53. BIO#5-SOUTHERN WILLOW SCRUB MITIGATION: [DPW] [GRADING PERMITS, FINAL GRADING INSPECTION]

**Intent:** In order to mitigate for Project impacts to 0.08-acre of southern willow scrub habitat on-site, habitat credits shall be purchased from an off-site mitigation bank. **Description of Requirement:** The Project applicant shall purchase habitat credits for 0.08-acre of southern willow scrub habitat from the Rancho Jamul Mitigation Bank as follows.

- a. Option 1: If purchasing <u>Mitigation Credit</u> the mitigation bank shall be approved by the California Department of Fish & Wildlife. The evidence of purchase shall include the following information to be provided by the mitigation bank:
  - 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 0.08 acre of southern willow scrub located in the same watershed as the project site:
  - 1) The type of habitat and the location of the proposed mitigation should be pre-approved by [PDS, PCC] before purchase or entering into any agreement for purchase.
  - A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS and the Wildlife Agencies. 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 PDS. 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 PDS: 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.
  - 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 provide the PDS with evidence including the purchase contract, identification of responsible entity, copy of conservation easement, and accounting of the mitigation bank, that habitat credits for 0.08- acre of southern willow scrub habitat have been purchased from the Rancho Jamul Mitigation Bank (Option 1); or for Option 2, provide the RMP and an application for the RMP to the

[PDS, ZONING], the recorded open space easement, and the signed endowment funding agreement, or evidence per b5 above. **Timing:** Prior to the approval of the Final Map and prior to the approval of any grading or improvement plan and issuance of any permit, the applicant shall provide the PDS with evidence that adequate habitat credits have been purchased. **Monitoring:** PDS shall review the evidence provided by the applicant to ensure that the habitat preservation efforts have been completed prior to final grading inspection.

## 54. BIO#6-NON-NATIVE GRASSLAND MITIGATION: [DPW] [GRADING PERMITS, FINAL GRADING INSPECTION]

Intent: In order to mitigate for direct and cumulative Project impacts to 83.1 acres of non-native grassland, small-flowered morning glory, burrowing owl, grasshopper sparrow, turkey vulture, northern harrier, loggerhead shrike, and golden eagle foraging habitat and cumulative impacts to the western spadefoot toad, San Diego black-tailed jackrabbit, and California horned lark on-site and within the off-site improvement area, off-site preservation shall be required. Description Requirement: Impacts to 83.1 acres of non-native grassland shall be mitigated through the preservation of non-native grassland off-site at a ratio of 1:1, for a total of 83.1 acres. The site(s) selected shall be suitable for supporting small-flowered morning glory. It should be noted that a portion of the Project's impacts to non-native grassland (17.2 acres) would overlap with impacts proposed as part of the Otay Business Park Project (TM 5505). Should the Otay Business Park project implement required mitigation for the 17.2 acres of non-native grassland, the Project's total required mitigation acreage shall be reduced accordingly. A Resource Management Plan (RMP) for mitigation occurring at Lonestar Ridge has been prepared as part of the Otay Business Park project (refer to Appendix I to the biological technical report, included as Appendix C to the SEIR for TM 5566) and is anticipated to be carried out by the Otay Business Park project. If the proposed Project is implemented prior to Otay Business Park and uses a portion of Lonestar Ridge for part of its non-native grassland mitigation requirements, then the mitigation shall occur in conformance with applicable portions of the Lonestar Ridge RMP prepared for Otay Business Park. Other management requirements in the Otay Business Park RMP not directly associated with the preservation of 17.2 acres of non-native grassland would not be required in association with the proposed Project. The remaining 65.9 acres shall be mitigated pursuant to the County's burrowing owl strategy as follows:

- a. Option 1: If purchasing <u>Mitigation Credit</u> the mitigation bank shall be approved by the California Department of Fish & Wildlife. The 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 65.9 acres of non-native grassland located in accordance with the County burrowing owl mitigation strategy as indicated below:
  - 1) The type of habitat and the location of the proposed mitigation should be pre-approved by [PDS, PCC] before purchase or entering into any agreement for purchase.
  - A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS and the Wildlife Agencies. 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 PDS. 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 PDS: 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.
  - 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 provide the PDS with evidence per Option 1 or Option 2 above that preservation of 83.1 acres of non-native grassland habitat has occurred either on- or off-mesa and in conformance with the County's burrowing owl strategy. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. For Option 2, the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **Timing:** Prior to the approval of the Final Map and prior to the approval of any grading or improvement plan and issuance of any permit, the applicant shall provide PDS with evidence that adequate preservation has occurred. **Monitoring:** PDS shall review the evidence provided by the applicant to ensure that the habitat preservation efforts have been completed.

# 55. BIO#7-FAIRY SHRIMP CRITICAL HABITAT MITIGATION: [DPW] [GRADING PERMITS, FINAL GRADING INSPECTION]

**Intent:** In order to fulfill Minor Amendment conditions of concurrence for fairy shrimp critical habitat. **Description of Requirement:** In order to offset the loss of critical habitat on the project site, implement all of the following conservation measures:

- a. The project proponent will purchase 8.5 credits of tier IIIB habitat from the Marron Valley Cornerstone Mitigation Bank (Cornerstone Bank).
- b. The project proponent will provide the bank manager with the standard endowment funding for 8.5 credits.
- c. The project proponent will prepare a work plan describing the following habitat enhancement activities with the goal of improving San Diego fairy shrimp critical habitat primary constituent elements (PCEs) at the Cornerstone Bank.
- 1) Approximately 6.6 acres of uplands within the watershed area identified in Figure 2 of the Minor Amendment Concurrence Letter dated August 19, 2013 and 0.1 acre of basin area will be enhanced (i.e., dethatch, weed control, and seeding).
- 2) The enhancement site will be maintained for 4 years (12 maintenance visits total).
  - i. Four visits will be conducted in Year 1, three in years 2 and 3, and two in year 4.
  - ii. Each maintenance visit will consist of a four-person crew for a single day.

- iii. Dethatching is most appropriately performed in the winter season, prior to the bird breeding season (February 15), with follow-up visits during the spring and summer to apply herbicide and other weed control measures.
- iv. Visits will be conducted each year from December through April to coincide with rainy season and peak weed growth; however, the timing of the work will vary each year to year due to changes in rainfall patterns, site conditions, and number of scheduled visits. The timing of the work will be based on the germination and development of the nonnative target species at the site.
- v. Maintenance will include trash removal and control of nonnative plant species. Line trimmers and focused (spot spray) herbicide will be used in the upland areas and hand weeding will be used within the pool basins.
- 3) Four years of biological monitoring and reporting (two visits per year) will be implemented.
  - i. Each regular monitoring visit will be conducted by a biologist with at least 3 years of vernal pool restoration experience and approved by the Service. Pool ponding (depth and extent) and floristic data will be collected during each regularly scheduled visit.
  - ii. During each visit the amount and extent of weed species will be recorded and maintenance crews will be given direction for necessary remedial work.
  - iii. A brief letter report will be produced each year summarizing the results of the maintenance and annual monitoring. These reports will be provided to the Wildlife Agencies and bank manager.
  - iv. Performance Standards will be as follows:
    - No Cal-IPC high or moderate category weed species (excluding nonnative grasses) within the pools and buffer area.
    - b) Overall cover of all other weed species within the upland buffer should be no more than 25 percent.
- d. The project proponent will either carry out the restoration work at the Cornerstone Bank or provide the bank manager with adequate funding to carry out the work plan tasks. If the bank manager is provided funding, the project

proponent and the bank manager will enter into a formal agreement (e.g., Memorandum of Agreement) to assure the work is implemented.

**Documentation:** The applicant shall provide PDS with a letter from the U.S. Fish and Wildlife Service indicating the above listed conservation measures have been completed to their satisfaction. **Timing:** Prior to the approval of the Final Map and prior to the approval of any grading or improvement plan and issuance of any permit. **Monitoring:** The PDS shall review the letter provided by the applicant to ensure that the conservation measures have been completed.

- 56. CULT#3-ARCHAEOLOGICAL GRADING MONITORING: [PDS, PCC] [DPW, ESU] [MA, GP, IP] [PDS, 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 an 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. 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 map. The contract provided to the County shall include an agreement that the grading monitoring will be completed 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 & Development Services.

**Documentation:** The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate to the *[PDS, 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 and prior to the approval of any plan and issuance of any permit, the contract shall be provided. **Monitoring:** The *[PDS, PCC]* shall review the contract and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to *[PDS, 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.

- 57. CULT#4-CULTURAL RESOURCES REPORT: [PDS, PCC] [UO, FG] [PDS, FEE X2]. Intent: In order to ensure that the Grading Monitoring occurred during the grading phase of the project pursuant to condition 55, a final report shall be prepared. Description of Requirement: A final Grading Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:
  - 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 has 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, including title, shall be transferred to an appropriate curation facility in San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying 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's archaeologist shall prepare the final report and submit it to the *[PDS, PCC]* for approval. **Timing:** Prior to any occupancy or final grading release, the final report shall be prepared. **Monitoring:** The *[PDS, PCC]* shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, *[PDS, PCC]* shall inform *[PDS, LDR]* and *[DPW, PDCI]*, that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then *[PDS, PCC]* shall inform *[PDS, FISCAL]* to release the bond back to the applicant.

## 58. BIO#8-BIOLOGICAL MONITORING: [PDS, PCC] [PDS, LDR] [GP, IP, MA] [PDS, FEE X2].

**Intent:** In order to prevent inadvertent disturbance to burrowing owls 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 Grading Plan note M-BI-4b. 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 Planning & Development Services.

**Documentation:** The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the *[PDS, 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 plan, issuance of any permit, and prior to approval of the map, the requirement shall be completed. **Monitoring:** The *[PDS, 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.

# 59. PALEO#1-PALEO GRADING MONITORING: [PDS, PCC] [PDS, LDR] [GP, IP, MA] [PDS, FEE X 2]

Intent: In order to mitigate for potential impacts to paleontological resources on the project site, a monitoring program during grading, trenching or other excavation into undisturbed rock layers beneath the soil horizons and a fossil recovery program, if significant paleontological resources are encountered, shall be implemented pursuant to the <u>County of San Diego Guidelines for Determining Significance for Paleontological Resources.</u>

Description of Requirement: A County approved Paleontologist "Project Paleontologist" shall be contracted to perform paleontological resource monitoring and a fossil recovery program if significant paleontological resources are encountered during all grading, trenching, or other excavation into undisturbed rock layers beneath the soil horizons with high and moderate paleontological sensitivities. The following shall be completed:

a. A County approved Paleontologist ("Project Paleontologist") shall perform the monitoring duties pursuant to the most current version of the County of <u>San Diego Guidelines for Determining Significance for Paleontological Resources</u>, and this permit. The contract provided to the county shall include an agreement that the grading/ trenching/excavation monitoring will be completed between the approved Paleontologist 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 Planning & Development Services.

**Documentation:** The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate to the [PDS, 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 units 1 and 2 and prior to the approval of any plan and issuance of any permit, the contract shall be provided. **Monitoring:** The [PDS, PCC] shall review the contract and cost estimate or separate bonds for compliance with this condition. The cost estimate shall be forwarded to [PDS, 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.

# 60. UTILITIES#1-PUBLIC SEWER IMPROVEMENT: [PDS, LDR] [DPW, WWM] [SDCSD] [MA].

Intent: In order to promote orderly development by providing public sewer to the lots, and to comply with the <u>Subdivision Ordinance Sec. 81.703 through Sec. 81.707</u> and the <u>East Otay Mesa Business Park Specific Plan</u> 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 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.

- Plans and specifications for construction of the public sewer system serving each lot and offsite public sewer improvements along Siempre Viva Road shall be approved by [SDCSD].
  - The construction of an off-site pump station designed by the developer. The pump station shall be designed to convey projected sewage flows from build-out of all on-site and off-site parcels tributary to the pump station. The pump station shall include provisions for emergency storage of at least six hours of average design flow, auxiliary power supply, and dual force mains 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]. NOTE: the pump station site shall encumber at a minimum one (1) acre of the proposed Lot 38 within Tentative Map 5505 OR one (1) acre within APN 648-070-21.
  - 2) The construction of an onsite subdivision sewer collection system serving each lot. NOTE: No sewer lateral connections will be allowed on

mains that exceed 20 feet in depth. Engineer-of- Work will provide adequate sewer design justifications for any proposed deep manhole depths.

- Proposed wastewater facility plans (onsite and offsite) shall comply with all regional EOM Sewer Maintenance District 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, WWM].
- 4) 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 sewer lines.
- 5) Plans and specifications for construction within the City of San Diego's right-of-way shall be concurrently submitted to the City of San Diego (City) for review and approval.
- b. 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.

c. The developer shall cause the proposed offsite and onsite pump station and property lots, components of the facilities and respective easements to be conveyed by the trustee to the [SDCSD], EOM Sewer Service Area.

The developer shall dedicate to the District all necessary easements along with that portion of the sewer collection system that is to be public sewer and the required facility components thereof, to the satisfaction of [PDS, LDR].

d. Enter into agreement, with the District for planning, designing, financing, constructing, operating and maintaining the proposed sewer pump station and force mains, to the satisfaction of [DPW, WWM].

Provisions shall be established to the satisfaction of [DPW, WWM] for the developer to sufficiently fund the present worth of the estimated Operations and Maintenance costs over the life of the pump station for Developer's proportion of the EDUs serviced by the pump station.

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 Director of Public Works to operate and maintain the proposed pump station and associated facilities.

e. 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].

**Documentation:** The applicant shall dedicate the sewer easement on the final map, and provide improvement plans for the sewer system construction to the [PDS, LDR] and [SDCSD] for review and approval. **Timing:** Prior to approval of the final map for the applicable unit, the offsite sewer and the sewer for the applicable unit shall be dedicated and installed. Prior to approval of the map for each subsequent unit, the sewer shall be dedicated and installed. **Monitoring:** The [PDS, LDR] shall review the final map to ensure that the sewer easement has been dedicated. The [PDS, LDR] and [DPW, WWM] shall review the improvement plans to ensure compliance with this condition.

61. ROADS#16-PUBLIC ROAD IMPROVEMENTS: [PDS, 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 the public road segments and intersections shall be improved as indicated below. Description of requirement: All the public road segments and intersections as indicated with each unit as indicated below shall be improved according to the following criteria:

- 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:

- 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, PDCI].
- d. If the applicant is a representative, then 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 the specific unit, the plans, agreements, and securities shall be approved. **Monitoring:** The [PDS, LDR] and [DPR, TC, PP] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

62. LNDSCP#1-LANDSCAPE MAINTENANCE-ALL UNITS: [PDS, LDR] [MA] Intent: In order to ensure that landscape improvements per the <u>East Otay Mesa</u> <u>Business Park Specific Plan</u> 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. A copy of the agreement shall be submitted to the <code>[PDS, LDR]</code> 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 in addition to an Encroachment Permit to the satisfaction of the Director of <code>[PDS, LDR]</code>. **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 <code>[PDS, LDR]</code> 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 <code>[PDS, LDR]</code> shall review the Encroachment Maintenance and Removal Agreement **OR** proof of payment into the CFD shall be reviewed for compliance with this condition.

- 63. STRMWTR#1–EROSION CONTROL: [PDS, 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. 9926 and all other applicable ordinances and standards for this priority project. Description of Requirement: The applicant shall maintain the appropriate onsite 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 [PDS, 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 [PDS, 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 map for each of

the units the agreement and securities shall be executed. **Monitoring**: The *[PDS, 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.

## 64. DRNG#1-DRAINAGE AND STORMWATER FACILITIES MAINTENANCE AGREEMENTS: [PDS, LDR], [MA]

Intent: In order to promote orderly development and to comply with the <u>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:**</u>

- 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 by-pass graded earthen swale, proposed within Airway Road, across the project's northern property line to its connection with the proposed storm drain within Alta Road, shall be privately maintained by a maintenance mechanism such as a business owners association or other private entity to the satisfaction of the Director of Public Works
- c. The proposed by-pass storm drain facilities generally shown easterly of the centerline of Alta Road, from the graded earthen swale at Airway Road southerly to the outfall located in the southwest corner of the Regional Sewer Lift Station shall be privately maintained by a maintenance mechanism such as a business owners association or other private entity to the satisfaction of the Director of Public Works. NOTE: If additional road widening is voluntarily constructed for Alta Road, easterly of the centerline, in a manner where the pavement covers the by-pass storm drain to the satisfaction of the Director of Public Works, the by-pass storm drain will be maintained by the County.
- bd. 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 [PDS, 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 [*PDS*, *LDR*] shall review the agreements/mechanisms for consistency with the condition and County Standards.

## 65. ROADS#17-ROAD DEDICATION (ON&OFFSITE): [PDS, 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 Mobility Element and Specific Plan public roads, including Airway Place 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.

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. The affected utility company/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 [PDS, LDR] for review. **Timing:** Prior to the approval of the Final Map for each unit, 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 [PDS, 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 [PDS, LDR] for review and approval. The [PDS, LDR] shall review that that the off-site granting complies with this condition.

## 66. AIR#1-AIR QUALITY: [PDS, PCC] [DGS, RP] [MA, GP, IP] [PDS, FEE]

Intent: In order to mitigate long-term operational impacts to off-site sensitive receptors due to diesel exhaust emissions, the Project shall incorporate design measures to reduce the incremental carcinogenic risk associated with Project implementation. Description of Requirement: For buildings with truck yards or loading docks, the County PDS shall ensure that the Site Plans require the placement of signs at all truck parking and loading bay areas to identify applicable California Air Resources Board (CARB) anti-idling regulations. Each sign shall include the text "Extended Idling of Truck Engines is not Permitted," and give directions to truck parking spaces with electrical hookups. Documentation: The applicant shall prepare the Site Plan(s) pursuant to this mitigation measure and in accordance with PDS Form #506, Applicant's Guide to Site Plan. The applicant shall submit the Site Plans to the Department of Planning & Development Services, along with all applicable review fees and deposits. Timing: Pursuant to Section 3.3.1 of the EOMSP, review for compliance with this mitigation measure shall occur prior to approval of future Site Plans for the site. Evidence of sign installation shall occur prior to issuance of a certificate of occupancy. Monitoring: The Department of Planning & Development Services shall review the Site Plans for conformance with this mitigation measure.

In addition, evidence of sign installation shall be provided to the County PDS prior to the issuance of a certificate of occupancy.

### 67. AIR#2-AIR QUALITY: [PDS, PCC] [DGS, RP] [MA, GP, IP] [PDS, FEE]

Intent: In order to mitigate long-term operational impacts to off-site sensitive receptors due to diesel exhaust emissions, the Project shall incorporate design measures to reduce the incremental carcinogenic risk associated with Project implementation. Description of Requirement: For buildings with truck yards and/or loading docks, the County PDS shall review the parking lot striping and security gating plan to ensure that the site design allows for adequate truck stacking at gates and allows for trucks to park overnight on the site to prevent queuing of trucks outside the facility. Documentation: The applicant shall prepare the Site Plan(s) pursuant to this mitigation measure and in accordance with PDS Form #506, Applicant's Guide to Site Plan. The applicant shall submit the Site Plans to the Department of Planning & Development Services, along with all applicable review fees and deposits. Timing: Pursuant to Section 3.3.1 of the EOMSP, review for compliance with this mitigation measure shall occur prior to approval of future Site Plans for the site. . Monitoring: The Department of Planning & Development Services shall review the Site Plans for conformance with this mitigation measure.

## 68. AIR#3-AIR QUALITY: [PDS, PCC] [DGS, RP] [MA, GP, IP] [PDS, FEE]

Intent: In order to mitigate long-term operational impacts to off-site sensitive receptors due to diesel exhaust emissions, the Project shall incorporate design measures to reduce the incremental carcinogenic risk associated with Project Description of Requirement: Any buildings that would receive implementation. shipping container refrigerator units (RUs) shall provide electrical hookups at all loading dock door positions. The locations of the electrical hookups shall be indicated on construction drawings and building plans and shall be subject to approval by the County PDS. Documentation: The applicant shall prepare the Site Plan(s) pursuant to this mitigation measure and in accordance with PDS Form #506, Applicant's Guide to Site Plan. The applicant shall submit the Site Plans to the Department of Planning & Development Services, along with all applicable review fees and deposits. Timing: Pursuant to Section 3.3.1 of the EOMSP, review for compliance with this mitigation measure shall occur prior to approval of future Site Plans for the site. Evidence of installed electrical hookups shall occur prior to issuance of a certificate of occupancy. Monitoring: The Department of Planning & Development Services shall review the Site Plans for conformance with this mitigation measure. In addition, evidence of installed electrical hookups shall be provided to the County PDS prior to the issuance of a certificate of occupancy.

### 69. GHG#1-CLIMATE CHANGE: [PDS, PCC] [DGS, RP] [MA, GP, IP] [PDS, FEE]

Intent: In order to mitigate for impacts related to the proposed Project's GHG emissions, design measures shall be incorporated into future site plans to achieve the objectives of AB 32. **Description of Requirement:** Prior to the approval of future Site Plans for any lots within TM5566, the Project applicant shall prepare a Title 24 Compliance Report to identify measures incorporated into the Site Plan's

design to reduce emissions of area-source Greenhouse Gases. The report shall identify measures that are physically and economically feasible to implement in the Site Plan design in order to achieve a performance standard of at least a 33% reduction of energy use and Greenhouse Gas emissions as compared to the 2005 Title 24 requirements. The Title 24 Compliance Report shall cite references that estimate Greenhouse Gas emissions reductions associated with Site Plan design features, and shall provide emission reduction credits for those design features that result in quantifiable reductions in energy consumption. Examples of that would serve to assist in achieving the 33% GHG reduction target/performance standard may include, but shall not be limited to, the following (it being understood that certain of the measures described in the bullets below may be adopted by the Project applicant, to the extent such measures are found to be physically and economically feasible, in order to achieve the reductions specified above. and that not all or any such measures need to be adopted, and that other feasible measures not listed below may be adopted, as long as the above performance standard is met):

- a. Design buildings to use natural systems to reduce energy use. Locate and orient buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.
- b. Design buildings to maximize water efficiency and reduce water use (excluding irrigation) beyond the Energy Policy Act of 1992 guidelines for fixture performance.
- c. Provide interior and exterior collection and storage areas for recyclables and green waste, in locations that are easily accessible to employees and visitors. The location of such storage areas shall be clearly labeled on future Site Plans. This will reduce the amount of waste generated by building occupants and hauled to and disposed of in landfills.
- d. For site lighting, the project's power density shall be more efficient than required by Title 24 as specified by LEED Energy & Atmosphere Credit 1. The amount of GHG reductions shall be calculated for the specific site lighting elements proposed as a part of future site plans pursuant to this standard, and shall be documented in the Title 24 Compliance Report.
- e. For warehouse lighting, use T5HO lighting fixtures providing that general lighting will be more efficient than required by Title 24 as specified by LEED Energy & Atmosphere Credit 1. The amount of GHG reductions shall be calculated for the specific warehouse lighting elements proposed as a part of future site plans pursuant to this standard, and shall be documented in the Title 24 Compliance Report.
- f. Install motion sensors on office lighting so that efficiency will be more efficient than required by Title 24 as specified by LEED Energy & Atmosphere Credit 1.

The amount of GHG reductions shall be calculated for the specific motion sensors proposed as a part of future site plans pursuant to this standard, and shall be documented in the Title 24 Compliance Report.

- g. Install skylights and energy efficient lighting that exceeds California Title 24 standards where feasible, including electronic dimming ballasts and computer-controlled daylight sensors for office lighting.
- h. Install exterior signage, traffic, and other outdoor lighting that utilizes lightemitting diode (LED) lighting that is approximately 70 percent more efficient than fluorescent signage.
- i. Use light colored "cool" roofs, cool pavements, and strategically placed shade trees.
- j. Require orientation of buildings to maximize passive solar heating during cool seasons, avoid solar heat gain during hot periods, enhance natural ventilation, and promote effective use of daylight. Building orientation, wiring, and plumbing should optimize and facilitate opportunities for on- site solar generation and heating.
- k. Limit the hours of operation of outdoor lighting as specified to meet LEED Energy & Atmosphere Credit 1.
- Install the photovoltaic cells (solar panels) or "thin film" on roofs and parking lots (which can provide added benefits of shading vehicles) as specified by LEED Energy & Atmosphere Credit 2 to off-set the Project's energy consumption. If the energy conservation measures implemented do not reduce GHG emissions by 33%, solar panels shall be installed to fulfill the remainder of the 33% requirement.

The Title 24 Compliance Report shall only give emission reduction credits to those design features that are depicted on Site Plans or where evidence of compliance can otherwise be provided to the County PDS. Approval of future Site Plans and/or construction permits shall not occur until it can be assured that the design features described in the Title 24 Compliance Report (or other measures meeting the performance criteria specified above) have been depicted on the Site Plan or construction drawings, or if it can otherwise be demonstrated that the design features will be incorporated into the proposed development.

**Documentation:** The applicant shall prepare the Site Plans pursuant to this mitigation measure and in accordance with PDS Form #506, *Applicant's Guide to Site Plan*. The applicant shall submit the Site Plans to the Department of Planning & Development Services, along with all applicable review fees and deposits, and with evidence of compliance with the requirements specified above. **Timing:** Pursuant to Section 3.3.1 of the EOMSP, review for compliance with this mitigation measure shall

occur prior to approval of future Site Plans for the site. **Monitoring:** The Department of Planning & Development Services shall review the Site Plans for conformance with this mitigation measure.

**70**. GHG#2-CLIMATE CHANGE: [PDS, PCC] [DGS, RP] [MA, GP, IP] [PDS, FEE] Intent: In order to mitigate for GHG-related impacts caused by trucks idling on- site under long-term operating conditions. Description of Requirement: Strategies shall be incorporated to reduce idling time of trucks through alternative technologies such as IdleAire, electrification of truck parking, and alternative energy sources to allow diesel engines to be completely turned off. These strategies shall be placed on future site plans (e.g., location of electric truck parking locations and alternative Documentation: The applicant shall prepare the Site Plans energy sources). pursuant to this mitigation measure and in accordance with PDS Form #506, Applicant's Guide to Site Plan. The applicant shall submit the Site Plans to the Department of Planning & Development Services, along with all applicable review fees and deposits, along with evidence of compliance. Timing: Pursuant to Section 3.3.1 of the EOMSP, review for compliance with this mitigation measure shall occur prior to approval of future Site Plans for the site. Monitoring: The Department of Planning & Development Services shall review the Site Plans for conformance with this mitigation measure.

### 71. FIRE#1-FIRE HYDRANT INSTALLATION: [PDS, LDR] [MA]

**Intent:** In order to ensure that the proposed subdivision has the required water, sewer, and fire protection services, and to comply with <u>County Subdivision Ordinance Sections 81.706</u>, the services shall be provided to the subdivision. **Description of Requirement:** Improve or agree to improve and provide security for constructing fire hydrants every 350', together with an adequate water supply in accordance with the specifications of the San Diego Rural Fire Protection District and San Diego County standards.

- a. On paved roads, a "blue dot" marker shall be installed in the pavement to indicate the location of the fire hydrant(s). Design of water supply, type, and location of fire hydrant(s) must be submitted to the San Diego Rural Fire Protection District for approval prior to the issuance of a building permit for any parcel created by this subdivision.
- b. The improvements shall be completed and a secured agreement shall be executed pursuant to Subdivision Ordinance Sec. 81.706.1 through 81.707 for the required improvements, or execute a secured agreement to complete the improvements within twenty-four (24) months from the recording of the Parcel Map.

**Documentation:** The applicant shall prepare improvement plans to show the fire hydrant as specified above. **Timing:** Prior to the approval of the Final Map, the improvements shall be completed or deferred as indicated above. Processing the securities can take up to 2 months, so the applicant should initiate the process at least

two months before the anticipated map approval date. **Monitoring:** The *[PDS, LDR]* [DPR, TC, PP] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans *[PDS, LDR]* shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

**GRADING PERMIT:** (Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits).

### 72. GEO#1-GEOLOGIC HAZARDS: [PDS, LDR] [GP]

Intent: In order to ensure appropriate engineering design measures and construction practices are implemented to mitigate the potential for deep-seated stability of slopes to established standards of safety. Description of Requirement: Within the Preliminary Geotechnical Investigation, Hawano East Otay Property, San Diego County, California, by Geocon, Inc. dated July 7, 2010, proposed cut slopes that expose the Otay Formation at the site were identified as requiring slope stabilization. All mitigation measures regarding slope stabilization contained within the grading section of the report shall be incorporated into the grading plans. Documentation: The applicant shall prepare the final grading plans to include slope stabilization measures to meet established standards of safety for approval by the [PDS, LDR]. The Preliminary Geotechnical Investigation, Hawano East Otay Property, San Diego County, California, by Geocon, Inc. dated July 7, 2010 shall be submitted along with the final grading plans. Timing: Prior to the approval of any grading plans or final map, the slope stabilization measures shall required to be included. Monitoring: The [PDS, LDR] shall ensure that slope stabilization measures for proposed cut slopes that expose the Otay Formation are incorporated into the grading plans for the project.

## 73. AIR#4-AIR QUALITY: [DPW, PDCI].

**Intent:** To mitigate for potential air quality effects that may be caused by grading activities during construction. **Description of Requirement:** The project shall comply with the following Air Quality measures:

- 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.
- b. Dust control measures of the Grading Ordinance will be enhanced with a minimum of three (3) daily applications of water to the construction areas, between dozer/scraper passes and on any unpaved roads within the project limits.
- c. Grading is to be terminated if winds exceed 25 mph.
- d. Sweepers and water trucks shall be used to control dust and debris at public street access points.

- e. Dirt storage piles will be stabilized by chemical binders, tarps, fencing or other suppression measures.
- f. Internal construction-roadways will be stabilized by paving, chip sealing or chemicals after rough grading.
- g. A minimum of 5 15 mph signs shall be posted and enforced on unpaved areas during construction.
- h. Disturbed areas shall be replanted as soon as practical.
- Wheel washers and street sweepers shall be provided to prevent onsite dirt from getting on the paved roadways. Access roadways shall be swept regularly to prevent dust track-out.

**Documentation:** The applicant shall comply with the Air Quality requirements of this condition. **Timing:** The following 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 [PDS, PCC] if the applicant fails to comply with this condition.

### 74. AIR#5-AIR QUALITY: [DPW, PDCI].

**Intent:** In order to lower construction emissions of PM<sub>10</sub> and PM<sub>2.5</sub> to below the County's established Screening Level Thresholds (SLTs) for construction activities, grading monitoring and emission reduction activities shall occur. **Description of Requirement:** Grading Plans shall be prepared, which clearly describe the grading monitoring and emission reduction activities that shall be undertaken during earthmoving activities to implement Section 87.428 "Dust Control Measures" of the County's Grading Ordinance. The Grading Plans shall include the following:

- a. 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.
- b. During grading and ground-disturbing construction activities, the Permit Compliance Engineer shall ensure that water trucks or sprinkler systems apply water to areas undergoing active ground disturbance a minimum of three (3) times daily (3.2 hour watering interval) to ensure a minimum soil moisture of 12%. 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.

**Reporting**: the Permit Compliance Engineer shall maintain a log of daily site watering activities, and shall be provided to the County upon request. The site watering log also shall be provided in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance.

c. The Permit Compliance Engineer shall assure that temporary signs indicating a maximum 15 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.

**Reporting**: The Permit Compliance Engineer shall provide evidence of sign installation by including photographs of the installed signs and a scaled diagram or copy of the grading plan, identifying the location of each sign, in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance.

d. The Permit Compliance Engineer shall assure that temporary signs indicating that all construction equipment on-site shall not idle for more than five (5) minutes are placed at all loading, unloading, and equipment staging areas, before construction activities commence. The Permit Compliance Engineer also shall be responsible for assuring enforcement of the five (5) minute idling limit throughout the duration of construction activities.

**Reporting:** The Permit Compliance Engineer shall provide evidence of sign installation by including photographs of the installed signs and a scaled diagram or copy of the grading plan, identifying the location of each sign, in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance.

e. 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.

**Reporting:** The Permit Compliance Engineer shall include photographs of all constructed gravel aprons in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance.

f. 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.

**Reporting**: The Permit Compliance Engineer shall maintain a log of all work days and time durations when grading, earthmoving, and ground- disturbing construction activities were temporarily halted due to sustained wind speeds exceeding 25 MPH. The log shall be provided in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance.

g. 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.

**Reporting**: The Permit Compliance Engineer shall maintain a log of all street sweeping activities, and shall be provided to the County upon request. The log also shall be provided in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance.

h. The Permit Compliance Engineer shall assure 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.

**Reporting:** The regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance shall include a map depicting the locations of all designated construction parking areas, a description of the chemical suppressants utilized, and the date(s) of application.

i. The Permit Compliance Engineer shall ensure that rough grading activities do not overlap 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.

**Reporting**: A copy of the construction schedule shall be included in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance. Construction schedules also shall be provided to the County for review upon request.

**Documentation:** The applicant shall prepare the Grading Plan pursuant to this mitigation measure and then shall submit it to the Department of Public Works, along with payment of all applicable review fees and deposits. In addition, 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 87.420(a) of the County's Grading Ordinance, and shall make such evidence available when requested by the County. **Timing:** Prior to the approval of each grading permit. **Monitoring:** The Department of Public Works shall review the Grading

Plan for conformance with this mitigation measure. Upon approval of each Grading Plan, a decision of approval and a grading permit shall be issued to the applicant.

# 75. LNDSCP#12-LANDSCAPE DOCUMENTATION PACKAGE: [PDS, PPD] [DPR, TC, PP] [GP, IP, MA]

Intent: In order to provide adequate Landscaping that complies with the <u>County of San Diego's Water Efficient Landscape Design Manual</u>, the County's Water Conservation in Landscaping Ordinance, and the landscape requirements identified within the East Otay Mesa Specific Plan, and to prevent intrusion of invasive plant species into adjacent open space areas, a Landscape Plan shall be prepared. **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 Mesa Specific Plan and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from [PDS, 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 & Development Services. 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.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, given fire safety restrictions, native or naturalizing plant materials shall be used, which can thrive on natural moisture, and 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. 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. An irrigation plan, 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 pursuant to Section 86.725 (a) of the Water Conservation in Landscaping Ordinance. 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.

- d. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- e. 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 <u>County's Light Pollution Code</u>.
- f. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- g. 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 Specific Plan.

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

GEN#2-GRADING PLAN CONFORMANCE:[DPW, ESU] [GP, IP,] [DPR, TC, PP] **76.** Intent: In order to implement the required mitigation measures for the project, the required grading plans shall conform to the approved Conceptual Grading and Development Plan pursuant to Section 87.207 of the County Grading Ordinance. Description of Requirement: The grading plans shall conform to the approved Conceptual Grading and Development Plan, which includes all of the following mitigation measures: Biology, Cultural Resources, Paleontological, Noise, Air Quality, and Avoidance areas. All conditions, requirements, mitigation measures and information stated on the sheets of the plans shall be made conditions of the permit's issuance and shall be implemented pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) of this Permit. No deviation of the requirements can be made without modification of this permit. Documentation: The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. Timing: Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the notes and items shall be placed on the plans as required. Monitoring: The [DPW, Environmental Services Unit Division, DPR, TC, or PDS, Building Division for Minor Grading/ 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.

(Note: The following Grading and/or Improvement Plan Notes shall be placed on the Preliminary Grading plan (GP) and made conditions of the issuance of said permits.)

**PRE-CONSTRUCTION MEETING:** (Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)

#### (CULTURAL RESOURCES)

## GP1. CULT#5-ARCHAELOGICAL MONITORING: [DPW, PDCI] [PDS, PCC] [PC] [PDS, FEE X2]

**Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to 3100 5566 (TM), a Cultural Resource Grading Monitoring Program shall be implemented. Description of Requirement: The County approved 'Project Archaeologist,' Native American Monitor, and the PDS 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 offsite 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 IDPW. PDCI] shall invite the [PDS, PCC] to the preconstruction conference to coordinate the Cultural Resource Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archeologist.

### (PALEONTOLOGICAL RESOURCES)

# GP2. PALEO#2-PALEONTOLOGICAL MONITORING: [DPW, PDCI] [PDS, PCC] [PC] [PDS, FEE X2]

Intent: In order to comply with Mitigation Monitoring and Reporting Program pursuant to TM 5566, a Paleontological Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The County approved Project Paleontologist, and the PDS 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 Paleontologist shall monitor during the original cutting of previously undisturbed deposits for the project, both on and off site, the Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources. Documentation: The applicant shall have the contracted Project Paleontologist 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 [PDS, PCC] to the preconstruction conference to coordinate the Paleontological Resource Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Paleontologist.

#### (BIOLOGICAL RESOURCES)

### GP3. BIO#9-BREEDING SEASON AVOIDANCE: [DPW] [GRADING PERMIT]

**Intent:** In order to mitigate for potential impacts to breeding or nesting migratory birds and/or burrowing owls that could occur during brushing, grading, and clearing activities. **Description of Requirement:** No brushing, grading, and clearing of vegetation shall occur during the breeding season for the burrowing owl and migratory birds (February 1 through August 31). **Documentation:** The grading permit shall include this note. **Timing:** This condition applies throughout the duration of the clearing and grading. **Monitoring:** The [DPW, PDCI] shall not allow any grading between February 1 and August 31.

## GP4. BIO#10-BURROWING OWL SURVEY: [DPW] [GRADING PERMIT]

Intent: In order to mitigate for potential impacts to the burrowing owl that could occur during brushing, grading, and clearing activities. Description of Requirement: During the allowed grading period (September 1 through January 31), a preconstruction survey shall be conducted to identify any active burrows 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 survey, cameras shall be used to verify whether burrows are occupied by burrowing owls.

- a. If burrowing owls are not detected during pre-grading surveys, based on Section 3.4.1.1 of the Burrowing Owl Strategy, the following shall be required:
  - 1) Following the initial pre-grading survey, the site must be monitored for new burrows each week until grading is complete.

- 2) If burrowing owls were not found on the site during the pre-grading survey but are found to be using the site occasionally for roosting or foraging, they should be allowed to do so with no changes in the grading or grading schedule.
- 3) If burrowing owls were not found on the site during the pre-grading survey but are found to be using the site repeatedly for roosting or foraging, the County's mitigation monitor should be notified and the portion of the site that has not been graded should be searched for burrows. If no burrow is found, only notification of the County's mitigation monitor is needed. If an active burrow is found, the procedures in section 3.4.1.2 of the Burrowing Owl Strategy must be followed.
- 4) If a burrowing owl begins using a burrow on the site at any time after the initial pre-grading survey grading begins, procedures described in section 3.4.1.2 of the Burrowing Owl Strategy must be followed.
- 5) Any actions other than these require the approval of the County, USFWS and CDFG.
- 6) Burrowing owls may not be injured or killed.
- b. If owls are present, based on Section 3.4.1.2 of the Burrowing Owl Strategy, the following shall be required:
  - 1) If one or more burrowing owls are using burrows on or within 300 feet of the proposed grading, the County Mitigation Monitoring Coordinator should be contacted. The County Mitigation Monitoring Coordinator will contact the USFWS and CDFG regarding the eviction of the owls and collapse of the burrows, and will enlist the help of a County staff biologist to continue with the coordination with the wildlife agencies and a qualified burrowing owl biologist regarding the burrowing owls. No grading shall occur within 300 feet of an active burrow.
  - 2) If the owl is using a burrow on the site and it is not the breeding season, the owl may be evicted as described in section 4.5.4 of the Burrowing Owl Strategy after a qualified burrowing owl biologist has ensured, by using a fiber optic camera or other appropriate device that no eggs or young are in the burrow. Eviction requires written concurrence from the USFWS and CDFG prior to implementation.
  - If a burrow is being used and it is the breeding season, grading shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the burrowing owls can be evicted. Eviction requires written concurrence from the USFWS and CDFG prior to implementation.

- 4) Grading closer than 300 feet may occur with concurrence from the USFWS, CDFG, and County Mitigation Monitoring Coordinator. This distance will depend on the burrow's location in relation to the site's topography and other physical and biological considerations.
- 5) Burrowing owls may not be injured or killed.
- Burrowing owls are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Therefore, measures should be taken to discourage colonization or recolonization at the construction site by burrowing owls. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.

**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. 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 [PDS, PCC] is received. The PDS shall review the pre-construction survey results, along with evidence of any passive relocation measures, to ensure compliance with these requirements.

# GP5. BIO#11-BIOLOGICAL MONITORING: [PDS, PCC] [DPW,PDCI] [PC] [PDS, FEE X3].

**Intent:** In order to prevent inadvertent disturbance to burrowing owls 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 mitigation measure 56:

- a. Complete all required burrowing owl surveys, monitoring and follow-up according to the Burrowing Owl Strategy.
- b. Supervise and verify placement of temporary fencing of impact limits. The placement of such fencing shall be approved by the PDS, Permit Compliance Section.
- c. The Biologist shall attend the preconstruction meetings and other meetings to discuss burrowing owl avoidance requirements. Such meeting shall include the PDS 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 [PDS, PCC] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

### (GEOLOGIC RESOURCES)

#### GP6. GEO#2-GEOLOGIC HAZARDS: [PDS, LDR] [GP]

Intent: In order to ensure appropriate engineering design measures and construction practices are implemented to mitigate the potential for deep-seated stability of slopes to established standards of safety. Description of Requirement: Within the Preliminary Geotechnical Investigation, Hawano East Otay Property, San Diego County, California, by Geocon, Inc. dated July 7, 2010, proposed cut slopes that expose the Otay Formation at the site were identified as requiring slope stabilization. All mitigation measures regarding slope stabilization contained within the grading section of the report shall be incorporated into the grading plans. Documentation: The applicant shall prepare the final grading plans to include slope stabilization measures to meet established standards of safety for approval by the [PDS, LDR]. The Preliminary Geotechnical Investigation, Hawano East Otay Property, San Diego County, California, by Geocon, Inc. dated July 7, 2010 shall be submitted along with the final grading plans. Timing: Prior to the approval of any grading plans or final map, the slope stabilization measures shall required to be included. Monitoring: The [PDS, LDR] shall ensure that slope stabilization measures for proposed cut slopes that expose the Otay Formation are incorporated into the grading plans for the project

#### (AIR QUALITY)

#### GP7. AIR#6-AIR QUALITY: [DPW, PDCI].

Intent: In order to lower construction emissions of PM<sub>10</sub> and PM<sub>2.5</sub> to below the County's established Screening Level Thresholds (SLTs) for construction activities, grading monitoring and emission reduction activities shall occur. **Description of Requirement:** Grading Plans shall be prepared, which clearly describe the grading monitoring and emission reduction activities that shall be undertaken during earthmoving activities to implement Section 87.428 "Dust Control Measures" of the County's Grading Ordinance. The Grading Plans shall include the following:

- a. 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.
- b. During grading and ground-disturbing construction activities, the Permit Compliance Engineer shall ensure that water trucks or sprinkler systems apply water to areas undergoing active ground disturbance a minimum of three (3) times daily (3.2 hour watering interval) to ensure a minimum soil moisture of 12%. 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.

Reporting: the Permit Compliance Engineer shall maintain a log of daily site watering activities, and shall be provided to the County upon request. The site watering log also shall be provided in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance.

c. The Permit Compliance Engineer shall assure that temporary signs indicating a maximum 15 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.

Reporting: The Permit Compliance Engineer shall provide evidence of sign installation by including photographs of the installed signs and a scaled diagram or copy of the grading plan, identifying the location of each sign, in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance.

d. The Permit Compliance Engineer shall assure that temporary signs indicating that all construction equipment on-site shall not idle for more than five (5) minutes are placed at all loading, unloading, and equipment staging areas, before construction activities commence. The Permit Compliance Engineer also shall be responsible for assuring enforcement of the five (5) minute idling limit throughout the duration of construction activities.

Reporting: The Permit Compliance Engineer shall provide evidence of sign installation by including photographs of the installed signs and a scaled diagram or copy of the grading plan, identifying the location of each sign, in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance.

e. 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.

Reporting: The Permit Compliance Engineer shall include photographs of all constructed gravel aprons in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance.

f. 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.

Reporting: The Permit Compliance Engineer shall maintain a log of all work days and time durations when grading, earthmoving, and ground- disturbing construction activities were temporarily halted due to sustained wind speeds exceeding 25 MPH. The log shall be provided in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance.

g. 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.

Reporting: The Permit Compliance Engineer shall maintain a log of all street sweeping activities, and shall be provided to the County upon request. The log also shall be provided in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance.

h. The Permit Compliance Engineer shall assure 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.

Reporting: The regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance shall include a map depicting the locations of all designated construction parking areas, a description of the chemical suppressants utilized, and the date(s) of application.

i. The Permit Compliance Engineer shall ensure that rough grading activities do not overlap 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.

Reporting: A copy of the construction schedule shall be included in the regular reports required pursuant to Section 87.420(a) of the County's Grading Ordinance. Construction schedules also shall be provided to the County for review upon request.

Documentation: The applicant shall prepare the Grading Plan pursuant to this mitigation measure and then shall submit it to the Department of Public Works, along with payment of all applicable review fees and deposits. In addition, 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 87.420(a) of the County's Grading Ordinance, and shall make such evidence available when requested by the County. Timing: Prior to the approval of each grading permit. Monitoring: The Department of Public Works shall review the Grading Plan for conformance with this mitigation measure. Upon approval of each Grading Plan, a decision of approval and a grading permit shall be issued to the applicant

#### (LANDSCAPING)

## GP8. LNDSCP#3-LANDSCAPE DOCUMENTATION PACKAGE: [PDS, 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, and the landscape requirements identified within the East Otay Mesa Specific Plan, and to prevent intrusion of invasive plant species into adjacent open space areas, a Landscape Plan shall be prepared. 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 Mesa Specific Plan and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from [PDS, 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 & Development Services. 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.

- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, given fire safety restrictions, native or naturalizing plant materials shall be used, which can thrive on natural moisture, and 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. 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. An irrigation plan, 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 pursuant to Section 86.725 (a) of the Water Conservation in Landscaping Ordinance. 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.
- d. <u>Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.</u>
- e. 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 Cou n ty's L igh t Po Ilu tio n Co d e.
- f. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- g. 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 Specific Plan.

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

**DURING CONSTRUCTION:** (The following actions shall occur throughout the duration of the grading construction).

### (BIOLOGICAL RESOURCES)

### GP69. BIO#12-FUGITIVE DUST: [DPW] [GRADING PERMIT]

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:** Active construction areas and unpaved surfaces shall be watered per County standards to reduce potential indirect impacts caused by fugitive dust. **Documentation:** The grading permit shall include this note. **Timing:** This condition applies throughout the duration of the clearing and grading. **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.

# GP710. BIO#13-TEMPORARY FENCING FOR ERRANT CONSTRUCTION IMPACTS: [PDS] [GRADING PERMIT]

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: Grading plans shall include a note documenting this requirement. 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 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.

# GP811. BIO#14-CONSTRUCTION RESTRICTIONS: [DPW] [IMPROVEMENT PLANS AND BUILDING PERMITS]

Intent: In order to mitigate for potential indirect impacts to breeding or nesting birds (including raptors) that could be impacted by construction activities. Description of

Requirement: Construction noise may not exceed 60 dB Leg at any raptor or burrowing owl nest site. A pre-construction survey shall be conducted by a County-approved biologist to determine whether construction activities are located within 300 feet of ground dwelling raptor nests. Construction activities may not proceed within 300 feet of active ground dwelling raptor nests. This limitation may only be waived by the Director of PDS if a noise report by a County-approved noise consultant certifies that noise levels would not exceed 60 dB Leg 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<sub>eq</sub> at the nest site(s), they shall be installed prior to starting construction. Timing: These restrictions shall be documented on all Project improvement plans and building permits. Pre-construction surveys shall occur no more than 7 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 ground dwelling raptor **Documentation:** The DPW shall ensure that improvement plans and building permits include a note documenting these requirements. The applicant shall prepare a preconstruction survey no more than 7 days prior to the commencement of construction activities to determine whether construction activities are proposed within 300 feet of ground dwelling raptor nests. If construction activities are proposed within 300 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 Leg. 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. Monitoring: The DPW shall review improvement plans and building permits to ensure that the required notes have been included on the plans. The PDS 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 adhered to.

#### (CULTURAL RESOURCES)

## GP9<u>12</u>. CULT#6-ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [PDS, PCC] [PDS, FEE X2]

Intent: In order to comply with Mitigation Monitoring and Reporting Program pursuant to 3100 5566 (TM), and the <u>County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources</u>, 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 PDS Staff Archaeologist. The Project Archaeologist, in consultation with the PDS Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the PDS 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 PDS 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. The Project Archaeologist shall submit monthly status reports to the Director of Planning & Development Services 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 [PDS, PCC] if the Project Archeologist or applicant fails to comply with this condition.

- 69 -

### (NOISE)

# GP<del>10</del>13. NOISE#1-TEMPORARY NOISE IMPACTS: [PDS, PCC] [DPW, PDCI] [PDS, FEE X1].

Intent: In order to comply with the <u>County of San Diego Noise Ordinance</u> 36.409, the following noise attenuation measures shall be implemented to reduce the cumulative sound levels generated from project grading operations. **Description of Requirement:** If cumulative grading operations are simultaneously occurring at a shared property line where and occupied structure is located, construction equipment operations shall be relocated to a distance of 225 feet from the shared property line. **Documentation:** The applicant shall provide a letter of agreement to this condition. **Timing:** The following actions shall occur throughout the duration of the grading operations. **Monitoring:** The *[PDS, PCC]* shall review the letter of agreement of this condition to demonstrate compliance with County construction noise standards (Noise Ordinance, Section 36.409).

### (PALEONTOLOGICAL RESOURCES)

## GP1114. PALEO#3-PALEONTOLOGICAL MONITORING: [DPW, PDCI] [PDS, PCC] [PC] [PDS, FEE X2]

Intent: In order to comply with Mitigation Monitoring and Reporting Program pursuant to TM 5566, and the <u>County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources</u>, a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Paleontologist shall monitor During the original cutting of previously undisturbed deposits for the project, both on and off site, the Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with the following requirements during grading:

- If paleontological resources are encountered during grading/excavation, the following shall be completed:
  - 1) The Qualified Paleontological Resources Monitor shall have the authority to direct, divert, or halt any grading/excavation activity until such time that the sensitivity of the resource can be determined and the appropriate salvage implemented.
  - 2) The Qualified Monitor shall immediately contact the Qualified Paleontologist.
  - 3) The Qualified Paleontologist shall contact the County's Permit Compliance Coordinator immediately.

- 4) The Qualified Paleontologist shall determine if the discovered resource is significant. If it is not significant, grading/excavation shall resume."
- b. If the paleontological resource is significant or potentially significant, the Qualified Paleontologist or Qualified Paleontological Resources Monitor, under the supervision of the Qualified Paleontologist, shall complete the following tasks in the field:
  - Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits;
  - 2) Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting; and
  - Transport the collected specimens to a laboratory for processing (cleaning, curation, cataloging, etc.).

**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 [PDS, PCC] if the Project Paleontologist or applicant fails to comply with this condition.

### GP15. AIR#7-AIR QUALITY: [DPW, PDCI].

Intent: To mitigate for potential air quality effects that may be caused by grading activities during construction. Description of Requirement: The project shall comply with the following Air Quality measures:

- 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.
- b. <u>Dust control measures of the Grading Ordinance will be enhanced with a minimum of three (3) daily applications of water to the construction areas, between dozer/scraper passes and on any unpaved roads within the project limits.</u>
- c. Grading is to be terminated if winds exceed 25 mph.

- d. <u>Sweepers and water trucks shall be used to control dust and debris at public street access points.</u>
- e. <u>Dirt storage piles will be stabilized by chemical binders, tarps, fencing or other suppression measures.</u>
- f. <u>Internal construction-roadways will be stabilized by paving, chip sealing or chemicals after rough grading.</u>
- g. A minimum of 5 15 mph signs shall be posted and enforced on unpaved areas during construction.
- h. Disturbed areas shall be replanted as soon as practical.
- i. Wheel washers and street sweepers shall be provided to prevent onsite dirt from getting on the paved roadways. Access roadways shall be swept regularly to prevent dust track-out.

**Documentation:** The applicant shall comply with the Air Quality requirements of this condition. **Timing:** The following 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 [PDS, PCC] if the applicant fails to comply with this condition

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

### (PALEONTOLOGICAL RESOURCES)

## GP1216. PALEO#4-PALEONTOLOGICAL MONITORING: [PDS, PCC] [RG, BP] [PDS, FEE].

Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to 3100 5566(TM), and the <u>County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources, a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Paleontologist shall prepare one of the following letters upon completion of the grading activities that require monitoring:</u>

a. If **no** paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to the [*PDS*, *PCC*] stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format

- of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources.
- b. If Paleontological resources were encountered during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curration phase of the monitoring.

**Documentation:** The applicant shall submit the letter report to the [PDS, 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 letter report shall be completed. **Monitoring:** The [PDS, PCC] shall review the final negative letter 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).

### (CULTURAL RESOURCES)

## GP1317. CULT#7-ARCHAEOLIGICAL MONITORING REPORT: [PDS, PCC] [RG, BP] [PDS, FEE].

Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to 3100 5566 (TM), and the <u>County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources</u>, 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 [*PDS, PCC*] for review and approval. **Timing:** Prior to the occupancy of any structure or use of the premises and prior to Final Grading Release (<u>Grading Ordinance Sec.</u> 87.421.a.3), for 3100 5566 (TM), the final report shall be completed. **Monitoring:** The [*PDS, PCC*] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

## GP44<u>18. PALEO#5-PALEONTOLOGICAL MONITORING REPORT TM 5566: [PDS, PCC] [RG, BP] [PDS, FEE].</u>

Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TM 5566, and the <u>County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources</u>, a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Paleontologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program if resources were encountered during grading. The report shall include the following:

- a. If paleontological resources were discovered, the Following tasks shall be completed by or under the supervision of the Project Paleontologist:
  - Prepare collected fossil remains for curation, to include cleaning the fossils by removing the enclosing rock material, stabilizing fragile specimens using glues and other hardeners, if necessary, and repairing broken specimens;
  - 2) Curate, catalog and identify all fossil remains to the lowest taxon possible, inventory specimens, assigning catalog numbers, and enter the appropriate specimen and locality data into a collection database;
  - Submit a detailed report prepared by the Project Paleontologist in the format provided in Appendix D of the County of San Diego's Guidelines for Determining Significance for Paleontological Resources and identifying which accredited institution has agreed to accept the curated fossils. Submit TWO hard copies of the final Paleontological Resources Mitigation Report to the Director of PDS for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on a CD. In addition, submit one copy of the report to the San Diego

Natural History Museum and one copy to the institution that received the fossils.

- Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display, and submit Proof of Transfer of Paleontological Resources, in the form of a letter, from the director of the paleontology department of the accredited institution to the Director of PDS verifying that the curated fossils from the project site have been received by the institution."
- b. If no resources were discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning & Development Services by the Project Paleontologist.

**DOCUMENTATION:** The applicant shall submit the letter report to the [PDS, PCC] for review and approval. **TIMING:** Prior to the occupancy of any structure or use of the premises in reliance of TM 5566, and prior to Final Grading Release (Grading Ordinance Sec. 87.421.a.3) for the final report shall be completed. **MONITORING:** The [PDS, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

#### (GENERAL)

### GP19. GEN#3-GRADING PLAN CONFORMANCE: [DPW, ESU] [GP, IP,] [DPR, TC, PP]

Intent: In order to implement the required mitigation measures for the project, the required grading plans shall conform to the approved Conceptual Grading and Development Plan pursuant to Section 87.207 of the County Grading Ordinance. Description of Requirement: The grading plans shall conform to the approved Conceptual Grading and Development Plan, which includes all of the following mitigation measures: Biology, Cultural Resources, Paleontological, Noise, Air Quality, and Avoidance areas. All conditions, requirements, mitigation measures and information stated on the sheets of the plans shall be made conditions of the permit's issuance and shall be implemented pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) of this Permit. No deviation of the requirements can be made without modification of this permit. Documentation: The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. Timing: Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the notes and items shall be placed on the plans as required. Monitoring: The [DPW, Environmental Services Unit Division, DPR, TC, or PDS, Building Division for Minor Grading/ 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 technology business park consistent with the Technology Business Park 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 a technology business park use type with a minimum net lot size of 30,000 square feet in the S-88 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 East Otay Mesa Specific 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 business park type of development because it has moderate slopes and can accommodate appropriately sized pads which do not require setback variances or excessive grading, and the most sensitive part of the site will be preserved as open space;
- 5. The site is physically suitable for the proposed density of development because it is located near major roadways and existing utilities and is designated for technology park development by the East Otay Mesa Specific Plan.
- 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 the East Otay Mesa Specific Plan Environmental Impact Report and a Supplemental Environmental Impact Report prepared for the project dated December 13, 2013;
- 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

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;

- 9. 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;
- 10. Determinations and findings pursuant to the California Environmental Quality Act, the Resource Protection Ordinance, the Multiple Species Conservation Program, and the Watershed Protection, Stormwater Management, and Discharge Control Ordinance have been made by the Planning Commission.

#### **County Subdivision Ordinance requirements:**

**WAIVER(S) AND EXCEPTION(S)**: This subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the County Subdivision Ordinance requirements to permit:

#### 11. County Public Road Standards:

- 1) Public Road Standards, Section 4.5.J. requires Industrial/ Commercial Cul-De-Sac Roads not to exceed the average daily vehicular trips (ADT) of 1,000 ADT. The proposed Hawano Drive North and Hawano Drive South (Industrial/Commercial Cul-De-Sacs) are allowed to have 5,319 ADT and 3,410 ADT, respectively. However, Hawano Drive North cul-de- sac shall provide a 310-foot long left-turn pocket along the eastbound direction of Siempre Viva Road and place a 50-foot long no-parking/ red curb restriction at the northwest corner of the Siempre Viva Road/Hawano Drive North intersection in order to accommodate the truck turning movements. In addition, Siempre Viva Road/Hawano Drive North intersection will be signalized to mitigate for exceeded ADT.
- Public Road Standards, Section 6.1.C.3 requires driveway separation of a minimum of six hundred feet (600') from a mobility element (ME) road entering into another ME road. The project's driveways along Alta Road shall be designed to have a maximum possible separation of 300 feet or more between other driveways or intersections. The reduction of 600 feet to 300 feet was

necessary due to limited frontage for Lots 11-12; and Lots 9-10. The driveway accesses would be restricted to right-in/right-out turns only due to a raised median on Alta Road.

Public Road Standards, Section 6.1.C.1 requires driveway separation of a minimum of two hundred feet (200') along a non-mobility element road. The proposed driveways on Hawano Drive North and Hawano Drive South (Industrial/Commercial Cul-De-Sacs) are allowed to be within a separation of 100 feet. Providing a greater separation is not feasible due to the limited frontage. However, the proposed driveways are located at the locations which would cause the least traffic impact.

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:

30(a), 37, 38, 39, 40, 47, 49-59, 66-70, 72-74, GP1-GP19

30(c), 30(j), 30(k), 30(l), 30(m), 36-39, 40, 41(h), 47, 49-59, 66-70, 72-74, GP1-GP14

MAP PROCESSING REQUIREMENTS: The parcel map shall comply with the following processing requirements pursuant to the <u>Sections 81.801 through 81.814 of the Subdivision Ordinance</u> and the <u>Subdivision Final Map Processing Manual</u>.

- The Final map shall show an accurate and detailed vicinity map.
- The Basis of Bearings for the Final Map shall comply with <u>Section 81.507 of the Subdivision Ordinance</u>.
- 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 dwelling 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 & Development Services (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 East Otay Mesa Specific Plan 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 Final Map with the County Recorder.

**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: 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 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 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\_PROGR\_AM/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

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\_p ermit/r9 2007 0001/2007 0001final.pdf.

http://www.sdcounty.ca.gov/PDS/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.

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 87.202(a) Section 87.201 of Grading Ordinance.

**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.

**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 – 77.223 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 [PDS, LD Counter] [DPW, Land Development Counter] and provide a copy of the receipt to the [PDS, BD] [PDS, 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 CITY FEES:** The developer shall pay City of San Diego (City) reimbursement fees in effect at the time of Wastewater Discharge Permit issuance.

**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.

**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 & Development Services, building permit counter. For information, contact the Department [DPW, WWM] at 858-694-2660.

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

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.

**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.

**NOTICE:** Fish and Wildlife Fees have been paid in the amount of \$2,995.25 for the review of the EIR, Receipt number 442402, dated December 2, 2013.

| EXPLANATION OF COUNT                          | TY DEPART | MENT AND DIVISION ACRONYMS                             |                 |
|---|-----------|--|-----------------|
| Department of Planning & Development Services | PDS       | Department of Public Works                             | DPW             |
| Project Planning Division                     | PPD       | Land Development Project Review Teams                  | LDR             |
| Permit Compliance Coordinator                 | PCC       | Project Manager  | РМ              |
| Building Plan Process Review                  | BPPR      | Plan Checker   | PC              |
| Building Division                             | BD        | Map Checker  | MC              |
| Building Inspector                            | ВІ        | Private Development Construction Inspection            | PDCI            |
| Landscape Architect                           | LA        | Environmental Services Unit Division                   | ESU             |
| Zoning Counter                                | ZO        |  |                 |
| Department of Environmental Health            | DEH       | Department of Parks and Recreation                     | DPR             |
| Land and Water Quality Division               | LWQ       | Trails Coordinator Group Program Manager Parks Planner | TC<br>GPM<br>PP |

| Vector Control           | VCT | Department of General Service | DGS |
|--------------------------|-----|-------------------------------|-----|
| 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 81.310 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, PDS 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.

CC:

Dan Berkus, Paragon Management Company, 4370 La Jolla Village Drive, Suite 640.

San Diego, CA 92122

email cc:

Dan Berkus, Paragon Management Company; dan@paragoncompany.com

Matthew Barlow, Kimley-Horn; Matthew.barlow@kimley-horn.com

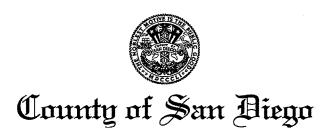
Jerrica Harding, T&B Planning, jharding@tbplanning.com Benjamin Mills, Planning Manager, Project Planning, PDS David Sibbet, Planning Manager, Project Planning, PDS Ed Sinsay, Project Manager, Land Development, PDS

## **Attachment C – Environmental Documentation**

The project is relying on prior environmental documents. Copies of the prior documents can be found at Planning & Development Services under the following Record ID numbers:

PDS2010-3100-5566 Environmental Log No. ER-93-19-00600

or online at <a href="https://www.sandiegocounty.gov/content/sdc/pds/P">https://www.sandiegocounty.gov/content/sdc/pds/P</a> C/170714-Supporting-Documents.html



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

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

# AN ADDENDUM TO THE PREVIOUSLY ADOPTED ENVIRONMENTAL IMPACT REPORT FOR PURPOSES OF CONSIDERATION OF THE HAWANO TENTATIVE MAP, PDS2017-TM-5566R, PDS2017-ER-93-19-006ZZB

### February 8, 2019

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 <u>HAWANO REVISED TENTATIVE MAP</u>
- 2. To the Project Number(s) add <u>PDS2017-TM-5566R; PDS2017-ER-93-19-006ZZB</u>
- 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 February 8, 2019 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 February 8, 2019.
  - B. <u>An Ordinance Compliance Checklist.</u>
  - C. A Traffic Impact Study for Hawano, prepared by Darnell & Associates, Inc., April 11, 2018.
  - D. <u>A Priority Development Project Stormwater Quality Management Plan (SWQMP)</u> prepared by Matthew Barlow, P.E. dated February 26, 2018.
  - E. <u>A Hydrology and Hydraulic Drainage Study prepared by Kimley-Horn and Associates, Inc., February 2018</u>



MARK WARDLAW DIRECTOR

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KATHLEEN A. FLANNERY ASSISTANT DIRECTOR

**February 8, 2019** 

# Environmental Review Update Checklist Form For Projects With Previously Approved Environmental Documents

FOR PURPOSES OF CONSIDERATION OF HAWANO REVISED TENTATIVE MAP PDS2017-TM-5566R, LOG NO. PDS2017-ER-93-19-006ZZB

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 adopted Negative Declaration (ND) or 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 SEIR:

A Supplemental Environmental Impact Report (EIR) for the Hawano Tentative Map Subdivision, PDS2010-3100-5566, Log No. ER-93-19-006OO was certified by the County of San Diego Planning Commission on December 13, 2013. The certified SEIR found significant effects to Biological Resources, Noise, Cultural Resources, Geology and Soils, Transportation/Traffic, Air Quality, Greenhouse Gas Emissions, and Paleontological Resources. These effects were determined to be mitigated or avoided to a level below significance except for effects on Air Quality, Greenhouse Gas Emissions, and Transportation/Traffic.

Furthermore, the following addenda and associated determinations were reviewed:

a. An Environmental Impact Report (EIR) for the East Otay Mesa Specific Plan (SP 93-004); GPA 94-02; Log No. 93-19-6 was certified by the County of San Diego Board of Supervisors on July 27,1994. The certified EIR found significant effects to Biological Resources, Noise, Land Use, Landform Alteration, Visual Quality, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Transportation and Circulation, Air Quality, Health and Safety, Public Services - 2 -

February 8, 2019

- and Utilities, and Population/Housing/Employment. These effects were determined to be mitigated or avoided to a level below significance except for effects on Biological Resources and Noise.
- b. Addendum #1 dated January 13, 1999; SPA 98-002; Log No. 93-19-016; was approved by the County of San Diego Board of Supervisors on January 13, 1999 (4). This addendum allowed for the sales of gasoline in land use areas as Support Commercial.
- c. Addendum #2 dated July 1, 1999; GPA 99-CE; Log No. 93-19-006 was approved by the Board of Supervisors on December 15, 1999 (2). This addendum added Highway SR-11 to the County Circulation Element. c. Reliance on the existing EIR with no modification was approved by the Planning Commission on June 20, 2000, for the East Otay Mesa Truck Travel Plaza; P98-024; Log No. 98-19-020.
- d. Reliance on the existing EIR with no modification was approved by the Planning Commission on June 20, 2000, for the East Otay Mesa Truck Travel Plaza; P98-024; Log No. 98-19-020.
- e. Addendum #3 dated June 21, 2000; Log No. 93-19-006; approved by the adoption of Interim Ordinance No. 9226 restricting certain uses within the East Otay Mesa Specific Plan.
- f. Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on July 26,2000 (4); adoption of Ordinance No. 9235 approved the first extension of Interim Ordinance No. 9226. Used Addendum #3 (dated June 21,2000) as the environmental document.
- g. A Supplemental EIR dated December 15, 2000 was approved by the Planning Commission on December 15, 2000, for the Sun Road Centrum project; TM 5139RPL6; Log No. 93-19-013.
- h. Addendum #4 dated March 12, 2001 was approved by the Board of Supervisors on April 3, 2001. This project approved an agreement with PG&E Generating Company for acquisition and dedication of sewer easement. On May 1, 2001, the Board of Supervisors adopted Resolution 01-027 consenting to acquisition of easements by means of eminent domain.
- i. Addendum #5 dated February 23, 2001 was approved by the Zoning Administrator on May 1, 2001. This addendum was for the Burke Truck Parking and Storage project; ZAP 99-029; Log No. 99-19-016.
- j. Reliance on the existing EIR for adoption of Ordinance No. 9344 was approved by the County of San Diego Board of Supervisors on June 13, 2001 (5),

- 3 -

February 8, 2019

amending and extending the Interim Ordinance No. 9226 as previously amended by Ordinance No. 9235. Used Addendum #3 (dated June 21,2000) as the environmental document.

- k. Addendum #6 dated March 28, 2002 was approved the Board of Supervisors on June 12, 2002 (4), for the Amendment to the East Otay Mesa Specific Plan. The purpose of the amendment was to update the land use plan and permit processing requirements and split the Specific Plan Area into Subareas 1 and 2. SPA 00-005; GPA 02-CE1; Log No. 93-19-006A. Documents associated with this project are on the "East Otay Mesa Specific Plan" CD.
- I. Reliance on the existing EIR with no modification was approved by the County of San Diego Director of Planning and Land Use on December 4, 2002, for the PG&E Subdivision, TPM 20570Rp13, Log No. 00-19-027. The project split a 79-acre parcel into 3 parcels having 22.67, 46.02, and 13.10 acres, respectively. Parcel 2 (46.02 acres) was the location for the Otay Mesa Generating Project certified by the California Energy Commission on April 23, 2001.
- m. Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on July 9, 2003, for East Otay Auto Storage, POO-012, Log No. 00-19-007. The project was for an insurance auto auction and storage yard.
- n. Addendum #7 dated March 4, 2003 was approved by the Planning Commission on April 11, 2003 for the Revised Tentative Map for the Sunroad Tech Centre project, TM 5139RPL6R2, ER 98-19-013A. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6) and the Supplemental EIR for the Sunroad Tech Centre Tentative Map, TM 5139RPL6, Log No. 93-19-013.
- o. Reliance on the existing EIR with no modification was approved by the Director of Planning and Land Use on October 2, 2003 for TPM 20701, ER #93-19-006A, Burke. The project is a minor subdivision of 39.31 gross acres into four parcels of 9.48,9.37,8.80 and 11.66 acres each.
- p. Reliance on the existing EIR with no modification was approved by the County of San Diego Director of Public Works on January 28, 2004, for East Otay Mesa Parcel B Grading Plan, L14456. The grading plan was for the grading of a 20.68 acre pad for future development.
- q. Reliance on the existing EIR with no modification was approved by the County of San Diego Director of Planning and Land Use on April 16, 2004 for Otay Mesa Property, LP/D&D Landholdings Boundary Adjustment/Certificate of Compliance BC 02-0150, Log No. 02-19-020. The Boundary Adjustment

changed the boundaries of four existing parcels (APNs 648-040-21, 22 and 648-050-15,16) to create more marketable parcels for future development pursuant to the East Otay Mesa Specific Plan.

- r. Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on February 2, 2005 (4) for an amendment to the East Otay Mesa Specific Plan (SPA 04-002), Log No. 93-19-0060, approved by Resolution No. 05-11. The Environmental Review Update Checklist Form was dated November 24, 2004. The Specific Plan Amendment revised the public landscaping requirements for Subarea 1 to improve safety.
- s. Addendum #8 dated May 20, 2005 was approved by the Planning Commission on June 24, 2005 for Otay Mesa Auto Transfer, Major Use Permit P03-001, ER 93-19-006C. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- t. Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on November 2, 2005 (3) for an Amendment to the East Otay Mesa Specific Plan (SPA 05-005, Log No. 93-19-006U), approved by Resolution No. 05-216. The Environmental Review Update Checklist Form was dated August 8, 2005. The Specific Plan Amendment revised the parking requirements in Subarea 1 to conform to the standards in place for Subarea 2.
- u. Reliance on the existing EIR with no modification was approved by the Director of Planning and Land Use on December 2, 2005 for a boundary adjustment and certificate of compliance for the Pilot Travel Center (BC 05-0118, Log No. 93-19-006V).
- v. Addendum #9 dated January 31,2006 was approved by the Planning Commission on March 10,2006 for the Dillard and Judd Roll County Tentative Map, TM 5394RPL3, ER 93-19-006P. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- w. Addendum #10 dated March 27, 2006 was approved by the Planning Commission on April 21,2006 for the Airway Business Center Tentative Map, TM 5304RP, ER 93-19-006A. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- x. Reliance on the existing EIR with no modification was approved by the Director of Planning and Land Use on April 12, 2006 for an Administrative Permit for clearing for the TPO LLC property (AD 04-025, Log No. 04-19-010).

- 5 -

February 8, 2019

- y. Reliance on the existing EIR with no modification was approved by the Director of Public Works on April 21, 2006 for Improvement Plans for Paseo de La Fuente (CG 4530); for 20.68 acres of grading for future development of the Border Patrol Site (L14456); and, for 73.5 acres of grading for future development of the Travel Plaza Site (L14632).
- z. Reliance on the existing EIR with no modification was approved by the Director of Public Works on May 19, 2006 for 13.5 acres of grading for future development of the Power Plant Laydown Site (L14208).
- aa. Reliance on the existing EIR with no modification was approved by the Director of Public Works on June 30, 2006 for 13.45 acres of grading for future development of the Vulcan Site (L14625).
- bb. Addendum #11 dated August 7, 2006 was approved by the Director of Planning and Land Use on August 29, 2006 for the Otay Logistics Industrial Park (Trammell Crow) Site Plan, S05-018, ER 93-19-006S. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- cc. Addendum #12 dated November 17, 2006 was approved by the Director of Planning and Land Use on November 17, 2006 for the Pilot Travel Center Site Plan, S05-021, ER 93-19-006T. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- dd. Addendum #13 dated November 8, 2006 was approved by the Director of Planning and Land Use on December 1, 2006 for the Calpine Minor Subdivision, TPM 21012, ER 00-19-27B. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- ee. Addendum #14 dated June 15, 2007 was approved by the Board of Supervisors on August 1, 2007 (1) for the East Otay Mesa Update, SPA 06-003, GPA 06-013, ER 93-19-006Y. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- ff. Addendum #15 dated March 10, 2008 was approved by the Planning Commission on June 13, 2008 for the Travel Plaza, P 98-024W1, LOG NO. 93-19-006N. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- gg. Reliance on the existing EIR with no modification was approved by the Board of Supervisors on April 8, 2009(1) for an Amendment to the East Otay Mesa Specific Plan (SPA 06-005), approved by Resolution No. 09-055. The

- 6 -

February 8, 2019

amendment was for minor modifications to the East Otay Mesa Business Park Specific Plan Subarea 1 to correct minor issues related to landscaping requirements for public roads, modify the land use plan for the Heavy Industrial area, define development standards for correctional facilities in the Heavy Industrial, and miscellaneous corrections

- hh. Addendum #16 dated June 1, 2010 was approved by the County of San Diego Board of Supervisors on September 15, 2010 for an Amendment to the East Otay Mesa Specific Plan (SPA 10-001), approved by Resolution No. 10-168. The Environmental Review Update Checklist Form was dated June 1, 2010. The Specific Plan Amendment combined Subareas 1 and 2 and revised and clarified certain development standards and requirements.
- ii. A Supplemental EIR (SEIR) for Otay Crossings Commerce Park, Tentative Map 5405, a 59-lot industrial subdivision, was certified by the Planning Commission on October 7, 2011. The certified EIR found significant effects to Biology, Cultural Resources, Paleontological Resources, Public Services and Utilities, and Noise. These effects were determined to be mitigated to a level below significance. Impacts to Transportation/Circulation and Air Quality could not be fully mitigated.

The specific transportation impacts that were unmitigated consisted of cumulative impacts to the Airway Road/Sanyo Road intersection (TI-14) and Siempre Viva Road/Michael Faraday Drive intersection (TI-16). These intersections lie in the jurisdiction of the City of San Diego and thus improvements could not be guaranteed.

The specific air quality impacts (direct) that were unmitigated consisted of emissions of fugitive dust and NOx during construction (AQI-1), operational emissions of CO, NOx and VOCs during the near term (AQI-2), operational emissions of CO and VOCs for build-out traffic conditions (AQI-3), and emissions of ozone precursors prior to build-out in 2030 which would not be consistent with the RAQs.

- jj. A Supplemental EIR (SEIR) for California Crossings, Major Use Permit 3300 06-102, Tentative Parcel Map 3200 21046, ER 3910 93-19-006AA, was certified on March 9, 2012, for a 325,500 square foot regional shopping center.
- kk. An Addendum dated March 13, 2013 for Otay Crossings Commerce Park Revised Map was adopted by the Department of Planning & Development Services on April 2, 2013. The project tentative map was revised to accommodate revisions to the planned SR-11 right-of-way and Port of Entry. This caused the adjustment to the location of internal roads and raising Alta Road from an at-grade facility to an above-grade road to accommodate a future overpass over SR-11. In addition, the footprint of the Port of Entry was

- 7 -

February 8, 2019

expanded. Proposed lot sizes increased in general such that the Revised Map proposed 47 total lots rather than the 59 originally approved.

- II. A Supplemental Environmental Impact Report (EIR) for the Hawano Tentative Map Subdivision, PDS2010-3100-5566, Log No. ER-93-19-006OO was certified by the County of San Diego Planning Commission on December 13, 2013. The certified SEIR found significant effects to Biological Resources, Noise, Cultural Resources, Geology and Soils, Transportation/Traffic, Air Quality, Greenhouse Gas Emissions, and Paleontological Resources. These effects were determined to be mitigated or avoided to a level below significance except for effects on Air Quality, Greenhouse Gas Emissions, and Transportation/Traffic.
- mm. Reliance on the existing EIR with no modification was approved by the Planning Commission on December 9, 2016, for the Otay Crossings Commerce Park Tentative Map Time Extension (PDS2016-TM-5405TE, PDS2016-ER-93-19-006WX). No changes were proposed by the project; only a time extension to allow sufficient time to satisfy conditions and record final maps.
- nn. An addendum dated July 14, 2017; Log No. 93-19-006WY was approved by the Planning Commission on July 14, 2017. This addendum approved a Tentative Map Time Extension for the Hawano Tentative Map (PDS2016-TM-5566TE).
- oo. A Supplemental EIR (SEIR) for Otay 250, (PDS2015-SPA-15-001, PDS2015-GPA-15-008, PDS2015-REZ-15-007, PDS2015-TM-5607, LOG No. PDS2015-ER-15-98-190-13G), was certified by the Board of Supervisors on July 25, 2018, for a Specific Plan Amendment (SPA) to the East Otay Mesa Business Park Specific Plan to establish a new Mixed-Use Village Core area within the Specific Plan Area, which would allow for the construction of a mix of employment, retail and residential uses. Significant impacts were identified but all impacts would be mitigated to below a level of significance, with the exception of impacts associated with Air Quality.
- Lead agency name and address: County of San Diego, Planning & Development Services 5510 Overland Avenue, Suite 110 San Diego, CA 92123
  - a. Contact Jeff Smyser, Project Manager
  - b. Phone number: (858) 495-5340
  - c. E-mail: jeffrey.smyser@sdcounty.ca.gov

- 8 -

February 8, 2019

3. Project applicant's name and address:

Paragon Management Company, 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 currently proposed project is a Tentative Map Revision that would revise conditions included in the Hawano Tentative Map (PDS2010-3100-5566, Log No. ER-93-19-006OO), approved on December 13, 2013. The site comprises 79.6 gross acres. Tentative Map 5566 (TM5566) would subdivide 80 acres into 24 lots for light industrial uses, including 852,400 square feet of buildings. It also would include improvements to existing roads and the construction of new access roads within the site. The current proposal is to revise certain conditions of the Tentative Map that would: remove requirements for offsite improvements to Otay Mesa Road; remove requirements for offsite Irrevocable Offers of Dedication (IOD) for Otay Mesa Road; remove some requirements for improvements to Airway Road adjacent to the site; remove requirements for offsite Irrevocable Offers of Dedication for Airway Road; and provide options for maintenance responsibility for stormwater facilities in Alta Road adjacent to the site.

The project site is located at the Southwest corner of Airway Road and Alta Road in the Otay Subregional Plan area, within unincorporated San Diego County. Access would be provided by private roadways connecting to Siempre Viva Road and Alta Road. The project would be served by sewer from the San Diego County Sanitation District and water imported from Otay Water District. The site is subject to the General Plan Regional Category Village and Land Use Designation Specific Plan Area. Zoning for the site is Specific Plan (S88).

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

YES NO □

If yes, describe ALL differences.

Among the conditions included in the 2013 approval of the Hawano TM5566, several required offsite improvements and IODs to Otay Mesa Road and improvements to and dedication of Airway Road along the north border of the project site. The project also included conditions for agreements for private maintenance of stormwater facilities on the Airway Road and Alta Road sides of the project, as included in the project plans.

- 9 -

February 8, 2019

The current proposal for a Tentative Map Revision would remove all conditions requiring improvements to Otay Mesa Road and conditions requiring Irrevocable Offers of Dedication for Otay Mesa Road.

The proposal also would remove the condition to dedicate or cause to granted the north half of the right of way for Airway Road, which is not on the project site. The south half of the Airway Road right of way, an area which is within the project site property, has already been dedicated. The proposal also would remove the condition to construct Airway Road adjacent to the project site.

The proposal also would provide several options for whether the stormwater facilities along Alta Road and airway road will be maintained privately or by the County.

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                  | <ul><li>Agriculture and Forest<br/>Resources</li></ul> | ☐ Air Quality                           |
| ☐ Biological Resources        | ☐ Cultural Resources                                   | ☐ Geology & Soils                       |
| ☐ Greenhouse Gas<br>Emissions | ☐ Hazards & Haz Materials                              | ☐ Hydrology & Water<br>Quality          |
| ☐ Land Use & Planning         |  | ☐ Noise                                 |
| ☐ Population & Housing        | ☐ Public Services                                      | ☐ Recreation                            |
| ☐ Transportation/Traffic      | ☐ Utilities & Service<br>Systems                       | ☐ Mandatory Findings of<br>Significance |

- 10 -

February 8, 2019

### **DETERMINATION:**

| On the | basis of this analysis, Planning & Development Service  | res has determined that:  |
|--------|---|---|
|        | No substantial changes are proposed in the project changes in the circumstances under which the project require major revisions to the previous EIR or ND significant new environmental effects or a substantial previously identified significant effects. Also, there substantial importance" as that term is used in 15162(a)(3). Therefore, the previously adopted ND adequate upon completion of an ADDENDUM. No substantial changes are proposed in the project   | and there are no substantial of will be undertaken that will due to the involvement of al increase in the severity of e is no "new information of CEQA Guidelines Section or previously certified EIR is and there are no substantial                   |
|        | changes in the circumstances under which the project require major revisions to the previous EIR or ND significant new environmental effects or a substantial previously identified significant effects. Also, there substantial importance" as that term is used in 15162(a)(3). Therefore, because the project is a resid with, and pursuant to, a Specific Plan with a EIR compared to the project is a residual to the project is | due to the involvement of al increase in the severity of is no "new information of CEQA Guidelines Section ential project in conformance pleted after January 1, 1980,  |
|        | the project is exempt pursuant to CEQA Guidelines Solubstantial changes are proposed in the project or the interior that the circumstances under which the project will be major revisions to the previous ND due to the invention environmental effects or a substantial increase in identified significant effects. Or, there is "new importance," as that term is used in CEQA Guidelines However all new significant environmental effects are encorporation of mitigation measures agreed to by the a SUBSEQUENT ND is required.   | nere are substantial changes<br>undertaken that will require<br>olvement of significant new<br>the severity of previously<br>information of substantial<br>elines Section 15162(a)(3).<br>or a substantial increase in<br>clearly avoidable through the |
|        | Substantial changes are proposed in the project or the inthe circumstances under which the project will be major revisions to the previous ND or EIR due to the intension environmental effects or a substantial increase in identified significant effects. Or, there is "new importance," as that term is used in CEQA Guid Therefore, a SUBSEQUENT or SUPPLEMENTAL EIF   | undertaken that will require avolvement of significant new the severity of previously information of substantial elines Section 15162(a)(3).  |
| Signat | ure   | Date  |
| •      |   |   |
| Jeff S | Smyser  | Project Manager   |
| Printe | d Name  | Title   |

- 11 -

February 8, 2019

### 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 ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration 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:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration 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 or the Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
  - Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or 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 Negative Declaration or 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

- 12 -

February 8, 2019

conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

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**

**LAESTHETICS** – Since the previous EIR was certified or previous ND was adopted, 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 or previous ND was adopted, 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 □

- 13 -

February 8, 2019

<u>III. AIR QUALITY</u> -- Since the previous EIR was certified or previous ND was adopted, 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 or previous ND was adopted, 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 NC

<u>V. CULTURAL RESOURCES</u> -- Since the previous EIR was certified or previous ND was adopted, 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 ⊠

- 14 -

February 8, 2019

VI. GEOLOGY AND SOILS — Since the previous EIR was certified or previous ND was adopted, 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 ⊠

VII. GREENHOUSE GAS EMISSIONS — Since the previous EIR was certified or previous ND was adopted, 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 NO □

GHG emissions were analyzed within the previous Supplemental EIR (2010). The changes to the project would not increase GHG emissions; rather, they would be decreased compared to the previous analysis because, as discussed in XVI. Transportation/Traffic, the project is no longer required to construct roadway extensions associated with conditions 30.a., j., k., l., m., 41.h. Therefore, the project does not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects associated with GHG emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS — Since the previous EIR was certified or previous ND was adopted, 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

- 15 -

February 8, 2019

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 NC

IX. HYDROLOGY AND WATER QUALITY -- Since the previous EIR was certified or previous ND was adopted, 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 aguifer 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 offsite; 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 NC

The project has been updated to comply with the County of San Diego Best Management Practices (BMP) Design Manual, 2016 and 2013 Municipal Separate Storm Sewer System (MS4) permit. A Stormwater Quality Management Plan (SWQMP) was prepared for the project by Matthew Barlow, dated February 26, 2018. The SMQWP was reviewed and determined to comply with current stormwater regulations. Additionally, the CEQA Drainage Study has been updated (Kimley-Horn and Associates, Inc., February 2018) to

- 16 -

February 8, 2019

comply with the San Diego County Hydraulic Design Manual, 2014 and was prepared in conformance with the San Diego County Hydrology Manual, 2003. The currently proposed project differs from the previous approval in that it includes options for the maintenance of stormwater management facilities in Alta Road on the east side of the road. Proposed bypass storm drain facilities will be maintained privately unless the road is widened on the east side of the road in a manner where the pavement covers the by-pass storm drain to the satisfaction of the Director of Public Works. If so, the by-pass storm drain will be maintained by the County. The previous approval did not include the option for County maintenance. Either of the options will be consistent with the approved SWQMP and applicable regulations. Therefore, the currently proposed project will have less than significant impacts on hydrology and water quality.

X. LAND USE AND PLANNING -- Since the previous EIR was certified or previous ND was adopted, 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 NC

XI. MINERAL RESOURCES — Since the previous EIR was certified or previous ND was adopted, 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 NC

XII. NOISE -- Since the previous EIR was certified or previous ND was adopted, 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

| Hawano | Revised  | Tentative | Map |
|--------|----------|-----------|-----|
| PDS201 | 7-TM-556 | 66R       |     |

- 17 -

February 8, 2019

| 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 NO ⊠

<u>XIII. POPULATION AND HOUSING</u> -- Since the previous EIR was certified or previous ND was adopted, 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 ⊠

<u>XIV. PUBLIC SERVICES</u> — Since the previous EIR was certified or previous ND was adopted, 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 □

XV. RECREATION -- Since the previous EIR was certified or previous ND was adopted, 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 ⊠

- 18 -

February 8, 2019

XVI. TRANSPORTATION/TRAFFIC — Since the previous EIR was certified or previous ND was adopted, 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 ⊠

The 2013 Hawano Supplemental EIR (SEIR) stated that the Hawano TM5566 project would reduce LOS on Otay Mesa Road and have a significant impact and so TM5566 was to improve Otay Mesa Road as mitigation. The 2013 approval of TM5566 included conditions requiring specified road improvements, dedications for roads, and Irrevocable Offers of Dedication. Many of these conditions were mitigation measures to reduce impacts below levels of significance, as determined by the Hawano SEIR. However, a new Traffic Impact Study prepared for the current proposal (Darnell & Associates, Traffic Impact Study for Hawano, April 11, 2018) demonstrates that some of those conditions are no longer necessary to avoid impacts. The changes are primarily due to the completion of the extension of SR-905 terminating at Enrico Fermi Drive.

### Otay Mesa Road: Mitigation

The 2013 Final SEIR for the TM5566 project included the following Mitigation Measures (pp. 36-37):

<u>Mitigation M-TR-1</u>: The mitigation measures specified in the Final SEIR have been imposed upon the Project as conditions of approval, requiring the improvement of the roadway segment of Otay Mesa Road between Sanyo Avenue and Enrico Fermi Drive to provide a four-lane facility with two lanes in each direction.

This mitigation measure was included in the Resolution approving TM5566 as Conditions Condition 30. j., k., l., and m. (Roads#1) and Condition 36 (Roads#7).

Mitigation M-TR-2: The mitigation measures specified in the Final SEIR have been imposed upon the Project as conditions of approval, requiring the widening of the

- 19 -

February 8, 2019

intersection of Otay Mesa Road/Enrico Fermi Drive to accommodate the following lane configurations:

- One (1) eastbound through lane;
- One (1) eastbound right turn lane;
- One (1) westbound left turn lane;
- One (1) westbound through lane;
- One (1) northbound left turn lane; and
- One (1) northbound right turn lane.

This mitigation measure was included in the Resolution approving TM5566 as Condition 41.h. (Roads#10).

The 2018 Traffic Impact Study concludes that due to the completion of SR-11 to Enrico Fermi Drive, the project will not have the same impacts on Otay Mesa Road and that payment to the County Transportation Impact Fee (TIF) will mitigate impacts to that road.

Therefore, the proposed Tentative Map Revision includes the following revisions: Conditions 30. j., k., l., and m. (Roads#1), Condition 36 (Roads#7), and Condition 41.h. (Roads#10) will be deleted. Instead, payment of TIF will be required. These revisions are minor in nature, in substantial conformance with the Specific Plan, and will not result in significant impacts to transportation.

### Airway Road: Design Feature

The 2013 Draft SEIR for the TM5566 project included the following Design Consideration (p. 7-52):

### 7.2.7 Transportation/Traffic

 The roadway segment of Airway Road from Airway Place to Alta Road shall be improved to its ultimate half-width section as a Major Roadway prior to the recordation of the Final Map for Unit 1.

This design feature was included in the Resolution approving TM5566 as Condition 30.a. (Roads#1).

In addition, Condition 32.a. (Roads#3) required that the Hawano project dedicate or cause to be granted *offsite* the north half of Airway Road from Airway Place to Alta Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Mobility 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 the right to construct and maintain slopes and drainage facilities.

- 20 -

February 8, 2019

The East Otay Mesa Specific Plan includes Policy C-3 that typically would require roads to be built by adjacent property owners through the discretionary permit process. However, the Specific Plan as amended in 2018 (PDS2015-SPA-15-001) allows for minor modifications on projects. The Director of Planning & Development Services has the authority to determine when a revision is minor in nature and in substantial conformance with the Specific Plan. The south half of the right of way was already dedicated to the County by the project site owner. The north half is part of property to the north, a separate parcel that is not involved in this project. Based on topography, property ownership, and circulation provided by other elements of the roadway system, construction of Airway Road adjacent to the project site is not necessary.

Therefore, the proposed Tentative Map Revision includes the following revisions: Condition 30.a. (Roads#1) and Condition 32.a. (Roads#3) will be deleted. These revisions are minor in nature, in substantial conformance with the Specific Plan, and will not result in significant impacts to transportation.

Therefore, the project will not result in significant impacts to transportation/traffic.

XVII. TRIBAL CULTURAL RESOURCES — Since the previous EIR was certified or previous ND was adopted, 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 tribal cultural resources including: causing a change in the significance of a tribal cultural resource as defined in Public Resource Code §21074?

YES NO ⊠

XVIII. UTILITIES AND SERVICE SYSTEMS — Since the previous EIR was certified or previous ND was adopted, 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?

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| PDS201 | 7-TM-556 | 6R        |     |

- 21 -

February 8, 2019

YES NO □

As explained in the section IX. Hydrology and Water Quality, the currently proposed project differs from the previous approval in that the project has been updated to comply with the County of San Diego Best Management Practices (BMP) Design Manual, 2016 and 2013 Municipal Separate Storm Sewer System (MS4) permit. A Stormwater Quality Management Plan (SWQMP) was prepared for the project by Matthew Barlow, dated February 26, 2018. The SMQWP was reviewed and determined to comply with current stormwater regulations. Additionally, the CEQA Drainage Study has been updated (Kimley-Horn and Associates, Inc., February 2018) to comply with the San Diego County Hydraulic Design Manual, 2014 and was prepared in conformance with the San Diego County Hydrology Manual, 2003.

In addition, the proposed project includes options for the maintenance of stormwater management facilities in Alta Road on the east side of the road. Proposed by-pass storm drain facilities will be maintained privately unless the road is widened on the east side of the road in a manner where the pavement covers the by-pass storm drain to the satisfaction of the Director of Public Works. If so, the by-pass storm drain will be maintained by the County. The previous approval did not include the option for County maintenance. Either of the options will be consistent with the approved SWQMP and applicable regulations. Therefore, the project will not cause significant environmental effects on utilities and service systems.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE: Since the previous EIR was certified or previous ND was adopted, 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

NO

- 22 -

February 8, 2019

### **Attachments**

- Addendum to the previously adopted certified EIR
- Previous Environmental Impact Report, Addenda, Subsequent EIRs, Supplemental EIRs, and CEQA 15162 Findings for the project numbers and ER/Log numbers listed in the Background section of this document are on file with the Department of Planning & Development Services
- Ordinance Compliance Checklist

## XX. 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.

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 (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.)
- Darnell & Associates, Inc., Traffic Impact Study for Hawano, April 11, 2018.
- Farmland Mapping and Monitoring Program, California Department of Conservation, Division of Land Resource Protection
- Kimley-Horn and Associates, Inc., Hydrology and Hydraulic Drainage Study, Hawano Subdivision, February 2018.
- Matthew Barlow, P.E., Priority Development Project (PDP) SWQMP, Hawano Subdivision, February 27, 2018
- 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 Hawano Tentative Map Revision PDS2017-TM-5566R

**February 8, 2019** 

| I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings? |               |              |  |  |  |
|--|---------------|--------------|--|--|--|
|  | YES           | NO           | NOT APPLICABLE/EXEMPT  |  |  |
| Discussion:  |               |              |  |  |  |
|  | s Conservatio | n Program. T | ments are located within the boundaries of<br>herefore, conformance to the Habitat Loss<br>is not required.        |  |  |
| II. MSCP/BMO - De Conservation Prog  |               |              | onform to the Multiple Species on Ordinance?   |  |  |
|  | YES           | NO           | NOT APPLICABLE/EXEMPT  |  |  |
| Discussion:  |               |              |  |  |  |
| 2013. The propos   | ed Revised T  | entative Map | ed for the Hawano Project on August 13,<br>does not require any additional biological<br>orms to the MSCP and BMO. |  |  |
| III. GROUNDWATI<br>the San Diego Cou   |               |              | e project comply with the requirements of e?   |  |  |
|  | YES           | NO           | NOT APPLICABLE/EXEMPT ⊠  |  |  |
| Discussion:  |               |              |  |  |  |
|  |               |              | e Otay Water District which obtains water<br>s. The project will not use any groundwater                           |  |  |

for any purpose, including irrigation or domestic supply.

- 2 -

### **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      | NO | NOT APPLICABLE/EXEMPT    |
|--|----------|----|--------------------------|
| The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?   | YES      | NO | NOT APPLICABLE/EXEMPT  ☐ |
| The Steep Slope section (Section 86.604(e))?   | YES      | NO | NOT APPLICABLE/EXEMPT  ☐ |
| The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?                    | YES<br>⊠ | NO | NOT APPLICABLE/EXEMPT    |
| The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance? | YES      | NO | NOT APPLICABLE/EXEMPT    |

### Wetland and Wetland Buffers:

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. 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. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

### 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. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

#### 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 conditions of approval. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

### Significant Prehistoric and Historic Sites:

County records, as well as the database from the South Coastal Information Center have been reviewed and it has been determined that the project site has been surveyed, which was positive for cultural resources. The prior approval for tentative map PDS2010-3100-5566 included conditions to reduce impacts to cultural resources to less than significant.

The proposed revisions will not result in additional impacts to cultural resources. Therefore, the current action conforms to the prior approval for cultural resources. No additional mitigation is required. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

| shed Protec      |             | <ul> <li>Does the project comply with the Colater Management and Discharge Cont</li> </ul> |  |
|------------------|-------------|--|--|
| YES              | NO          | NOT APPLICABLE/EXEMPT  |  |
| <br>and found it | in complian | n for this project has been submitted, ance with the Watershed Protection Orurposes.       |  |
|                  |             | ect comply with the County of San Dieg<br>e County of San Diego Noise Ordinand             |  |
| YES              | NO          | NOT APPLICABLE   |  |

### Discussion:

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.

### NOTICE OF DETERMINATION TO: Recorder/County Clerk FROM: County of San Diego Attn: James Scott Planning & Development Services, M.S. O650 1600 Pacific Highway, M.S. A33 Attn: Project Planning Section Secretary San Diego, CA 92101 5510 Overland Avenue, Suite 110 San Diego, CA 92123 П Office of Planning and Research P.O. Box 3044 Sacramento, CA 95812 SUBJECT: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH PUBLIC RESOURCES CODE **SECTION 21108 OR 21152** Project Name and Number(s): Hawano Tentative Map Revision, PDS2017-TM-5566R, PDS2017-ER-93-19-006ZZB State Clearinghouse No.: Project Location: Southwest Corner Airway Road and Alta Road, Otay Subregional Planning Area, Unincorporated San Diego County, APN 648-070-17 Project Applicant: Paragon Management Co. Address: 4370 La Jolla Drive, Ste. 640, San Diego, CA 92122 Telephone Number: 858-535-9000 Project Description: Revised Tentative Map to revise conditions relating to road improvements Agency Approving Project: County of San Diego Jeff Smyser (858)495-5438 County Contact Person: Date Form Completed: February 8, 2019 This is to advise that the County of San Diego <u>Director of Planning</u> & Development Services has approved the above described project on February 8, 2019 and has made the following determinations: 1. The project \( \square\) will \( \square\) will not have a significant effect on the environment. 2. An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of the CEQA. ☐ A Negative Declaration or Mitigated Negative Declaration was adopted for this project pursuant to the provisions of the CEQA. ☐ An Addendum to a previously certified Environmental Impact Report, or to a previously adopted Negative Declaration or Mitigated Negative Declaration, was prepared and considered for this project pursuant to the provisions of CEQA. 3. Mitigation measures ⋈ were ☐were not made a condition of the approval of the project. The following determinations are only required for projects with Environmental Impact Reports: 5. A Statement of Overriding Considerations \( \square\) was \( \square\) was not adopted for this project. 6. Findings \( \subseteq \text{were not made pursuant to the provisions of State CEQA Guidelines Section 15091.} Project status under Fish and Wildlife Code Section 711.4 (Department of Fish and Wildlife Fees): ☐ Certificate of Fee Exemption (attached) Proof of Payment of Fees (attached) Fish and Wildlife Code Section 711.4 compliance for the subject project is covered by a previous payment of fees associated with the environmental review conducted for PDS2010-3100-5566 The Environmental Impact Report or Negative Declaration with any comments and responses and record of project approval may be examined at the County of San Diego, Planning & Development Services, Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, California. Date received for filing and posting at OPR:

This notice must be filed with the Recorder/County Clerk within five working days <u>after</u> project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15075 or 15094.

Signature: \_\_

Name (Print): <u>Jeff Smyser, AICP</u>

\_\_\_ Telephone: (858) <u>495-5438</u>

Title: Project Manager



Receipt #: 3231830 Date: 12/02/2013

Cashier: SHERNAND

## Receipt

**Record Information** 

Record ID

**Record Name** 

Site Address City APN

Contact

PDS2010-3100-5566

**HAWANO CORP** TM 5566

0 NO **ADDRESS**  648-070-17-00

**Fee Information** 

Invoice Date

**Invoice Number Record Number** 

Fee Code

Description

**Amount** 

11/18/2013

1390343

PDS2010-3100-5566

9FSHGAMERO Fish & Wildlife Fee-

**Environmental Impact Report** 

\$2,995.25

**Payment Information** 

**Pymt Method** 

Check

Reference # 0072101357

Comments

PAY WITH CASHIER CHECK

**Amount Paid** 

\$2,995.25

**Amount Received:** 

\$2,995.25

Change:

\$0.00



## COUNTY OF SAN DIEGO PLANNING & DEVELOPMENT SERVICES

Invoice Date: 11/18/2013

5510 Overland Avenue, Suite 110
San Diego, CA 92123
Information (858) 694-2960 Toll Free (800) 411-0017
Website: http://publicservices.sdcounty.ca.gov/citizenaccess

Record Reference:

Record ID #:

PDS2010-3100-5566

Record Name:

HAWANO CORP TM 5566

Site Address:

**0 NO ADDRESS** 

APN:

648-070-17-00

Financially Responsible Party:

Customer #:

2010701

Name:

HAWANO CORPORATION NV

Address:

C/O PARAGON 4370 LA JOLLA

VILLAGE DR STE 640

City, ST, Zip:

SAN DIEGO, CA 92122-6239

Trust Acct #:

12-D-10-0123176

Project Description / Scope

The project is a Tentative Map 3100 5566(TM) that proposes to divide a 79.6-acre site into 23 indust...

Flat Fees To Be Paid

Fee Item

Fee Item Description

9FSHGAMERO

Fish & Wildlife Fee- Environmental Impact Report

Invoice #

Amount

1390343

\$2,995.25

**FEES AMOUNT DUE:** 

\$2,995.25

Deposits To Be Paid

**DEPOSITS AMOUNT DUE:** 

**TOTAL AMOUNT DUE:** 

\$2,995.25

PLEASE PROCEED TO THE CASHIER WITH THIS INVOICE TO MAKE YOUR PAYMENTS...THANK YOU FOR YOUR BUSINESS



| G 1 - 144  |                   |                                  |
|--|-------------------|----------------------------------|
| State of California—Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE 2013 ENVIRONMENTAL FILING FEE CASH RECEIPT                                    | RECEIPT#          | 442402                           |
|  | STATECLE          | RING HOUSE # (If applicable)     |
| SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY LEADAGENCY  |                   | DATE / _                         |
| PDS  |                   | 12/2/13                          |
| COUNTY/STATEAGENCY OF FILING SON DIEGO   | *                 | DOCUMENT NUMBER                  |
| 3100 5566 (TM)   |                   |                                  |
| PROJECTAPPLICANT NAME BERKUS   | -                 | 858) 535 9000                    |
| PROJECTAPPLICANTADDRESS OIL & VIII. Dr. #1640 La Jolla   | STATE             | 型 <sup>(2)</sup>                 |
| PROJECT APPLICANT (Check appropriate box):  Local Public Agency School District Other Special District   | ☐ State Age       | ncy Private Entity               |
| CHECK APPLICABLE FEES:   |                   |                                  |
| Environmental Impact Report (EIR)  | \$2,995.25        | \$ <u>2995.25</u>                |
| ☐ Mitigated/Negative Declaration (ND)(MND)   | \$2,156.25        | \$                               |
| Application Fee Water Diversion (State Water Resources Control Board Only)   | \$850.00          | \$                               |
| Projects Subject to Certified Regulatory Programs (CRP)  | \$1,018.50        |                                  |
| County Administrative Fee OFG Receipt# 428587 10/12/13  Project that is exempt from fees  Notice of Exemption  DFW No Effect Determination (Form Attached) | \$50.00           | \$ 50°°                          |
| Other  |                   | \$                               |
| PAYMENT METHOD:  | TOTAL RECEIVED    | \$ 3045, 25                      |
|  | Cash              | rier                             |
| WHITE-PROJECT APPLICANT YELLOW-DFWASB PINK-LEAD AGENCY   | GOLDEN ROD - COUN | TY CLERK DFG 753.5a (Rev. 11/12) |

| PRINTED             | ON LINEMARK PAPER - HOLD TO LIGHT TO VIEW. FOR ADDITIONAL SECURITY FEAT             | URES SEE BACK.    |
|---------------------|---|-------------------|
|                     | CASHIER'S CHECK   |                   |
| PAY TO THE ORDER OF | ***COUNTY OF SAN DIEGO*** ***PE: ACCT#  | November 20, 2013 |
| ***Two thousand     | ***RE: ACCT# CUSTOMER##########**  nine hundred ninety-five dollars and 25 cents*** | **\$2,995.25**    |

WELLS FARGO BANK, N.A. 4315 LA JOLLA VILLAGE DR SAN DIEGO, CA 92122 FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 2,995.25 Richard Leng CONTROLLER

## **Attachment D – Ownership Disclosure**



County of San Diego, Planning & Development Services

### APPLICANT'S DISCLOSURE OF OWNERSHIP INTERESTS ON **APPLICATION FOR ZONING PERMITS/ APPROVALS**

ZONING DIVISION

| Tha 661 (1)  |   |
|--|---|
| Record ID(s) Th 15566 R.   |   |
| Assessor's Parcel Number(s) 648-070-17   |   |
| Ordinance No. 4544 (N.S.) requires that the following infidiscretionary permit. The application shall be signed by all authorized agent(s) of the owner(s), pursuant to Section 7 pages if necessary.          | I owners of the property subject to the application or the  |
| A. List the names of all persons having any ownership into   | erest in the property involved.   |
| Inmobiliaria Hawano, S.A. de C.V.  |   |
|  |   |
| owning more than 10% of the shares in the corporation  | poration or partnership, list the names of all individuals or owning any partnership interest in the partnership. |
| Maria Teresa Moreno Vela   |   |
| Rosa Maria Losada Moreno De A  |   |
| Angel Losada Moreno  |   |
| C. If any person identified pursuant to (A) above is a n persons serving as director of the non-profit organization  |   |
| N/A  |   |
|  |   |
| NOTE: Section 1127 of The Zoning Ordinance defir joint venture, association, social club, fraternal organizat and any other county, city and county, city, municipalit group or combination acting as a unit." | ion, corporation, estate, trust, receiver syndicate, this   |
| Privil   |   |
| Signature of Applicant   | SDC PDS RCVD 10-24-17   |
| Ricardo Jinich   | TM5566R   |
| Print Name   |   |
| 9/25/2017  |   |
| Date   |   |

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 565-5981 • (888) 267-8770

