



*The County of San Diego*

# Planning Commission Hearing Report

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<b>Date:</b>	June 26, 2020	<b>Case/File No.:</b>	Fallbrook Battery Energy Storage Minor Use Permit Appeal; PDS2019-ZAP-19-001; PDS2019-ER-19-02-001
<b>Place:</b>	No In-Person Attendance Allowed—Teleconference Only—County Conference Center 5520 Overland Avenue San Diego, CA 92123	<b>Project:</b>	Appeal of the Zoning Administrator's Decision to Approve a Minor Use Permit for a Battery Storage Project
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	1405 East Mission Road
<b>Agenda Item:</b>	#2	<b>General Plan:</b>	Limited Impact Industrial
<b>Appeal Status:</b>	N/A	<b>Zoning:</b>	Limited Industrial (M52)
<b>Applicant/Owner:</b>	AES Energy Storage, LLC	<b>Community:</b>	Fallbrook Community Plan Area
<b>Environmental:</b>	Mitigated Negative Declaration	<b>APN:</b>	105-410-19

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## A. OVERVIEW

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider the appeal of the Minor Use Permit (ZAP) for the Fallbrook Energy Storage Project (Project). The Project was approved by the Zoning Administrator on February 5, 2020 to allow for a 40-megawatt (MW) battery energy storage facility in the unincorporated community of Fallbrook.

The appeal, filed by Mr. Arnold Rashkin (appellant) on February 18, 2020, states that the Project's fuel modification zones extend onto Mr. Rashkin's property, that other related energy facility components were not analyzed under the California Environmental Quality Act (CEQA), road improvements are insufficient for the proposed use, San Diego Gas & Electric (SDG&E) should be the applicant, an easement on Mr. Rashkin's property is shown incorrectly on the Project's plans, and AES Energy Storage, LLC (Applicant) should provide easement access to Mr. Rashkin's property.

The Planning Commission is asked to consider the appeal of the Zoning Administrator's decision for the ZAP and determine whether to uphold or overturn that decision. This report describes the Project proposal, Planning & Development Services (PDS) staff's analysis of the Project, public input received, and the PDS staff recommendation for this appeal.

**B. REQUESTED ACTIONS**

Staff recommends the Planning Commission take the following actions:

- a. Deny the Appeal filed by Mr. Arnold Rashkin.
- b. Uphold the Zoning Administrator's Decision approving Minor Use Permit PDS2019-ZAP-19-001 (Attachment B), including the adoption of the Environmental Findings included in Attachment E, which includes a finding that the Project complies with the California Environmental Quality Act (CEQA).

**C. BACKGROUND**

California State Law (Assembly Bill 2514) requires public utility companies to deploy energy storage as part of their system. Battery-based energy storage provides flexibility to the electrical grid by storing energy produced during periods of oversupply and discharging to the electrical grid during periods of high demand. The Fallbrook Energy Storage Project (Project), proposed by AES Energy Storage, LLC(Applicant), will be SDG&E's largest battery storage facility in the San Diego region. The Project will be constructed by the Applicant and then sold to SDG&E once it is operational.

In January 2019, the Applicant filed an application for a Minor Use Permit for a 40-megawatt energy storage facility consisting of 16 battery storage containers and various off-site components. In December 2019, a Mitigated Negative Declaration was released for a 30-day public review period. During the public review period, four comments were received, including a letter submitted by the appellant, Mr. Rashkin.

On February 5, 2020, the County of San Diego Zoning Administrator (Zoning Administrator) approved a ZAP (Record ID: 19-001) for a 40-MW energy storage facility consisting of 16 battery storage containers and various off-site components. During the hearing, several public comments were received, including concerns from the appellant. Section 7366 of the Zoning Ordinance allows for a member of the public to provide a written protest within 10 days of a discretionary decision upon payment of the required fee.

On February 18, 2020, Mr. Rashkin filed the written protest and paid the required fee to appeal the Zoning Administrator's decision. The appeal includes six specific points: (1) the Project's fuel modification zone extends onto the appellant's property; (2) the Project is "piecemealing" under CEQA because the analysis did not include the expansion of the Avocado Substation; (3) the Project is required to improve the private road to public in order to meet County Guidelines and should provide a public road easement, (4) disputes over who the applicant should be, (5) an incorrect easement is shown on the plans, and (6) easement access.

**D. DEVELOPMENT PROPOSAL****1. Project Description**

The Project is a Minor Use Permit (ZAP) to allow for a 40-megawatt battery energy storage facility. The 4.22-acre Project site is located approximately 3.5 miles west of Interstate 15 within the unincorporated community of Fallbrook (Figure 1). The Project site is located on the south side of East Mission Road, approximately 1 mile east of the existing Fallbrook Village (Figure 2).



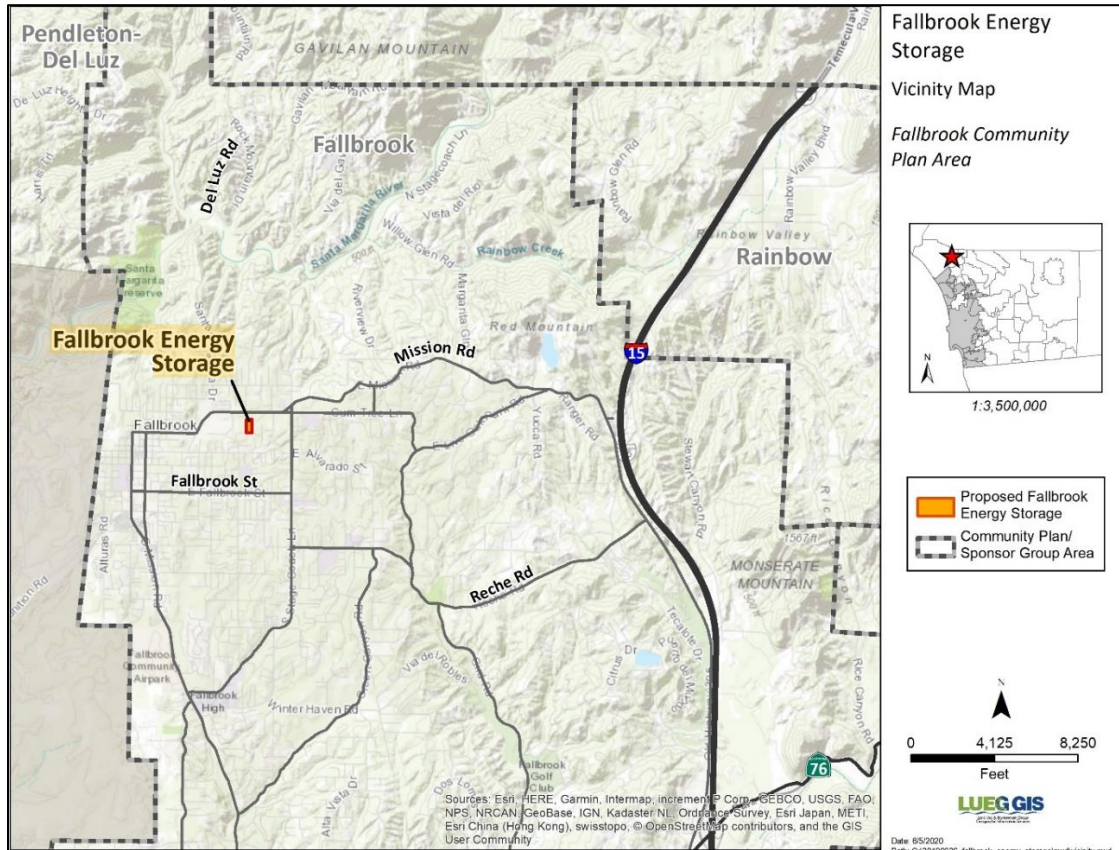


Figure 1: Vicinity Map

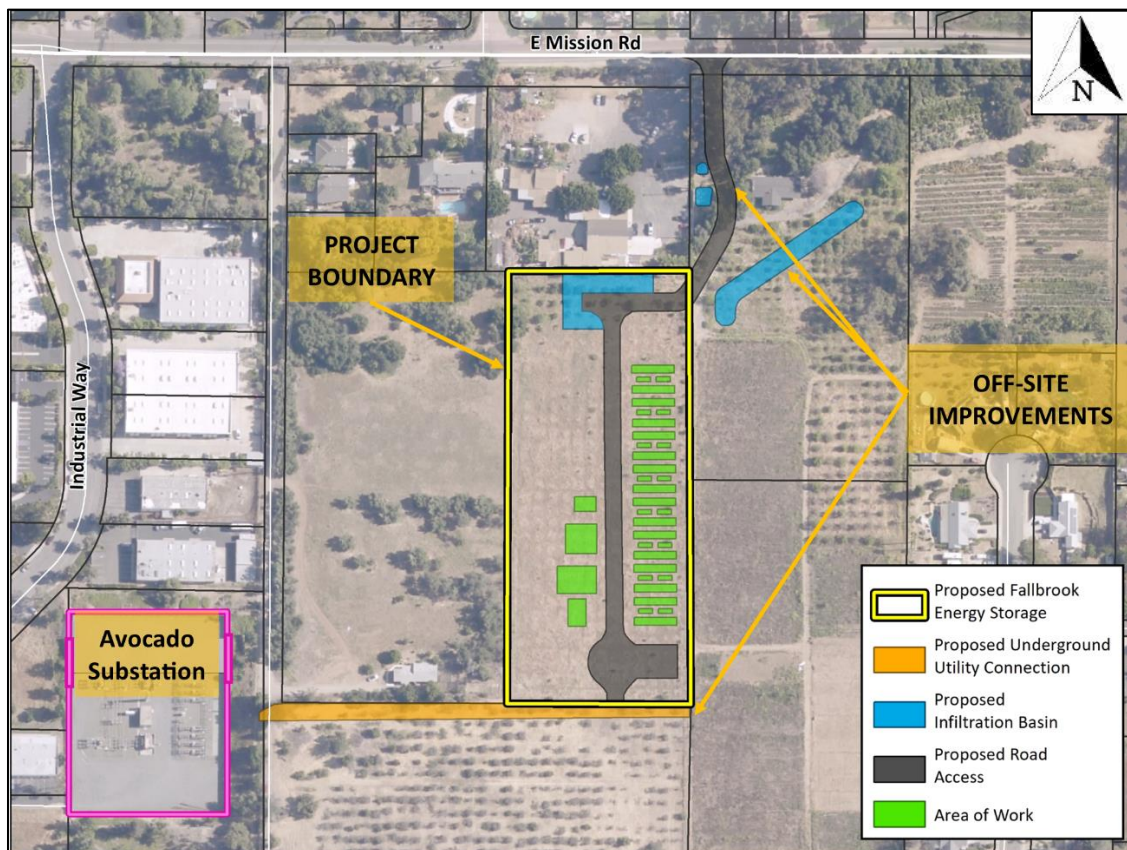


Figure 2: Project Components

The Project includes 16 battery storage containers on individual concrete equipment pads. Each container is 63-feet long, 12-feet wide, and 13 feet tall (756 square feet each). Each container will store approximately 50 battery racks, and each rack will hold 12 battery modules (Figure 3). The ZAP will be placed over the parcel that includes the battery storage containers, while two additional parcels will support proposed off-site components: a 16-foot wide access driveway, infiltration basins, and a 30-foot wide underground utility easement. The facility will upgrade and connect to the existing SDG&E 69-kV Avocado substation (approximately 450 feet to the west) through approximately 630 feet of underground cable/vaults along a proposed easement to the south. All these components were analyzed within the Mitigated Negative Declaration (MND) prepared for the Project.



*Figure 3: Proposed Battery Containers (View from North-East)*

The Project will provide energy storage for the local electric utility, SDG&E. The Project will be delivered to SDG&E through a Build-Own-Transfer contract. The Applicant is responsible for purchasing the land, and building and commissioning the Project. Upon successful completion of a series of tests after construction, the Applicant will transfer the Project assets (e.g., battery storage system, land, interconnection, and interconnection agreement) to SDG&E.

The Project is designed to be in operation for 20 years. After 20 years of operation, most of the Project's electrical equipment (breakers, transformers, inverters) will be removed and recycled. The Applicant will be required to prepare a Hazardous Materials Business Plan with the Department of Environmental Health prior to building permit issuance to ensure proper handling of equipment removal.

The ZAP area of the Project site will be surrounded by an eight-foot-high chainlink fence with three strands of barbed wire along the top for a total height of nine feet (Figure 4). The Project site will also be surrounded by landscaping to visually screen it from surrounding residents (Figure 5).



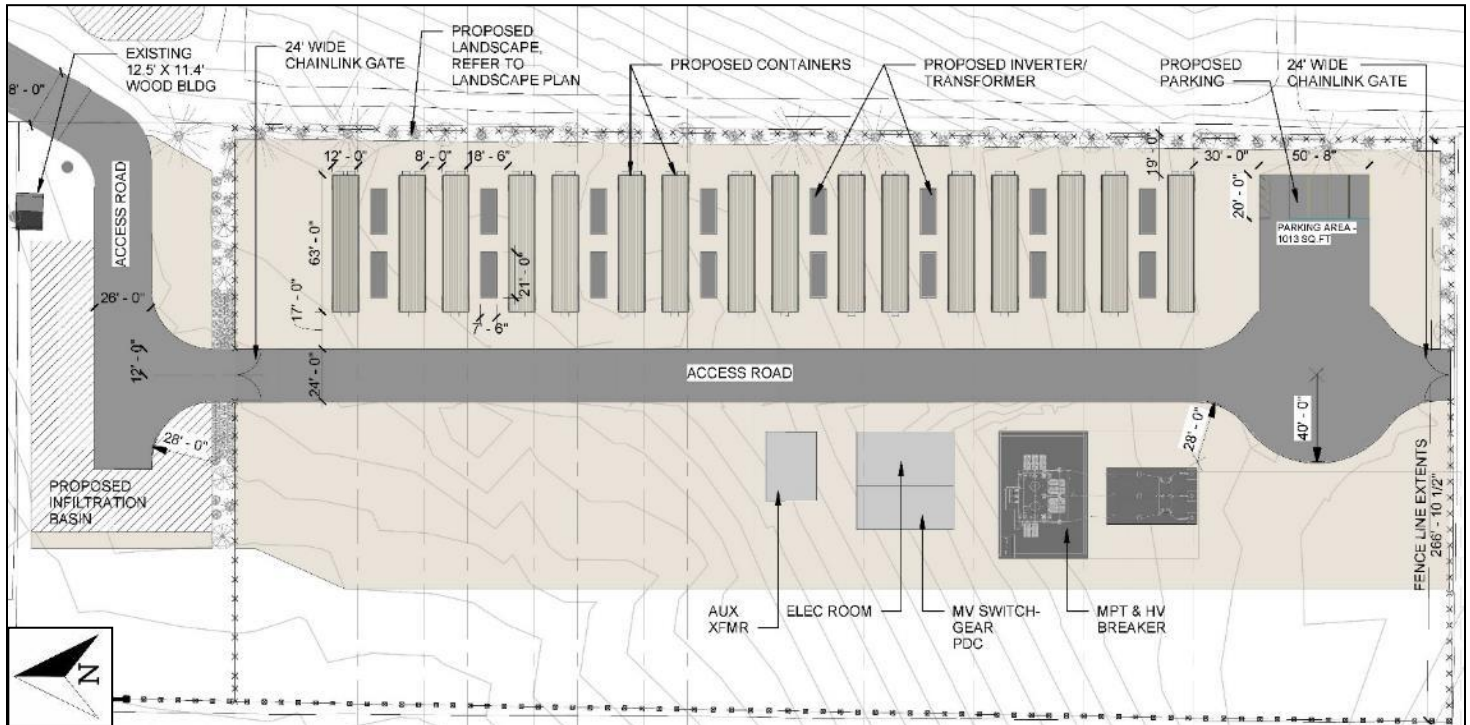


Figure 4: Proposed Battery Storage Facility Plot Plan



Figure 5: Landscape Plan

## 2. Subject Property and Surrounding Land Uses

The 4.22-acre Project site is located along the southern portion of East Mission Road in the Fallbrook community. Portions of the Project site were used for agricultural purposes at least since 1994, however, there are currently no agricultural uses. There is an existing vacant off-site single-family residence located along the proposed access road.

A variety of uses surround the previously disturbed Project site: residential to the north across East Mission Road, limited agricultural to the west, residential to the south, and industrial/commercial to the west (Figure 6). The appellant, Mr. Rashkin, owns the industrial park to the west of the site.

The Project is located approximately 400-feet northwest, east, and south from the nearest neighboring residences. Two schools, Lavender Hill Charter School and a potential small school currently in process with PDS at the Fallbrook Regional Health District, are located within 0.13 and 0.3 miles northeast of the Project, respectively. The school at the Fallbrook Regional Health District is a project currently in progress and the applicant for that project has indicated that they will either construct a small school or a health clinic. La Paloma and William H. Frazier elementary schools are located 0.34 mile south and 0.5 mile east of the Project, respectively.

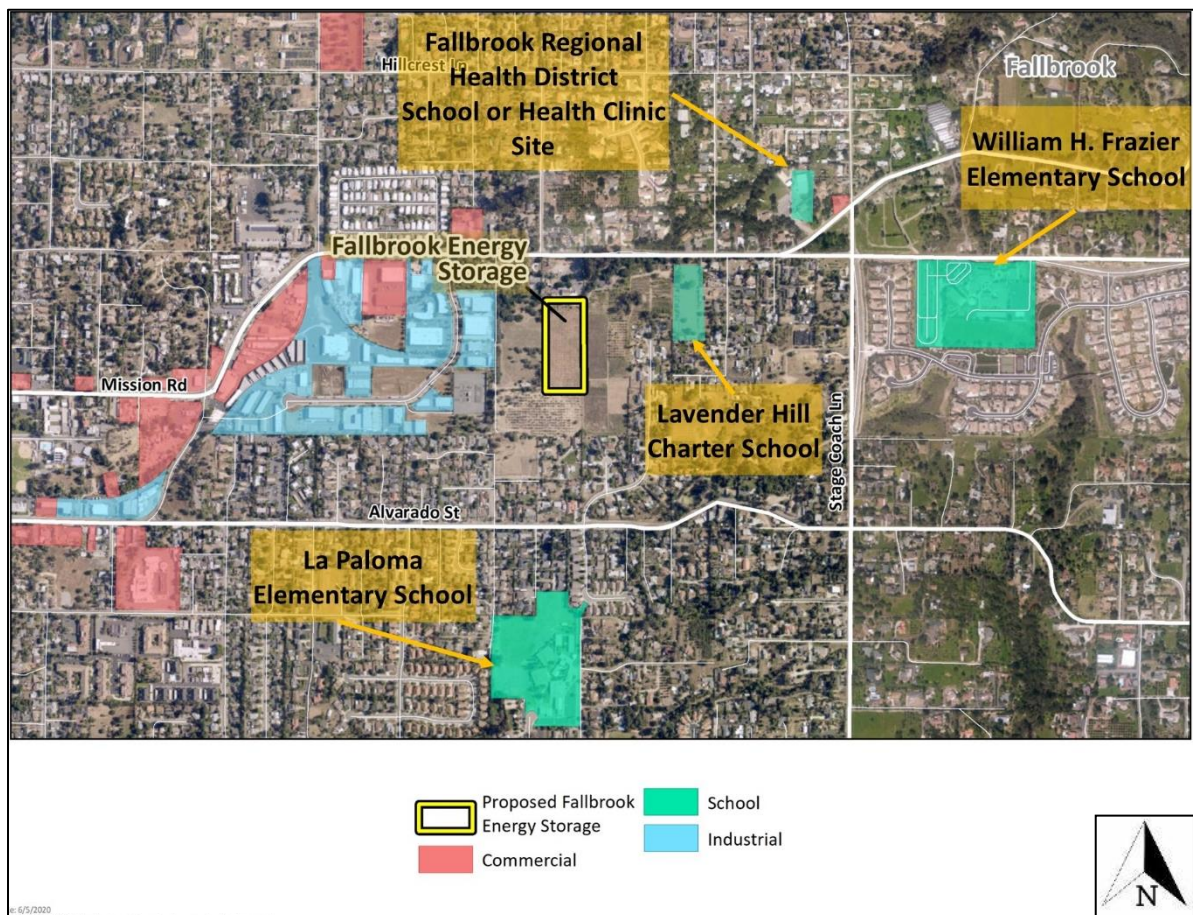


Figure 6: Surrounding Land Uses

Table D-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Village Residential (VR-20)	Rural Residential (RR)	East Mission Road	Residential
East	Limited Impact Industrial	Limited Industrial (M52)	East Mission Road	Industrial, Undeveloped
South	Limited Impact Industrial	Limited Industrial (M52)	East Mission Road	Industrial, Undeveloped
West	Limited Impact Industrial	Limited Industrial (M52)	Lawson Valley Road	Industrial, Undeveloped

## E. ANALYSIS AND DISCUSSION

The Project has been reviewed to ensure it conforms to all relevant ordinances and guidelines, including, but not limited to, the San Diego County General Plan, the Zoning Ordinance, and the California Environmental Quality Act (CEQA).

PDS staff reviewed and analyzed the points of appeal set forth by Mr. Rashkin in the appeal form dated February 18, 2020 (Attachment C). There are six points of appeal: (1) the Project's fuel modification zone extends onto the appellant's property; (2) the Project is "piecemealing" under CEQA because the analysis did not include the expansion of the Avocado Substation; (3) the Project is required to improve the private road to public in order to meet County Guidelines and should provide a public road easement, (4) disputes who the applicant should be, (5) an incorrect easement is shown on the plans, and (6) easement access.

### 1. Fuel Modification Zone

#### *Point of Appeal*

The appeal states that the development plans prepared by the Applicant show the proposed fuel modification zone extending onto the appellant's property.

#### *Analysis and Response*

County Code Section 96.1.202, defines a fuel modification zone as a strip of land where combustible vegetation has been thinned or modified or both and partially or totally replaced with fire-resistant plants to provide an acceptable level of risk from vegetation fires. Fuel modification reduces the radiant and convective heat on a structure and provides valuable defensible space for firefighters to make an effective stand against an approaching fire front.

As required by the Fire Protection Plan, the proposed Project is conditioned to provide a minimum 100-foot fuel modification zone around all structures over 250 square feet in size. The Project complies with the 100-foot fuel modification zone requirement and it does not extend outside of the property owned by the Applicant. Figure 7 shows that the fuel modification zone does extend out of the Project site (shown in the yellow box), but it extends eastward onto property owned by the



Applicant. The fuel modification zone does not extend westward onto the Appellant's property. The Applicant ultimately intends to deed the Project site to SDG&E and will grant an easement to allow SDG&E to perform fuel modification work to comply with the San Diego County fire mitigation requirements for parcels retained by the Applicant.

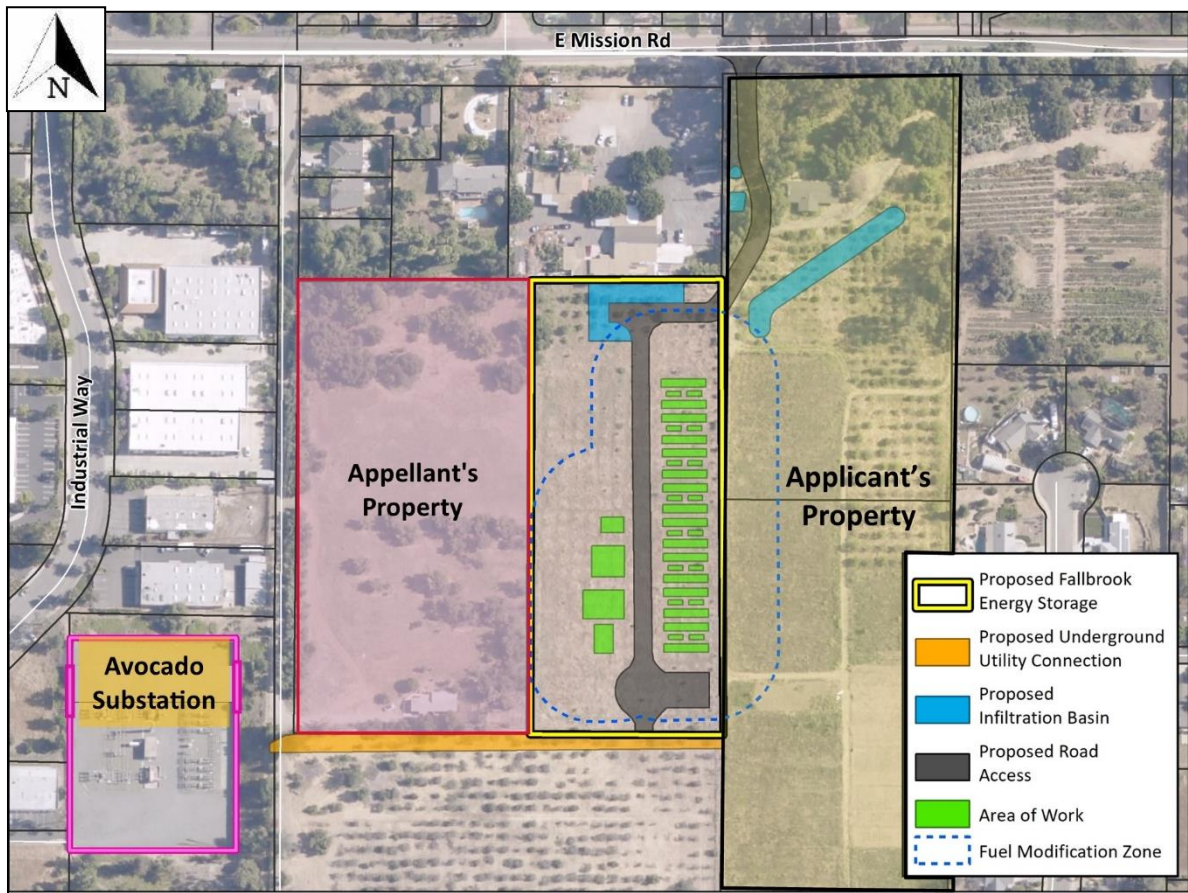


Figure 7: Fuel Modification Zone

## 2. California Environmental Quality Act Piecemealing *Point of Appeal*

The appellant states that the Project is “piecemealing” under CEQA because the Project does not analyze or include the expansion of the Avocado Substation.

### *Analysis and Response*

CEQA generally prohibits an agency from independently processing and acting on a single project as separate phases or components, each of which might have individually minimal environmental consequences, but collectively may have significant environmental impacts. The dividing of the phases of a large project as separate actions is generally known as “piecemealing.” Piecemealing may occur in the context of a physical project, such as the segmentation of a construction proposal into several small, insignificant actions to avoid environmental analysis. The lead agency under CEQA must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect.

All components of the Project were analyzed within the Mitigated Negative Declaration (MND) prepared to comply with CEQA. The expansion of the Avocado Substation was a project that was approved by a different agency—San Diego Gas & Electric (SDG&E)—in 2017. That project was

analyzed under CEQA by SDG&E as the lead agency and was determined to be exempt. That project does not need to be analyzed as part of the proposed battery storage Project as it was already analyzed under CEQA and is accounted for in the existing baseline setting analyzed within the MND for the Project.

The Avocado Substation has been operational for 43 years and is the primary substation in the community of Fallbrook and surrounding area. The substation rebuild replaced aging equipment and brought the substation up to current SDG&E and other industry standards to ensure reliability and minimize outage impact to the transmission and distribution systems in the area. On June 22, 2017, SDG&E's internal Technical Review Committee approved the rebuild project. It was considered a substation modification under the California Public Utilities Commission (CPUC) General Order 131-D Section III.C because the rebuild did not result in an increase in the high side voltage and was limited to existing utility property. To ensure the rebuild project met the parameters of a categorical exemption, SDG&E conducted studies for biological and cultural resources, and it was determined that no significant impacts or exceptions to the exemptions will occur.

The rebuild project started construction in the first quarter of 2018 and is slated to be complete by the second quarter of 2021. While the replacement of equipment and re-configuration to current standards may have the effect of accommodating the Fallbrook Energy Storage Project, the substation rebuild was conceived independently of the Project.

The entirety of the Project was analyzed within the MND. Components not technically governed by the Minor Use Permit were referred to as "off-site components" throughout the MND. Off-site components include the 16-foot wide access driveway, infiltration basins, and the underground utility easement. These components were analyzed for potential impacts, such as the ground disturbance associated with each, and have been disclosed and mitigated as required.

### 3. Private Versus Public Road Improvement Requirements

#### *Point of Appeal*

The appeal states that the Project is required to improve the proposed private road to public road standards to meet County Guidelines. Additionally, the appeal states that a similar project in the vicinity was required to provide a public road easement and that the proposed Project should have to do the same.

#### *Analysis and Response*

A public road is defined as a road that is being maintained by a governing authority which could be the city, county, or state. A private road means that the road has not been dedicated or accepted as something to be maintained by the public authority. The Project is required to construct a private road (Figure 8) because it does not meet the requirements to construct a public road.

According to County requirements, a public road is required, when a property to be subdivided is located in an area identified in the General Plan as a commercial or industrial designation, streets providing on-site and off-site access shall be dedicated in accordance with San Diego County Standards. A public road is also required when it is determined that the number of trips per day on a particular road will exceed 2,500.

On December 12, 1985, Mr. Rashkin's Industrial Park Tentative Map was approved by the Planning and Environmental Review Board (PERB). That project was required to dedicate a public road, now

known as Industrial Way, because the project proposed to subdivide 13 industrial lots resulting in over 2,500 trips, which required that the road be dedicated to the public.

For the Fallbrook Energy Storage Project, pursuant to the County's Road Standards and Subdivision Ordinance, a public road was not required because the Project did not propose a subdivision or result in 2,500 trips a day.

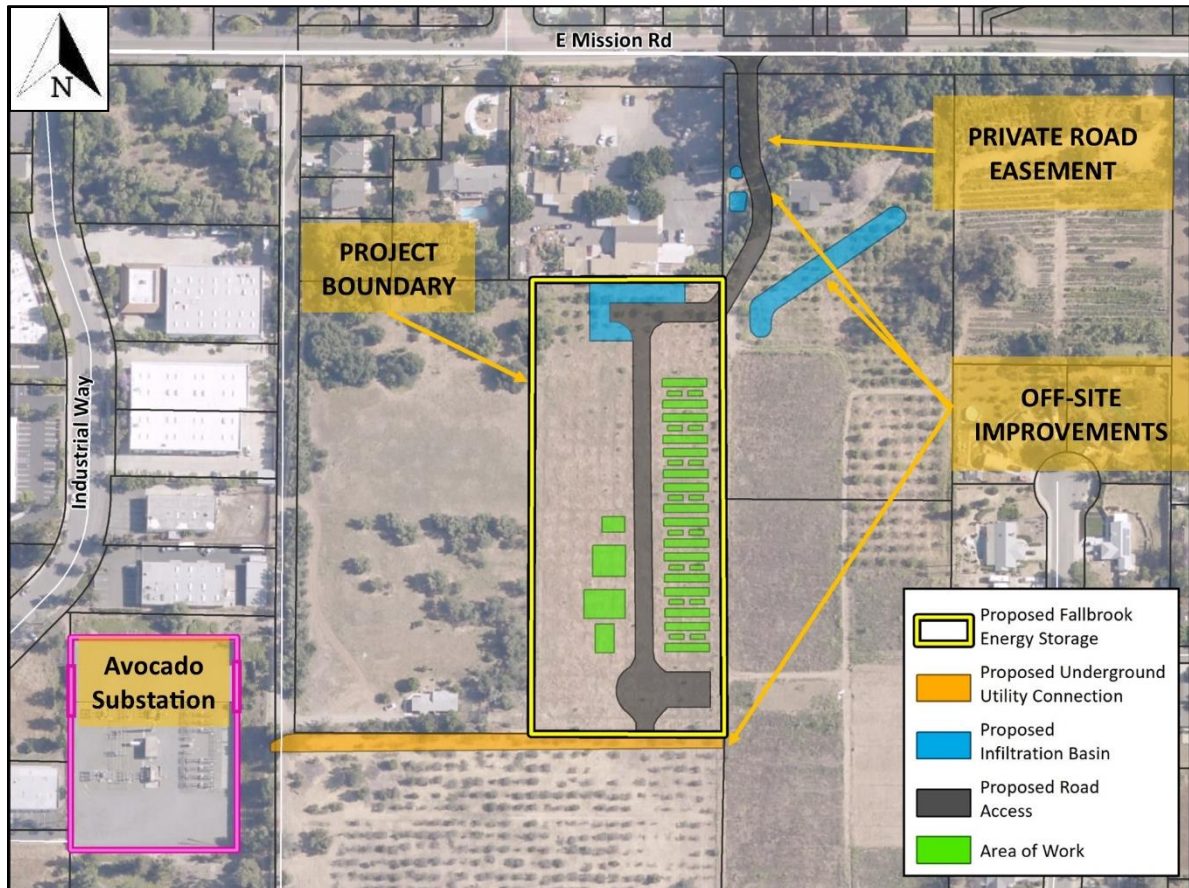


Figure 8: Proposed Project Private Road

## 4. Dispute over Applicant of the Project

### *Point of Appeal*

The appeal states that the Project's applicant should be SDG&E, not AES Energy Storage, LLC because SDG&E will be the owner of all the rights and easements after the Project is approved.

### *Analysis and Response*

The Project will provide energy storage for the local electric utility, SDG&E. The Project will be delivered to SDG&E through a Build-Own-Transfer contract. The Applicant is responsible for purchasing the land, and building and commissioning the Project. Upon successful completion of construction, the Applicant will transfer the Project assets (e.g., battery storage system, land, interconnection, and interconnection agreement) to SDG&E.

## 5. Incorrect Easement

### *Point of Appeal*

The appeal states that the Project's Applicant shows a 60-foot easement over Mr. Rashkin's property and wants it removed from the plans.



*Analysis and Response*

The Applicant has updated the plans to remove this easement. This easement was not a part of this Project's proposal.

6. Easement Access*Point of Appeal*

The appeal states that the appellant wants to be granted access from the proposed private road easement of the Project.

*Analysis and Response*

The Project is not required to furnish an easement to Mr. Rashkin's property as it is proposing a private road. The Applicant and SDG&E have met with Mr. Rashkin on several occasions on potential easements, but an agreement could not be reached. Mr. Rashkin currently can gain access to his property, which is directly west of the Project site, through a private road that connects to East Mission Road (Figure 8).

1. **General Plan Consistency**

The proposed Project is consistent with the following relevant General Plan goals, policies, and actions as described in Table D-1.

*Table E-1: General Plan Conformance*

<b>General Plan Policy</b>	<b>Explanation of Project Conformance</b>
<b>POLICY LU-2.8 – Mitigation of Development Impacts.</b> Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment, and/or are detrimental to human health and safety.	Implementation of mitigation measures will reduce all project-generated impacts to less than significant. Mitigation will be provided to ensure that noise and vibratory impacts will be less than significant. Mitigation also will be provided to ensure air quality impacts, including dust, have been reduced to the extent feasible. All the required mitigation measures have been applied to the Project as conditions of approval, as detailed in the MND and Form of Decision.
<b>POLICY LU-4.6 – Planning for Adequate Energy Facilities.</b> Participate in the planning of regional energy infrastructure with applicable utility providers to ensure plans are consistent with the County's General Plan and Community Plans and minimize adverse impacts to the unincorporated County.	The Project is a battery storage facility that will store 40 MW of power which will be transmitted to and from the existing Avocado Substation. The Project is consistent with the General Plan and Fallbrook Community Plan and all impacts from the proposed battery storage facility are mitigated to less than significant. The Project includes adequate mitigation and design measures to ensure community compatibility, including dedication of onsite open space, requirements for specific paint colors and building textures
<b>POLICY LU-6.6 – Integration of Natural Features into Project Design.</b> Require incorporation of natural features (including mature oaks, indigenous trees, and rock formations) into proposed development and require avoidance of sensitive environmental resources.	The proposed battery storage facility has been designed to avoid sensitive resources. The facility has been sited as far east as possible within the Project parcel to avoid coast live oak woodland habitat and the 50-foot protection zone to the maximum extent feasible. Riparian and buffer areas associated with the jurisdictional drainage in the northern portion of the Project site will be avoided.

General Plan Policy	Explanation of Project Conformance
<b>POLICY LU-6.9 – Development Conformance with Topography.</b> Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent practicable.	The proposed development will conform to the natural topography of the site to the maximum extent practicable. Battery storage containers and inverters/transformers will be placed on individual concrete equipment pads to allow for incorporation of the elevation change of the natural topography. The majority of the proposed facility will consist of permeable gravel infill. New stormwater drainage facilities will include a proposed infiltration basin located at the northern end of the facility, as well as along the access easement to capture and improve runoff and protect downstream resources. Stormwater best management practices will be implemented, consistent with the County's Land Development Handbook.
<b>POLICY COS 18.1 – Alternate Energy Systems Design.</b> Work with San Diego Gas and Electric and non-utility developers to facilitate the development of alternative energy systems that are located and designed to maintain the character of their setting.	The Project has been designed to be consistent with the community character of the surrounding area by incorporating design measures to minimize views of the facility from the surrounding area. Design measures also include painting the corrugated metal containers with a flat, non-reflective color and adding landscaping to minimize visual impacts to surrounding residences.

## 2. Zoning Ordinance Consistency

### a. Development Regulations

The proposed Project complies with all applicable zoning requirements of the Limited Industrial (M52) zone with the incorporation of conditions of approval (See Table E-2).

*Table E-2: Zoning Ordinance Development Regulations*

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	M52	Yes, upon approval of a ZAP
Animal Regulation:	S	N/A
Density:	-	N/A
Lot Size:	6,000 Square Feet	N/A
Building Type:	W	N/A
Height:	G	Yes
Lot Coverage:	-	N/A
Setback:	E	Yes
Open Space:	-	N/A
Special Area Regulations:	B,C	Yes, upon issuance of a ZAP

Development Standard	Proposed/Provided	Complies?
Section 2524.a of the Zoning Ordinance allow for Minor Impact Utilities upon issuance of a ZAP.	The Applicant is proposing a battery storage energy system, which falls under a Minor Impact Utilities use. The Applicant is in coordination with SDG&E to maintain grid reliability and provide flexibility with reserve power.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 5250 of the Zoning Ordinance sets forth requirements for the "C" Airport Land use Compatibility Plan area regulations. In summary, these regulations are to regulate land uses within portions of the unincorporated territory of the County of San Diego located in Airport Influence Areas (AIAs) surrounding airports for which the San Diego County Regional Airport Authority (Authority) has adopted Airport Land Use Compatibility Plans (ALUCP).	The Project is located within the Airport Influence Area (AIA) of the Fallbrook Airport, for which the County Regional Airport Authority has adopted the Fallbrook ALUCP, and is therefore subject to Sections 5250 through 5260 of the County Zoning Ordinance. The Applicant will be required to file a Notice of Proposed Construction or Alteration (Form 7460-1) with the Federal Aviation Administration (FAA) 45 days prior to construction.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

## 5. Community Plan Consistency

The proposed Project is consistent with the relevant Fallbrook Community Plan goals, policies, and actions as described in Table E-3.

*Table E-3: Community Plan Conformance*

Community Plan Policy	Explanation of Project Conformance
<b>Goal LU-2.3</b> - Future industrial development limited to industries which serve the community and its employment needs and are compatible with the community's general goal of preserving rural charm and village atmosphere	The Project will provide a service to the community by ensuring area capacity for electrical system reliability and flexibility.
<b>POLICY LU-2.3.3</b> – Encourage landscaping in the design of industrial facilities to soften structure and parking area impacts.	Landscaping will be installed to lessen any visual impacts to the surrounding residences.
<b>POLICY LU 5.1.1</b> – Encourage the continued upgrading of utilities and services to provide an optimum level of service through the coordination of, and cooperation between, community services, public utility companies, and County agencies.	The Project will provide a sustainable solution to maintaining grid reliability, enabling increasing amounts of intermittent renewable energy generating sources to be accessed, reduce greenhouse gas, and upgrade aging infrastructure at the Avocado Substation.

Community Plan Policy	Explanation of Project Conformance
<b>POLICY COS 1.2.2</b> – Encourage planting trees, while discouraging the unnecessary removal of trees in association with new development, as well as in public rights-of-way and parking lots.	The proposed Project has been designed to avoid sensitive resources. The facility has been sited as far east as possible within the Project parcel to avoid coast live oak woodland habitat and the 50-foot protection zone. Landscaping is also provided, including trees and shrubs to screen from existing residences.

## 6. California Environmental Quality Act (CEQA) Compliance

The Project has been reviewed for compliance with the CEQA, and an MND was prepared and was available for a 40-day public review period from December 5, 2019 to January 13, 2020, on file under ER19-02-001. The MND found that the Project, with incorporation of mitigation measures, would not cause any significant effects on the environment. Mitigation measures are included for impacts on air quality, biological resources, and tribal cultural resources. The Initial Study and MND can be found in Attachment C of this report.

## F. COMMUNITY PLANNING GROUP AND/OR DESIGN REVIEW BOARD

The Fallbrook Community Planning Group (FCPG) considered the Project on February 18, 2019 and October 21, 2019. On February 18, 2019, the FCPG voted to recommend approval of the Project unanimously (12-Ayes, 0-Noes, 0-Absent, 0-Vacant) with the following conditions:

1. The County should, after reviewing the application and the considerations of the FCPG and community considerations, determine whether or not the Applicant should be requesting a Major Use Permit or Minor Use Permit;
2. The Applicant and County should assess the impact of the facility on the Lavender Hill Charter School, which is a short distance from the Project site;
3. The approval by the FCPG is for the Project as presented and future decisions will be based on signage, landscaping and other design considerations;
4. The FCPG requires a reclamation plan for decayed batteries as they near the end of their useful life;
5. The FCPG requests information pertaining to the traffic anticipated at the site over a month; and
6. The parties (Arnold Rashkin, AES Energy Storage, LLC and SDG&E) should work together to facilitate access to the adjacent parcel.

On October 21, 2019, the Applicant attended the FCPG meeting as a non-voting item to address the above concerns. The following are responses to the FCPG's concerns that were presented at this meeting:

1. The proposed use is considered a Minor Impact Utility and pursuant to the County Zoning Ordinance Section 2524, a Minor Use Permit is required in a Limited Industrial Zone (M52).
2. In response to the concerns, an offsite hazard analysis was conducted to determine any potential impacts on the Lavender Hill Charter School. The offsite hazard analysis reviewed by SDG&E found that the Project will not pose a danger to any nearby schools.
3. The Applicant worked with the North County Fire Protection District to ensure that existing residences are adequately screened from the Project and that the landscaping does not present any additional fire risk. Landscaping is conditioned to be maintained while the Project is in operation.

4. The permit is limited to 20 years and is also conditioned to have a hazardous materials business plan for when the batteries are nearing the end of their useful life. If the Applicant and/or SDG&E wish to extend the permit, the Applicant will be required to process a Minor Use Permit modification.
5. There are two to four trips a month anticipated for this Project for maintenance.
6. SDG&E and the Applicant reached out to Mr. Rashkin to talk about potential options for access to his parcel. At the time of this report, no agreement has been reached.

The FCPG meeting minutes are included in Attachment F.

### **G. RECOMMENDATIONS**

Staff recommends that the Planning Commission take the following actions:

1. Deny the Appeal filed by Mr. Arnold Rashkin.
2. Uphold the Zoning Administrator's Decision approving Minor Use Permit PDS2019-ZAP-19-001 (Attachment B), including the adoption of the Environmental Findings in Attachment E, which finds that the Project complies with the California Environmental Quality Act (CEQA).

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**Report Prepared By:**

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**AUTHORIZED REPRESENTATIVE:**



MARK WARDLAW, DIRECTOR

**ATTACHMENTS:**

Attachment A – Planning Documentation  
Attachment B – Form of Decision Approving PDS2019-ZAP-19-001  
Attachment C – Appeal Form  
Attachment D - Environmental Documentation  
Attachment E – Environmental Findings  
Attachment F – Public Documentation  
Attachment G – Ownership Disclosure

## **Attachment A – Planning Documentation**



PROJECT DESCRIPTION

The Fallbrook Energy Storage Project's concept is inspired by the function within the facility. This plant is creating a battery-based energy storage to traditional peaking facilities. The Fallbrook Energy Storage Project is cutting edge and focused on energy performance and sustainability. Adaptive to the ever changing environment, this plant consists of 16 corrugated metal containers with 16 adjacent inverters/transformers to ensure thermal performance and energy efficiencies. Additionally, each storage container allows for visual placement and branding opportunity.

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LANDSCAPE DESIGN PLAN - LYNN CAPOUYA INC.
SITE PLAN
PLOT PLAN
ELEVATIONS
VIEW FROM NORTH
VIEW FROM NORTH-EAST
VIEW FROM SOUTH-EAST
VIEW FROM SOUTH-WEST
VIEW FROM WEST

FLUENCE FALLBROOK  
ENERGY STORAGE PROJECT

FALLBROOK, CA. SAN DIEGO COUNTY

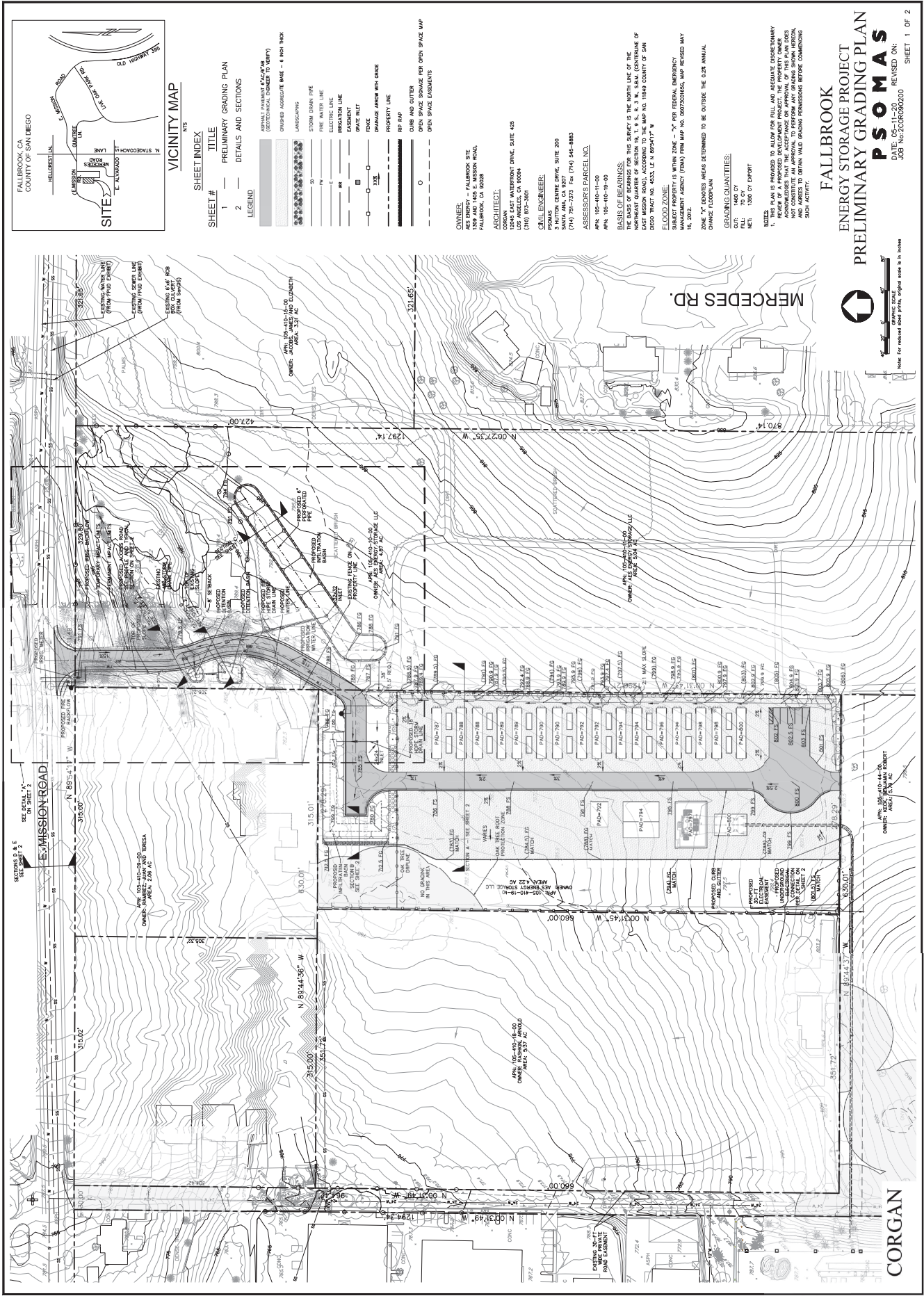
Project Number: 19090.0000



TITLE SHEET

05/11/2020





FALLBROOK, CA  
COUNTY OF SAN DIEGO

HELMGOLD LN  
E. ALVARADO ST  
E. MISSION ROAD  
E. ALVARADO ST  
E. ALVARADO ST

SITE

VICINITY MAP

SHEET INDEX

TITLE

1 - PRELIMINARY GRADING PLAN

2 - DETAILS AND SECTIONS

LEGEND

EMBANKMENT (CONCRETE FACE, 8' MIN THICK)

UNDERSOILING

STORM DRAIN PIPE

FIRE WATER LINE

ELECTRIC LINE

SEWER LINE

EASEMENT

GRATE INLET

FENCE

DRAINAGE SWATH WITH GRADE

PROPERTY LINE

RP MAP

CURB AND GUTTER

OPEN SPACE SHOWN FOR OPEN SPACE MAP

OPEN SPACE EASEMENTS

OWNER

ARCHITECT

ENGINEER

ASSESSOR'S PARCEL NO.

DATE

REVISION

REVISION

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REVISION

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SECTION D & E  
SEE SHEET 2

E. MISSION ROAD

PROPOSED EMBANKMENT

PROPOSED EMBANKMENT

PROPOSED EMBANKMENT

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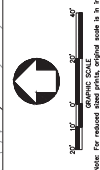
PROPOSED EMBANKMENT

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PROPOSED EMBANKMENT



CORGAN

# FALLBROOK ENERGY STORAGE PROJECT SECTIONS AND DETAILS

6" DUCTS

4" DUCTS

69kv & COMM.

STATION SERVICE & COMM.

## TYPICAL TRENCH SECTION

## SECTION G

SECTION F - PROPOSED ACCESS ROAD SECTION

SECTION D - EXISTING MISSION ROAD "TYPICAL SECTION"

EXISTING ASPHALT PAVEMENT

## SECTION C

## SECTION A

SECTION B

**SECTION E - MISSION ROAD TYPICAL SECTION - ULTIMATE BUILD-OUT CONDITION**  
**(4.2B BOULEVARD SERIES PER COUNTY OF SAN DIEGO GENERAL PLAN MOBILITY ELEMENT)**

## PROPOSED ACCESS ROAD PROFILE

4" DUCTS

STATION SERVICE

6" DUCTS

69kv & COMM.



BIORETENTION PLANT LEGEND

PLANTS ARE FROM SAN DIEGO COUNTY BIORETENTION FACILITIES PLANT LIST

SYMBOL	PLANT NAME	SIZE	* QTY.	DETAIL	SHEET	REMARK	PLANT FACTOR
	CAREX SPISSA	5 GAL					
	CAREX SUBFUSCA	5 GAL					
	LETMUS CONDENSATUS 'CANYON PRINCE'	5 GAL					
	MUHLENBERGIA RIGENS	5 GAL					

\* CONTRACTOR TO VERIFY EXACT QUANTITIES OF PLANT MATERIALS BASED ON CONDITIONS AND PLANT MATERIALS COVERAGE

LEGEND

- LIMIT OF WORK
- FUEL MODIFICATION ZONE -- REMOVE ALL DEAD AND DYING VEGETATION. WEEDS AND ANNUAL GRASSES SHALL BE MAINTAINED AT A HEIGHT NOT TO EXCEED 6 INCHES.
- PROPOSED 8'-0" HIGH CHAINLINK FENCE. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION

BIORETENTION GRASSES



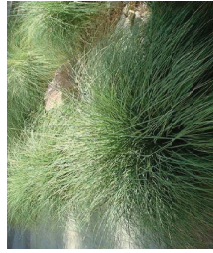
CAREX SPISSA



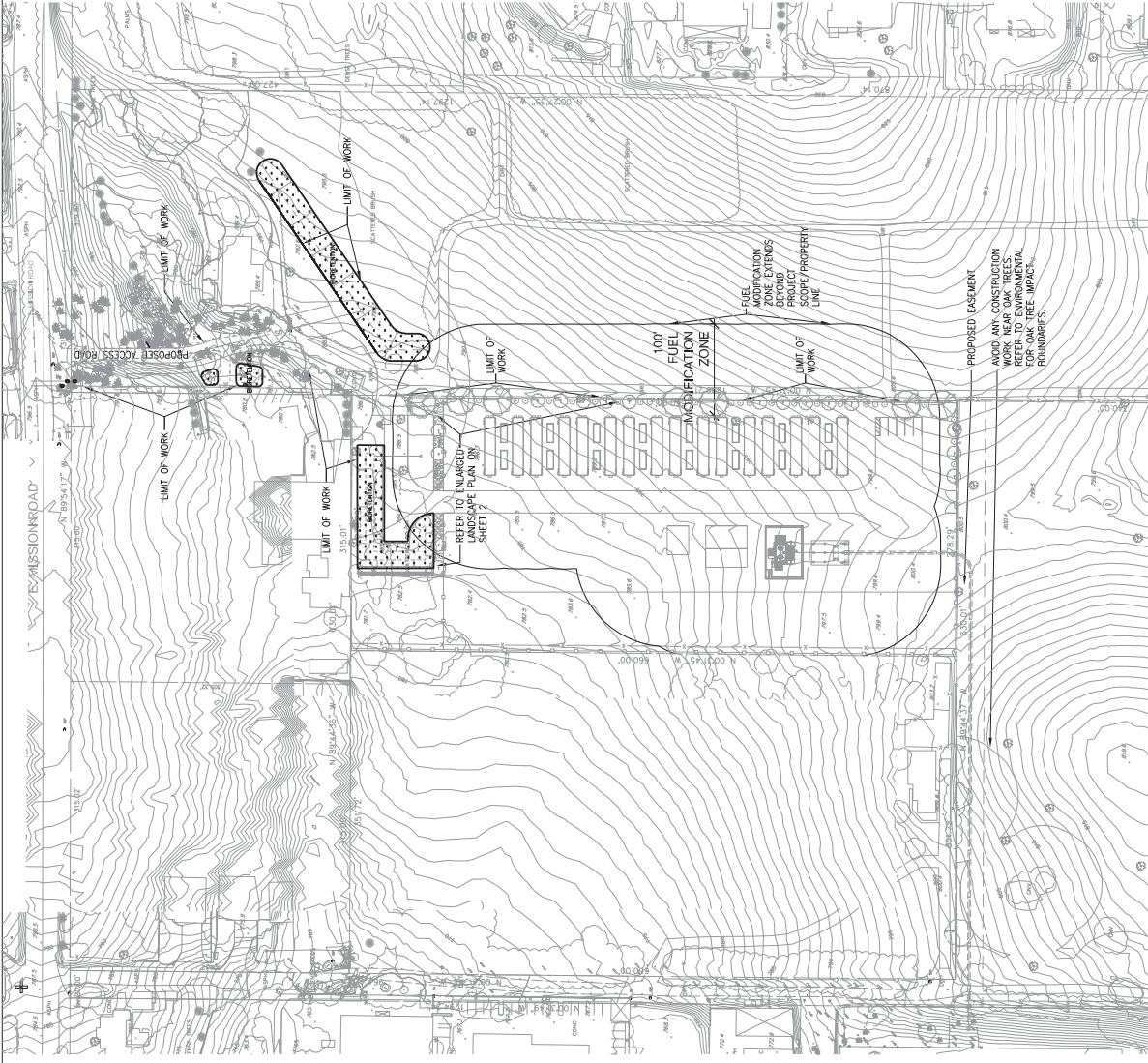
CAREX SUBFUSCA



LETMUS CONDENSATUS 'CANYON PRINCE'



MUHLENBERGIA RIGENS



LANDSCAPE DESIGN PLAN  
FALLBROOK ENERGY STORAGE SITE  
05/11/2020

LYNN CAPOUYA INC.  
LANDSCAPE ARCHITECTS  
17082 MITCHELL SOUTH SUITE 110 IRVINE CA 92614 PHONE (949) 7504150

SHEET 1 OF 3

OVERALL  
LANDSCAPE  
PLAN  
SCALE: 1" = 60'





ENLARGED LANDSCAPE PLAN

TREE LEGEND

SYMBOL	PLANT NAME	SIZE	• QTY.	DETAIL	SHEET	REMARK	PLANT FACTOR
	CERCIS OCCIDENTALIS WESTERN REDBUD	36" BOX	—	—	—	STANDARD TRUNK	LOW 0.3
	PARSONIA ACULEATA MEXICAN PALO VERDE	48" BOX 36" BOX	—	—	—	MULTI-TRUNK	LOW 0.3

SHRUB/ GROUND COVER LEGEND

SYMBOL	PLANT NAME	SIZE	• QTY.	DETAIL	SHEET	REMARK	PLANT FACTOR
	GUSTUS CRISPUS ROCK ROSE	5 GAL	—	—	—	SPACING PER PLAN	LOW 0.3
	LANTANA X "NEW GOLD" NEW GOLD LANTANA	5 GAL	—	—	—	18" O.C. SPACING	VERY LOW 0.2
	XYLOSMA CONGESTUM SHINY XYLOSMA	15 GAL	—	—	—	10'-0" O.C. SPACING	LOW 0.3
	XYLOSMA CONGESTUM SHINY XYLOSMA	5 GAL	—	—	—	3'-0" O.C. SPACING	LOW 0.3

\* CONTRACTOR TO VERIFY EXACT QUANTITIES OF PLANT MATERIALS BASED ON CONDITIONS AND PLANT MATERIALS COVERAGE

ROOT BARRIER: \_\_\_\_\_  
ROOT BARRIER SHALL BE PROVIDED FOR ALL TREES WITH (5) FEET OF HARDSCAPE.

MULCH:  
PLACE 3" THICK LAYER OF "FOREST FLOOR 1/2"-1 1/2" BY AQUINAGA IN ALL PLANTING AREAS.  
SUBMIT SAMPLE FOR APPROVAL. AVAILABLE THROUGH AQUINAGA SALES AND RESEARCH DIVISION  
8455 CALIFORNIA CIRCLE WEST  
IRVINE, CA 92606

NOTES:

1. ALL NEW PLANTING AREAS WILL BE SERVED BY AN AUTOMATIC, WEATHER-BASED IRRIGATION SYSTEM WITH LOW FLOW DRIP TUBING OR EMITTERS.
2. REFER TO ARCHITECTURAL, CIVIL AND ENVIRONMENTAL PLANS FOR ADDITIONAL INFORMATION.



CONCEPTUAL LANDSCAPE NOTES

1. THE CONCEPTUAL LANDSCAPE PLAN DEMONSTRATES COMPLIANCE WITH THE FALLBROOK DESIGN GUIDELINES, DESIGN REVIEW CHECKLIST FOR INDUSTRIAL DEVELOPMENTS AND FIRE PROTECTION DISTRICTS IN SAN DIEGO COUNTY.
2. REFER TO ENVIRONMENTAL PLANS FOR EXISTING VEGETATION TO REMAIN, LOCATION OF ALL TREES TO BE REMOVED, AND RECOMMENDED PROCESS TO REPLACE THESE TREES IN KIND AND TO DAMAGED DURING CONSTRUCTION.
3. FINAL LANDSCAPE PLANS (LANDSCAPE DOCUMENTATION PACKAGE) WILL BE COMPLIANT WITH THE COUNTY'S CLIMATE ACTION PLAN, SPECIFICALLY, MEASURE W-1.2 (REDUCE OUTDOOR WATER USE). THE PROPOSED PLANTINGS FOR THIS PROJECT WILL BE ABLE TO MEET THIS REQUIREMENT.
4. THE PROPOSED LANDSCAPE WILL BE EFFICIENTLY IRRIGATED, COMPLIANT WITH THE COUNTY'S WATER EFFORT EFFICIENCY PROGRAM (WEEP). THE PROPOSED LANDSCAPE WILL MEET THE STATE MANDATE AS1081 MODEL WATER EFFICIENT LANDSCAPE (WMLC).
5. ALL (UNPAVED) AREAS WILL BE RESPONSIBLE FOR THE ON-GOING MAINTENANCE OF THE LANDSCAPING, INCLUDING THE FURROW, RIGHT-OF-WAY. ALL TECHNIQUES WOULD TRAVEL TO THE SITE, APPROXIMATELY ONCE PER MONTH TO PROVIDE CONTRACTED MAINTENANCE SERVICES INCLUDING LANDSCAPING.
6. REFER TO CIVIL PLANS FOR LOCATIONS OF ANY PROPOSED VEGETATED STORM WATER BMP'S.
7. REFER TO ENVIRONMENTAL PLANS FOR REMOVAL OF ALL INVASIVE SPECIES FROM THE SITE, INCLUDING FROM WITHIN THE EXISTING NATIVE HABITATS AND DRAINAGE CHANNEL AND EXISTING EUCALYPTUS TREES.
8. REFER TO FIRE PROTECTION PLAN FOR COORDINATION WITH ANY FIRE DISTRICT REQUIREMENTS FOR BRUSH MANAGEMENT.
9. REFER TO ENVIRONMENTAL PLANS FOR EXISTING NATIVE VEGETATION TO REMAIN, LOCATION OF THE PROPOSED "NO GRASSING" ZONE. REFER TO FIRE PROTECTION PLAN FOR MAINTENANCE AND FIRE PROTECTION NOTES.
10. FIRE PROTECTION NOTE: CROWNS OF MATURE TREES LOCATED WITHIN DEFENSIBLE SPACE SHALL BE MAINTAINED A MINIMUM HORIZONTAL CLEARANCE OF 10 FEET FOR FIRE RESISTANT TREES. MATURE TREES SHALL BE MAINTAINED WITH A MINIMUM HORIZONTAL CLEARANCE OF 10 FEET FROM THE LOWER VEGETATION OR 6 FEET, WHICHEVER IS LESS, ABOVE THE GROUND SURFACE ADJACENT TO THE TREES. DEAD WOOD AND LITTER SHALL BE REGULARLY REMOVED FROM TREES.

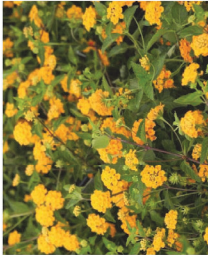
GENERAL PLANTING NOTES

1. ALL TREE & SHRUB MATERIAL SPECIFIED MUST MEET STANDARD INDUSTRY SPECIFICATIONS FOR THE CALIFORNIA FIRE RESISTANT PLANTING MATERIALS. ALL PLANTING MATERIALS SHALL BE ACCEPTABLE SIZE AT THE TIME OF INSTALLATION. CONTACT LANDSCAPE ARCHITECT FOR SPECIES SUBSTITUTION, DOWN-SIZING OR UP-SIZING. ANY SUBSTITUTION OF PLANT MATERIAL WITHOUT PRIOR APPROVAL OF LANDSCAPE ARCHITECT WILL NOT BE ALLOWED.
2. TREE LOCATIONS SHOWN ON PLAN MAY REQUIRE ADJUSTMENT IN THE FIELD, WHERE FEASIBLE. TREES SHOULD BE PLANTED A MINIMUM OF TEN (10) FEET FROM ALL UNDERGROUND UTILITIES AND OUT OF DRAINAGE FLOW LINES AND THREE (3) FEET FROM SPRAY HEADS. SHOULD THIS NOT BE POSSIBLE, CONTACT THE LANDSCAPE ARCHITECT FOR A DECISION ON TREE PLACEMENT.
3. FINISH GRADE IN ALL PLANTER AREAS SHALL BE 2 INCHES FOR SHRUB 1 INCH FOR TURF BELOW FINISH GRADE OF SURROUNDING HARDSCAPE AND/OR UTILITY BOXES.
4. WHERE IT IS CIRCUMSTANTIAL THAT CONDITIONS DEVIATE FROM WHAT IS INDICATED ON THE PLAN, THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE LANDSCAPE ARCHITECT OF THESE DISCREPANCIES. IN THE EVENT THIS NOTIFICATION IS NOT PERFORMED, THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY NECESSARY REVISIONS.
5. INSTALL 3 INCHES OF SHREDDED WOOD MULCH OR AS NOTED PER DRAWINGS IN ALL NEWLY PLANTED AREAS UPON COMPLETION OF PLANTING. REFER TO SPECIFICATIONS FOR MULCH MATERIAL.
6. CONTRACTOR TO VERIFY EXACT QUANTITIES OF PLANT MATERIALS BASED ON CONDITIONS AND PLANT MATERIALS COVERAGE. QUANTITY PROVIDED IN THE LEGEND IS FOR CONVENIENCE ONLY.

SHRUB/GROUND COVERS



CISTUS CRETICUS, ROCKROSE



LANTANA X 'NEW GOLD', LANTANA

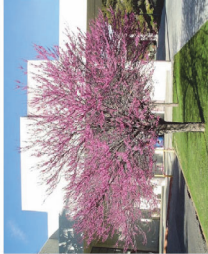


SALVIA SONOMENSIS, CREEPING SAGE



XYLOSMA CONGESTUM, SHINY XYLOSMA

TREES



CERCIS OCCIDENTALIS, WESTERN REDBUD



PARKINSONIA ACULEATA, MEXICAN PALO VERDE



MULCH

INERT MATERIALS

**OWNER:**  
AES Energy Storage LLC  
4300 Wilson Blvd  
Arlington, VA 22203

**CONTACT:**  
Dauren Kilish  
690 N. Studebaker Road  
Long Beach, CA 90803  
Ph. 562.577.7706

**SITE ADDRESS:**  
1405 E. Mission Road  
Fallbrook, CA 92028

**APN:** 105-410-19-00

**SUMMARY TABLE**  
Existing:  
LOT ACRES: 4.220  
LOT Sq. Ft: 183,823

**Proposed:**  
Total Fenced Area: 179,568 Sq. Ft.  
New access road  
Switchgear PDC, Aux Transformer  
16 Battery Containers: 756 Sq. Ft. ea.  
16 Inverter/Transformers: 130 Sq. Ft. ea.

**FALLBROOK, CA**  
COUNTY OF SAN DIEGO



**VICINITY MAP**  
NOT TO SCALE

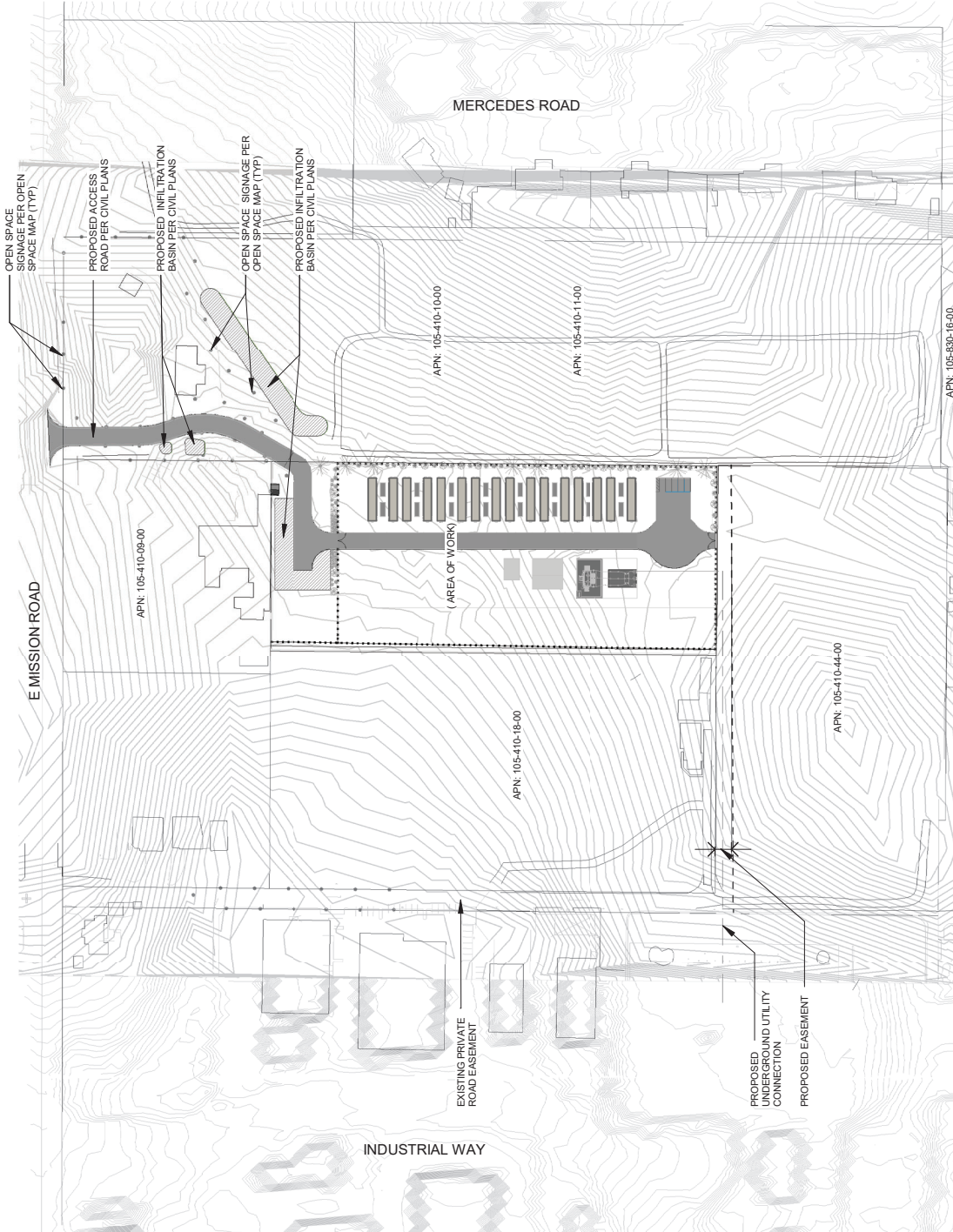
**CORGAN**

**SITE PLAN**

As indicated  
05/11/2020



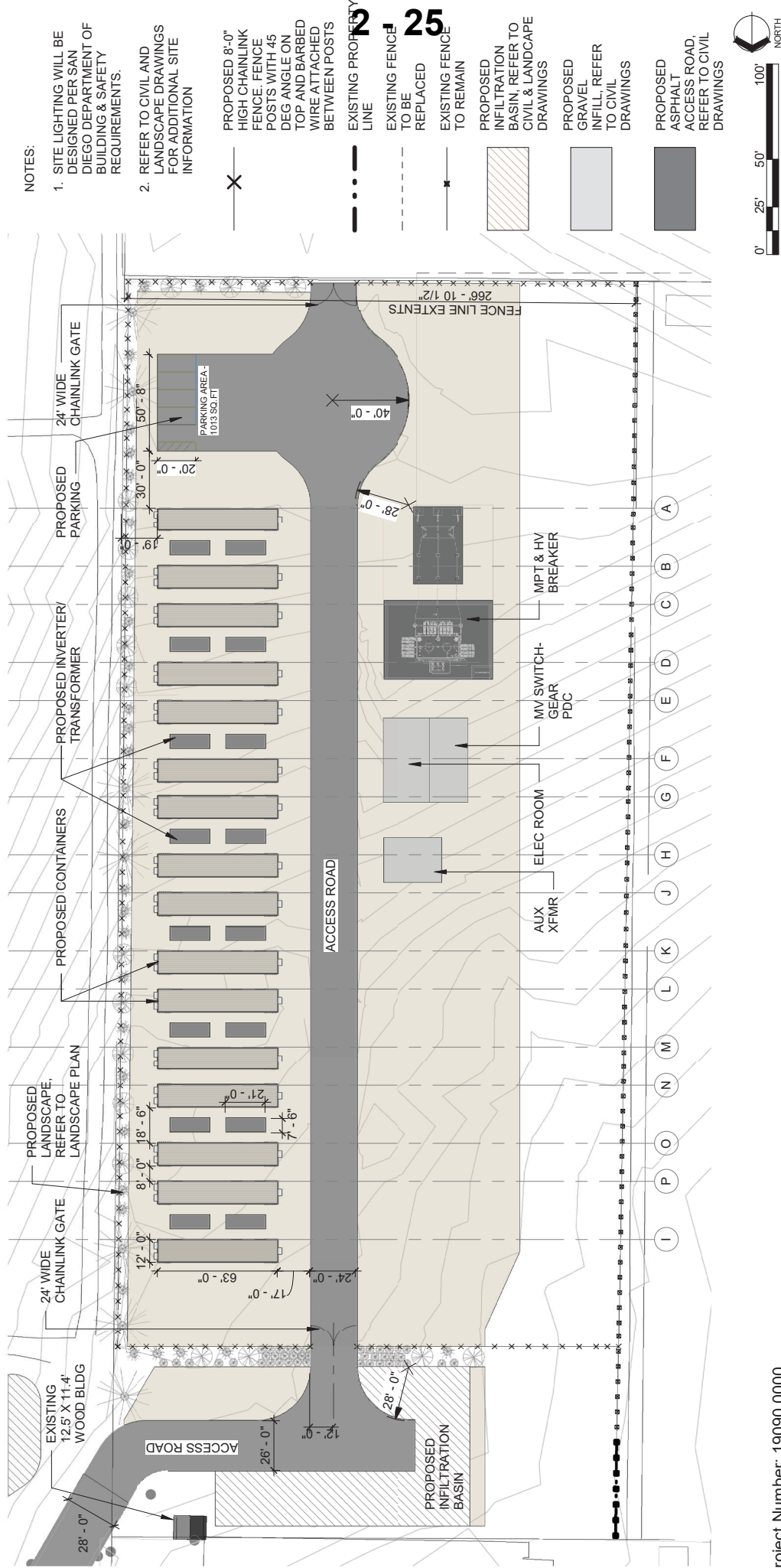
This Document was produced by or under the authority of Jeff Gyzan.



1. REFER TO ATTACHED SITE EXHIBIT BY PSOMAS FOR ADDITIONAL INFORMATION.
2. REFER TO ATTACHED ARCHITECTURAL PLOT PLAN FOR ADDITIONAL INFORMATION.

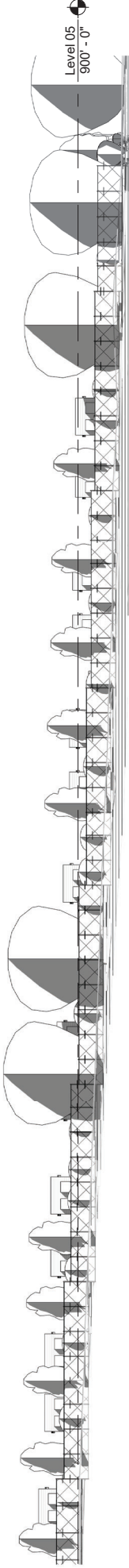
Project Number: 19090.0000





**PLOT PLAN**  
As indicated  
05/11/2020

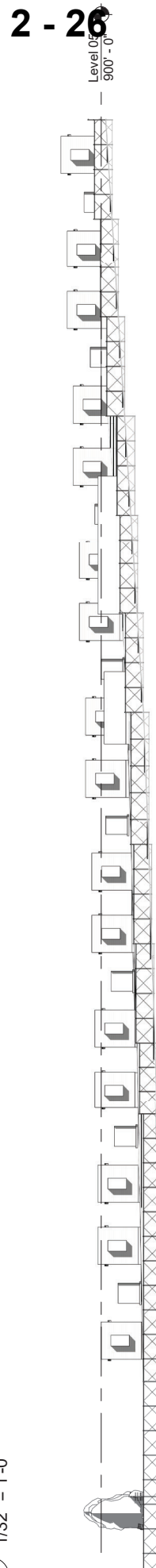




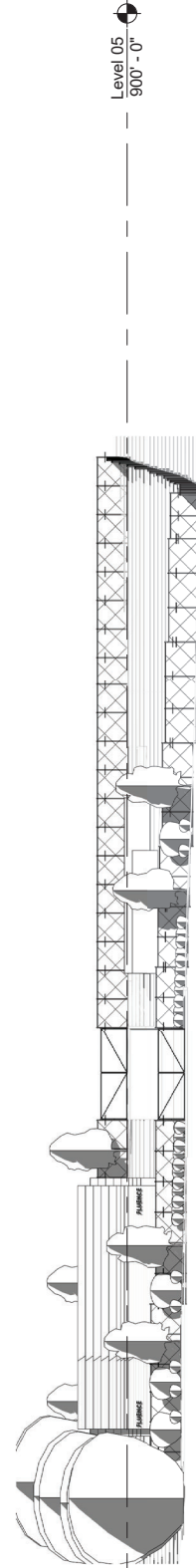
4 EAST ELEVATION  
1/32" = 1'-0"



3 SOUTH ELEVATION  
1/32" = 1'-0"



2 WEST ELEVATION  
1/32" = 1'-0"



1 NORTH ELEVATION  
1/32" = 1'-0"

Project Number: 19090.0000

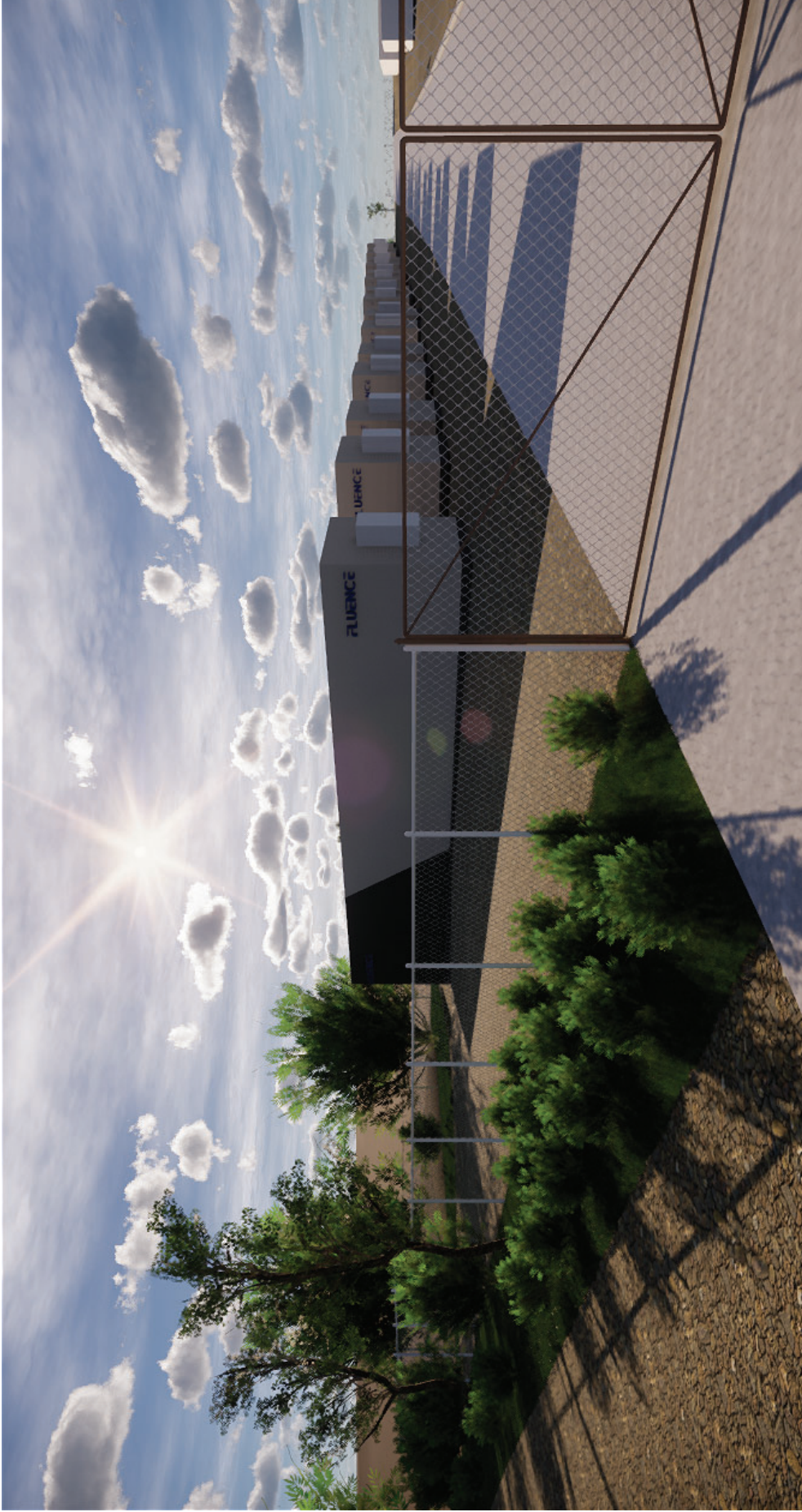


ELEVATIONS

05/11/2020

CORGAN





Project Number: 19090.0000



VIEW FROM NORTH

05/11/2020

**CORGAN**





Project Number: 19090.0000

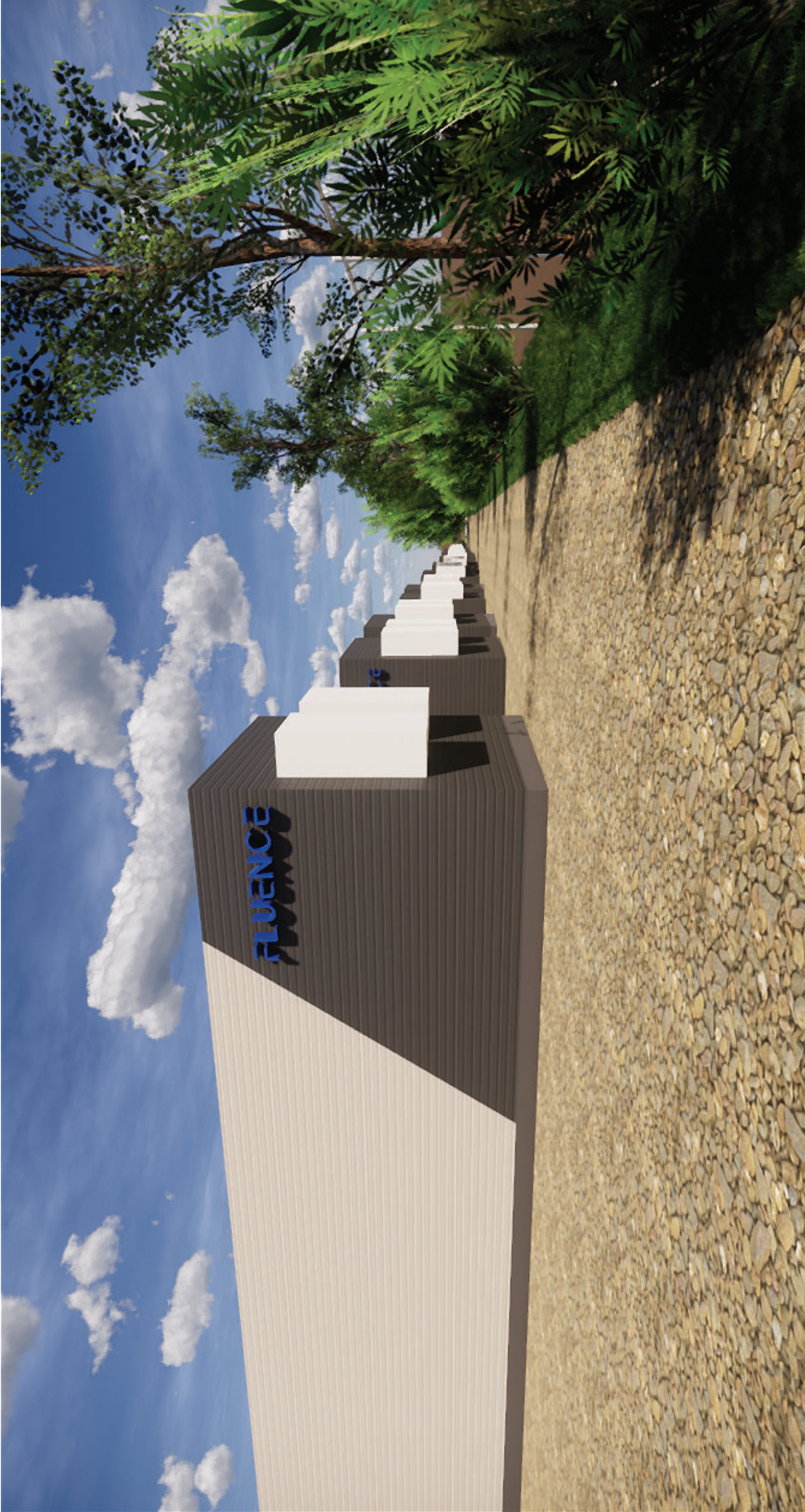


VIEW FROM NORTH-EAST

05/11/2020

**CORGAN**





Project Number: 19090.0000



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VIEW FROM SOUTH-EAST

05/11/2020

**CORGAN**





Project Number: 19090.0000



VIEW FROM SOUTH-WEST

05/11/2020

**CORGAN**



Project Number: 19090.0000



VIEW FROM WEST

05/11/2020

**CORGAN**















This Document was produced by or under the authority of Jeff Ozyen.





SHEET INDEX	
SHEET #	TITLE
1	PRELIMINARY GRADING PLAN
2	DETAILS AND SECTIONS

**LEGEND**

	GRAVEL FILL (4" MIN. OVER GEOTEXTILE AND FINISH TO 18" MIN)
	ORIG. GRADED BASE - 6" MIN THICK
	LANDSCAPING
	STORM DRAIN PIPE
	FIRE WATER LINE
	ELECTRIC LINE
	IRRIGATION LINE
	SEWER LINE
	GATE INLET
	FENCE
	SEALE
	PROPERTY LINE
	RIP RAP
	CURB AND GUTTER

**OWNER:**  
EES ENERGY - FALLBROOK SITE  
309 AND 1405 E. MISSION ROAD,  
FALLBROOK, CA 92028

**ARCHITECT:**  
ORGAN  
2045 EAST WATERFRONT DRIVE, SUITE 425  
LOS ANGELES, CA 90094  
(310) 873-3601

**CIVIL ENGINEER:**  
SOMAS  
3 HUTTON CENTRE DRIVE, SUITE 200  
SANTA ANA, CA 9207  
(714) 751-7373 Fax (714) 545-8883

APN: 105-410-11-00  
APN: 105-410-19-00

BASIS OF READINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 19, T. 9 S., R. 3 W., S.B.M. (CENTERLINE OF EAST MISSION ROAD), ACCORDING TO THE MAP NO. 11849 COUNTY OF SAN MATEO TRACT NO. 4533, I.E. N 89°54'17" W

FLOOD ZONE:

SUBJECT PROPERTY IS WITHIN ZONE - "X" PER FEDERAL EMERGENCY  
MANAGEMENT AGENCY (FEMA) FORM HAS NO CERTIFICATIONS. HAS BEEN MAY

6, 2012.

ZONE "X" DENOTES AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL

CHANCE FLOODPLAIN

**GRADING QUANTITIES:**

CUL: 1460 CY  
FILL: 70 CY  
WFT: 1700 CY FUDROZ

NET: 1390 CY EXPORT

**NOTES:**

1. THIS PLAN IS PROVIDED TO ALLOW FOR FULL AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT THE ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN VALID GRADING PERMISSIONS BEFORE COMMENCING SUCH ACTIVITY.

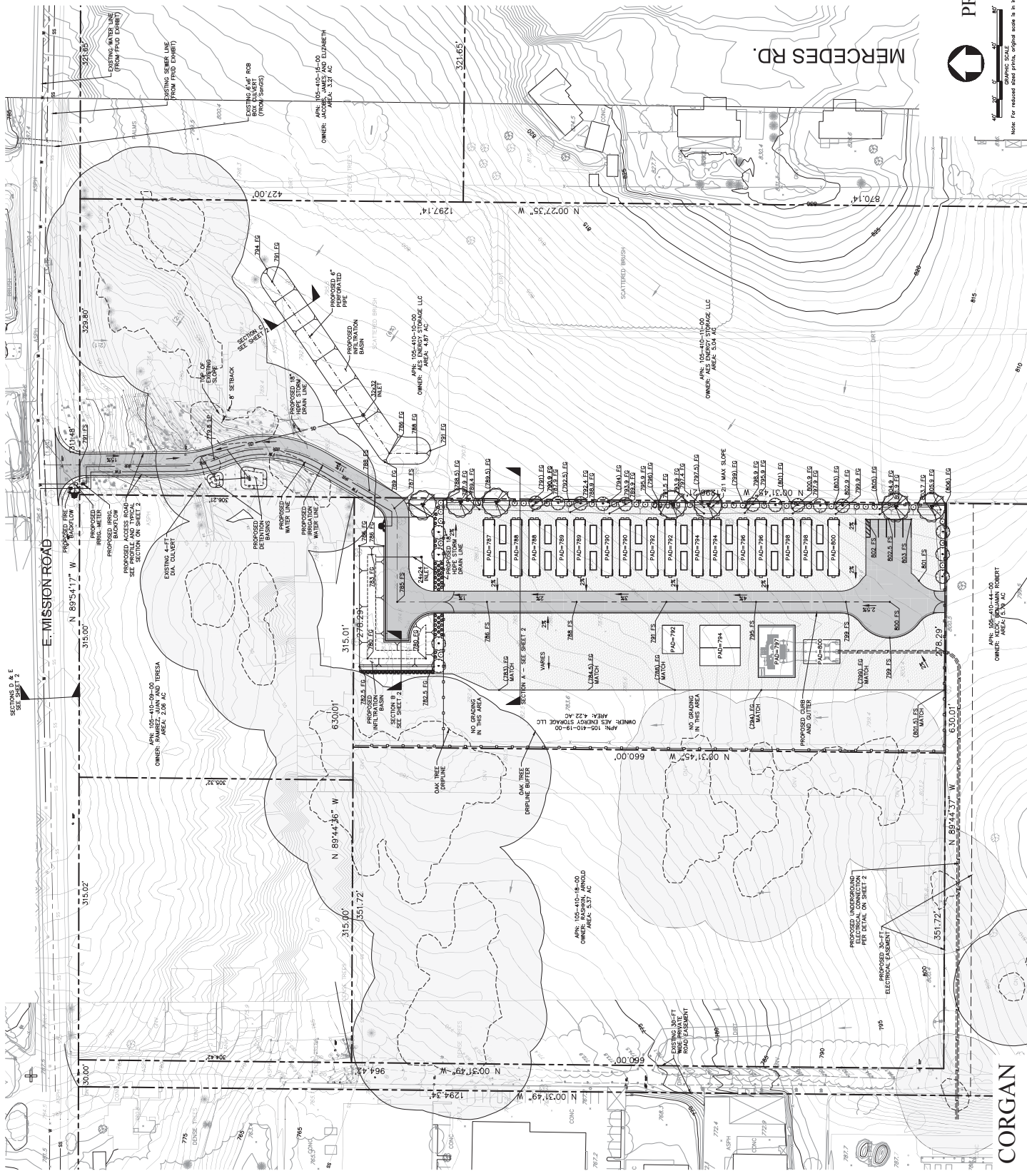
FALLBROOK

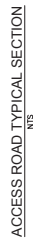
# ENERGY STORAGE PROJECT PRELIMINARY GRADING PLAN

**PSOMAS**

DATE: 4-8-19  
JOB No: 2COR090200

SHEET 1 OF 2





**Attachment B – Form of Decision  
Approving PDS2019-ZAP-19-001**





**County of San Diego**  
**PLANNING & DEVELOPMENT SERVICES**

MARK WARDLAW  
*Director*

KATHLEEN FLANNERY  
*Assistant Director*

5510 OVERLAND AVENUE, SUITE 110, SAN DIEGO, CALIFORNIA 92123  
INFORMATION (858) 694-2960  
TOLL FREE (800) 411-0017  
[www.sdcountry.ca.gov/pds](http://www.sdcountry.ca.gov/pds)

**COMMISSIONERS**

Michael Seiler (Chairman)  
Douglas Barnhart (Vice  
Chairman)  
Michael Beck  
Yolanda Calvo  
Michael Edwards  
David Pallinger  
Bryan Woods

June 26, 2020

**PERMITTEE:** AES FALLBROOK BATTERY ENERGY STORAGE LLC  
**MINOR USE PERMIT:** PDS2019-ZAP-19-001  
**E.R. NUMBER:** PDS2019-ER-19-02-001  
**PROPERTY:** 1405 E. MISSION RD, FALLBROOK  
**APN:** 105-410-19-00

**DECISION OF THE PLANNING COMMISSION**

This Minor Use Permit for ZAP-19-001 consists of fourteen (14) sheets including a site plan, conceptual landscape plan, and elevations. This permit authorizes construction and operation of a battery energy storage system (BESS) facility with a storage capacity of approximately 40 megawatts (MW). The BESS facility will consist of 16, 63-foot long, 12-foot wide, and 13-foot tall (756 sf each) battery storage containers on individual concrete equipment pads. In addition to the batteries, the system will contain 16 inverters/transformers (130 sf each) on individual concrete equipment pads, mechanical equipment such as electrical controls, and heating, ventilation, and air conditioning (HVAC) units. This permit authorizes the proposed use pursuant to Sections 1355, 2524, and 7350-7388 of the Zoning Ordinance.

The permit will be granted for a period of 20 years. Prior to the date of expiration, the applicant will be required to submit for a modification to the Use Permit or they will remove the batteries and associated infrastructure.

The granting of this permit also approves the Preliminary Grading Plan consisting of two (2) sheets. 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 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 \(Sec 87.701 et. al.\)](#).

**MINOR USE PERMIT EXPIRATION:** This Minor Use Permit shall expire on **February 5, 2023** at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Minor Use Permit has commenced prior to said expiration date.

**SPECIFIC CONDITIONS:** Compliance with the following Specific Conditions shall be established before the property can be used in reliance upon this Minor Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

**ANY PERMIT:** *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

**1. GEN#1–COST RECOVERY**

**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 evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust 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 trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

**2. GEN#2–RECORDATION OF DECISION**

**INTENT:** In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all-purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **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, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

**3. ROADS#1–RELINQUISH ACCESS**

**INTENT:** In order to promote orderly development and to comply with the [Mobility Element of the General Plan](#) access shall be relinquished. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **East Mission Road** with the exception of the driveway as shown on the approved plot plan. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. Only the one (1) access point is permitted along the frontage of the parcel onto **East Mission Road** as indicated on the approved plot plan.

**DOCUMENTATION:** The applicant shall prepare the legal descriptions of the easement(s), submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or

issuance of any permit, and prior to use of the premises in reliance of this permit the access shall be relinquished. **MONITORING:** The [DGS, RP] shall prepare the relinquishment documents and forward a copy of the documents to [PDS, LDR] for preapproval. [DGS, RP] shall forward copies of the recorded documents to [PDS, LDR]. The [PDS, LDR] shall review the documents for compliance with this condition.

#### 4. **ROADS#2–SIGHT DISTANCE**

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is a minimum unobstructed sight distance of 334 feet in the *East Bound (EB) direction* from the proposed driveway along **East Mission Road**. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is a minimum unobstructed sight distance of 424 feet in the *West Bound (WB) direction* from the proposed driveway along **East Mission Road**. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- c. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "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 any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

#### 5. **ROADS#3–LIEN AGREEMENTS**

**INTENT:** In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#), the [County of San Diego Public Road Standards](#), a lien agreement shall be executed in lieu of providing securities for the road improvements.

**DESCRIPTION OF REQUIREMENT:** Execute a lien agreement to improve **East Mission Road** to a one-half graded width of **fifty-nine feet (59')** with Portland cement concrete curb, gutter and sidewalk, asphalt concrete pavement over approved base, ornamental street light, asphalt concrete bicycle facility, asphalt concrete dike taper to existing pavement. The face of the curb shall be fifty-nine feet (59') from the ultimate centerline. All future road improvements shall be in compliance with the [County of San Diego Public Road Standards](#).

- a. Execute an Irrevocable Offer to Dedicate (IOD) real property ***East Mission Road***, for public road purposes, to the County of San Diego. The IOD shall provide a one-half right-of-way width of fifty-nine feet (59') from the ultimate centerline, plus slope rights and drainage easements for along the frontage of the project.

The lien agreement against the property shall be granted to the County of San Diego as security in lieu of the immediate installation of the full standard street improvements. It shall declare that present and future owners of this property construct the street improvements in the future and shall not be subordinate to any other lien or encumbrance on the property. **DOCUMENTATION:** The applicant shall execute the lien agreements and submit them to the [PDS, LDR] for review. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the lien agreements shall be executed and recorded. **MONITORING:** The [DGS, RP] shall prepare, approve the lien agreements for recordation, and forward the recorded copies to [PDS, LDR], for review and approval. The [PDS, LDR] shall review the lien agreements for compliance with this condition.

## 6. **CULT#1 - ARCHAEOLOGICAL MONITORING**

**INTENT:** In order to mitigate for potential impacts to undiscovered buried archaeological resources and human remains, an Archaeological 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 the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities related to ground disturbance. The archaeological monitoring program shall include the following:

- 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. The Project Archaeologist and Luiseno Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
  1. The Project Archeologist shall provide evidence that a Luiseno Native American has been contracted to perform Native American Monitoring for the project.
  2. The cost of the monitoring shall be added to the grading bonds or bonded separately.

**DOCUMENTATION:** The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate.

**TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** [PDS, PPD] shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, PPD] for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

## 7. **LNDSCP#1–LANDSCAPE DOCUMENTATION PACKAGE**

**INTENT:** In order to provide adequate Landscaping that provides screening, and to comply with the Fallbrook Design Guidelines, a landscape plan shall be prepared.

**DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), the COSD Grading Ordinance and the Fallbrook Design Guidelines. All Plans 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 and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit 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 PDS.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Parking areas shall be landscaped and designed pursuant to the [Off-street Parking Design Manual](#) and the County Zoning Ordinance Section 6793.b

**DOCUMENTATION:** The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to

use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

**8. BIO#1–BIOLOGICAL EASEMENT [PDS, FEE X 2]**

In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO), a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego, an open space easement, as shown on the approved plot plan. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcountry.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW or DPR.
- c. The continued access to and use and maintenance of the existing single-family home and associated utilities.

**DOCUMENTATION:** The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be recorded. **MONITORING:** The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] for pre-approval. The [PDS, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] [DPR, TC] for satisfaction of the condition.

**9. BIO#2–LBZ EASEMENT [PDS, FEE X 2]**



**INTENT:** In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO), a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the plot plan. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

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

**DOCUMENTATION:** The applicant shall prepare the draft plots and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the easements shall be recorded. **MONITORING:** The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] for pre-approval. The [PDS, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition.

#### 10. **BIO#3—OFFSITE MITIGATION [PDS, FEE X2]**

**INTENT:** In order to mitigate for the impacts to coast live oak woodland, which is a sensitive biological resource pursuant to the Resource Protection Ordinance (RPO) and the County's Guidelines for Determining Significance for Biological Resources, offsite mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit or provide for the conservation of habitat of 1.41 acres of coast live oak woodland, located at the Brook Forest Mitigation Bank or other mitigation bank in North San Diego County as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be approved by the California Department of Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
  1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
  2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
  3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.

4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in North San Diego County as indicated below:
1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
  2. 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. If the offsite mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of 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 purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
  5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

**DOCUMENTATION:** The applicant shall purchase the offsite mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [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. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.



**11. BIO#4—OPEN SPACE SIGNAGE [PDS, FEE]**

**INTENT:** In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the biological open space boundary as indicated on the approved Plot Plan for ZAP 19-001. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources  
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,  
Planning & Development Services  
Reference: ZAP 19-001

**DOCUMENTATION:** The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easement(s). **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the open space signs shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

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

**12. STRMWTR#1—STORMWATER MAINTENANCE DOCUMENTATION**

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. **DESCRIPTION OF REQUIREMENT:**

- a. Process a Stormwater Facilities Maintenance Agreement (SWMA) to assure maintenance of the Category 2 Structural BMPs and provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of DPW and/or PDS. The SWMA shall be signed and notarized by the applicant and recorded by the County.

**DOCUMENTATION:** The applicant shall process the agreement forms with [PDS, LDR] and pay any deposit and applicable review fees. **TIMING:** Prior to approval of any grading or improvement plan or construction permit, prior to use of the property in reliance of this permit; execution of the recorded agreements and securities shall be completed. **MONITORING:** The [PDS, LDR] shall review the agreements/mechanisms for consistency with the condition and County Standards.

**13. STRMWTR#2—EROSION CONTROL**

**INTENT:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [State](#)

[Construction General Permit, Order No. 2009-00090-DWQ](#), or subsequent order and the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), and all other applicable ordinances and standards for this priority project.

**DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided 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](#). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] 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 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 PDS and/or DPW by the date agreed.

**DOCUMENTATION:** The applicant shall process an Erosion Control Plan and provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR].

**TIMING:** Prior to approval of any grading or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the Erosion Control Plan shall be approved and the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the Erosion Control Plan adequately satisfies the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDC/] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

#### 14. **BIO#5–WETLAND PERMITS [PDS, FEE X2]**

**INTENT:** In order to comply with the State and Federal Regulations for jurisdictional water, the following agency permits, or verification that they are not required shall be obtained. **DESCRIPTION OF REQUIREMENT:** The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of PDS that such an agreement or permit is not required:

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

**DOCUMENTATION:** The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [PDS, PCC] for compliance. **TIMING:** Prior to approval of any grading and/or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The [PDS, PCC] shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans.

#### 15. AQ#1-CONSTRUCTION EXHAUST EMISSIONS

**INTENT:** In order to mitigate for exhaust emissions. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measure:

- a. The project shall require the construction contractor to provide a construction fleet that uses heavy-duty diesel-powered equipment equipped with Tier 3 diesel engines.
- b. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained in accordance with manufacturer's specifications before and for the duration of on-site operation.
- c. Simultaneous operation of multiple construction equipment units shall be minimized. During construction, vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.
- d. Construction equipment shall be outfitted with best available control technology (BACT) devices certified by the California Air Resources Board. A copy of each unit's BACT documentation shall be provided to the County of San Diego at the time of mobilization of each applicable unit of equipment.

**DOCUMENTATION:** The applicant shall comply with the Air Quality requirements of this condition. The applicant shall show compliance with this measure by providing the construction bid/estimate from the construction contractor that will be used. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The [DPW, PDCI] shall make sure that the construction contractor complies with the Air Quality requirement of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

#### 16. AQ#2-FUGITIVE DUST PLAN

**INTENT:** In order to mitigate for fugitive dust. **DESCRIPTION OF REQUIREMENT:** The project applicant or designee shall prepare and implement a Fugitive Dust Plan demonstrating compliance with San Diego Air Pollution Control District (SDAPCD) Rule 55 and County Code Section 87.428 (Grading Ordinance), to the satisfaction of the County. Measures shall include but not limited to:

- a. Water, or utilize another SDAPCD-approved dust control non-toxic agent on the grading areas at least three times daily to minimize fugitive dust.

- b. All main roadways shall be constructed and paved as early as possible in the construction process to reduce construction vehicle travel on unpaved roads.
- c. Building pads shall be finalized as soon as possible following site preparation and grading activities to reduce fugitive dust from earth moving operations.
- d. Grading areas shall be stabilized as quickly as possible to minimize fugitive dust.
- e. Chemical stabilizer shall be applied, a gravel pad shall be installed, or the last 100 feet of internal travel path shall be paved within the construction site prior to public road entry, and for all haul roads.
- f. Wheel washers shall be installed adjacent to the apron for tire inspection and washing prior to vehicle entry on public roads.
- g. Any visible track-out into traveled public streets shall be removed with the use of sweepers, water trucks or similar method within 30 minutes of occurrence.
- h. Sufficient perimeter erosion control shall be provided to prevent washout of silty material onto public roads.
- i. Unpaved construction site egress points shall be graveled to prevent track-out.
- j. Construction access points shall be wet-washed at the end of the workday if any vehicle travel on unpaved surfaces has occurred.
- k. Transported material in haul trucks shall be watered or treated with SDAPCD-approved non-toxic dust control agent.
- l. Haul trucks shall be covered or shall maintain at least two feet of freeboard to reduce blow-off during hauling.
- m. All soil disturbance and travel on unpaved surfaces shall be suspended if winds exceed 25 miles per hour (mph).
- n. On-site stockpiles of excavated material shall be covered.
- o. A 15-mph speed limit on unpaved surfaces shall be enforced.
- p. Haul truck staging areas shall be provided for loading and unloading of soil and materials.
- q. Construction Traffic Control Plans shall route delivery and haul trucks required during construction away from sensitive receptor locations and congested intersections to the extent feasible. Construction Traffic Control plans shall be finalized and approved prior to issuance of grading permits.

**DOCUMENTATION:** The applicant or designee shall comply with the Air Quality requirements of this condition. **TIMING:** The Fugitive Dust Plan shall be prepared prior to approval of any grading permits and the following actions shall occur throughout the duration of construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the applicant fails to comply with this condition.

#### 17. AQ#3- COUNTY CLIMATE ACTION PLAN SATISFACTION

**INTENT:** In order to comply with the County's Climate Action Plan (CAP) measures, the project shall include the following features. **DESCRIPTION OF REQUIREMENT:** The project shall implement or install the following measures or features as required within Step 2 of the CAP Measure Consistency Checklist.

- a. **Measure 6:** The project shall submit a Landscape Document Package that complies with the County's Water Conservation in Landscaping Ordinance and



demonstrates a 40 percent reduction in current Maximum Applied Water Allowance for outdoor use.

**DOCUMENTATION:** The applicant shall comply with the requirements of this condition.

**TIMING:** Prior to the approval of the final map and prior to the approval of any plan and issuance of any permit. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Plans for compliance with **Measure 6** of this condition.

**GRADING PLAN NOTES (THESE NOTES MUST BE PLACED ON ALL GRADING PLANS):**

**Archaeological Monitoring**

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

**(CULTURAL RESOURCES)**

**34. CULT#GR-1 - ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING**

**INTENT:** In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented.

**DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist and Luiseno Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Luiseno Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Luiseno Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Luiseno Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.

**(BIOLOGICAL RESOURCES)**

**35. BIO#6–TEMPORARY FENCING [PDS, FEE]**

**INTENT:** In order to prevent inadvertent disturbance to coast live oak woodland, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and/or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the

fencing shall be removed. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to Preconstruction Conference, and 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 [PDS, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.”

**36. BIO#7–RESOURCE AVOIDANCE [PDS, FEE X2]**

**INTENT:** In order to avoid impacts to migratory birds, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act, a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed during the breeding season of migratory bird and raptors. The breeding season is defined as occurring between February 15th and August 31<sup>st</sup>. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no raptors are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

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

**(CULTURAL RESOURCES)**

**37. CULT#GR-2 - ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Luiseno Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. **Monitoring.** During the original cutting of previously undisturbed deposits, the Project Archaeologist and Luiseno 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 Luiseno Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor.

**b. Inadvertent Discoveries.** In the event that previously unidentified potentially significant cultural resources are discovered:

1. The Project Archaeologist or the Luiseno 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.
2. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
3. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Luiseno Native American Monitor, shall determine the significance of the discovered resources.
4. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
5. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Luiseno Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
6. If cultural resources are determined to be significant, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Luiseno Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

**c. Human Remains.** If any human remains are discovered:

1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Luiseno Native American monitor.
3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).
4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human

remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

- d. **Fill Soils.** The Project Archaeologist and Luiseno Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.

**DOCUMENTATION:** The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **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, PPD] if the Project Archeologist or applicant fails to comply with this condition.

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

## **(CULTURAL RESOURCES)**

### **38. CULT#GR-3 - ARCHAEOLOGICAL MONITORING – ROUGH GRADING**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

- a. **No Archaeological Resources Encountered.** If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Native American Monitor must be included in the Negative Monitoring Report.
- b. **Archaeological Resources Encountered.** If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.

**DOCUMENTATION:** The applicant shall submit the Archaeological Monitoring Report to [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and any culturally-affiliated Tribe who requests a copy. **TIMING:** Upon completion of all earth-disturbing activities, and prior to

Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** [PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

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

**(CULTURAL RESOURCES)**

**39. CULT#GR-4 - ARCHAEOLOGICAL MONITORING – FINAL GRADING**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological 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 earth-disturbing activities. The report shall include the following, if applicable:

a. Department of Parks and Recreation Primary and Archaeological Site forms.

b. Daily Monitoring Logs

c. Evidence that all cultural materials have been conveyed as follows:

- (1) Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal 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 or culturally affiliated Native American Tribal 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 the prehistoric archaeological materials have been received and that all fees have been paid.

**OR**

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity and shall be accompanied by payment of the fees necessary, if required. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. 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 the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

**DOCUMENTATION:** The applicant's archaeologist shall prepare the final report and submit it to *[PDS, PPD]* for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC), the Pechanga Band of Luiseno Indians, the Rincon Band of Luiseno Indians, the San Luis Rey Band of Mission Indians, and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** *[PDS, PPD]* shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, *[PDS, PPD]* 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, PPD]* shall inform *[PDS or DPW FISCAL]* to release the bond back to the applicant.

## (BIOLOGICAL RESOURCES)

### 40. **BIO#8–OPEN SPACE SIGNAGE & FENCING [PDS, FEE]**

**INTENT:** In order to comply with Conditions BIO#4 the signage shall be installed.

**DESCRIPTION OF REQUIREMENT:** The permanent fences and open space signs shall be placed along the open space boundary as shown on these plans and the approved Conceptual Grading and Development Plan for ZAP 19-001.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

#### **Sensitive Environmental Resources Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,  
Planning & Development Services  
Reference: ZAP 19-001

**DOCUMENTATION:** The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the *[PDS, PCC]*. **TIMING:** Prior to the occupancy of any structure or use of the premises and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)) the fencing and signage shall be installed. **MONITORING:** The *[PDS, PCC]* shall review the photos and statement for compliance with this condition.

**41. BIO#9-EASEMENT AVOIDANCE [PDS, FEE]**

**INTENT:** In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **DESCRIPTION OF REQUIREMENT:** The easement indicated on this plan is for the protection of sensitive environmental resources including coast live oak woodland and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcountry.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW or DPR.
- c. The continued access to and use and maintenance of the existing single-family home and associated utilities.

**DOCUMENTATION:** The applicant shall provide a letter statement to the [PDS, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred.

**TIMING:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **MONITORING:** The [DPW, PDC] shall not allow any grading, clearing or encroachment into the open space easement.”

**(GEOLOGICAL RESOURCES)****42. GEO#1-GEOTECHNICAL MONITORING**

**INTENT:** In order to identify areas of highly expansive soils and determine the actual expansion/compression potential of finish-grade soils during grading. **DESCRIPTION OF REQUIREMENT:** A geotechnical consultant in the field shall perform geotechnical observation and/or laboratory testing during grading to identify areas of highly expansive soils and determine the actual expansion/compression potential of finish-grade soils. All compressible soils in areas of proposed development or future fill shall be removed and soils shall be recompacted during grading. **DOCUMENTATION:** The applicant shall prepare a certified summary of their findings on the removal and recompaction measures. The findings shall be reviewed and approved by the Director of the County Department of Planning & Development Services or designee. **TIMING:** Prior to approval of final

inspection of site grading for each phase of the affected areas of the proposed project.  
**MONITORING:** [PDS] shall review the geotechnical findings for compliance with this condition.

\*\*\*\*\*END OF GRADING PLAN NOTES\*\*\*\*\*

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

**18. GP#1-TEMPORARY CONSTRUCTION NOISE: [DPW, PDCI].**

**INTENT:** In order to minimize temporary construction noise for grading operations associated with ZAP-19-001. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following temporary construction noise control measures and shall comply with the eight hour average sound level of 75 dBA pursuant to Noise Ordinance Section 36.408 & 36.409:

- a. Turn off equipment when not in use.
- b. Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.
- c. Use equipment with effective mufflers
- d. Minimize the use of back up alarm.
- e. Equipment staging areas should be placed at locations away farthest away from noise sensitive receivers as deemed feasible.
- f. Temporary construction equipment operations shall comply with the County Noise Ordinance Sections 36.408, 409, and 410.

**DOCUMENTATION:** The applicant shall comply with the temporary construction noise measures and the County Noise Ordinance as described within this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction and construction equipment operations. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the construction noise control measures of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

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

**19. GEO#1–GEOTECHNICAL MONITORING**

**INTENT:** In order to identify areas of highly expansive soils and determine the actual expansion/compression potential of finish-grade soils during grading. **DESCRIPTION OF REQUIREMENT:** A geotechnical consultant in the field shall perform geotechnical observation and/or laboratory testing during grading to identify areas of highly expansive soils and determine the actual expansion/compression potential of finish-grade soils. All compressible soils in areas of proposed development or future fill shall be removed and soils shall be recompacted during grading. **DOCUMENTATION:** The applicant shall prepare a certified summary of their findings on the removal and recompaction measures. The findings shall be reviewed and approved by the Director of the County Department of Planning & Development Services or designee. **TIMING:** Prior to approval of final inspection of site grading for each phase of the affected areas of the proposed project.



**MONITORING:** [PDS] shall review the geotechnical findings for compliance with this condition.

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

**20. GEN#3-INSPECTION FEE**

**INTENT:** In order to comply with Zoning Ordinance Section 7362.e, the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZC] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid along with updated contact information [PDS, PCC]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

**21. CULT#2 - CULTURAL RESOURCES MONITORING REPORT**

**INTENT:** In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological 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. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been conveyed as follows:
  - (1) All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal 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 the prehistoric archaeological materials have been received and that all fees have been paid.

Or

Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2) Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. 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 the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading 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, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC), the Pechanga Band of Luiseno Indians, the Rincon Band of Luiseno Indians, the San Luis Rey Band of Mission Indians, and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] 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, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

## 22. PLN#1–SITE PLAN IMPLEMENTATION

**INTENT:** In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Minor Use Permit plot plan and the building plans. This includes, but is not limited to: improving all parking areas and driveways, installing all required design features, painting all structures with the approved colors, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

## 23. ROADS#4–ANNEX TO LIGHTING DISTRICT

**INTENT:** In order to promote orderly development and to comply with the Street Lighting Requirements of the County of San Diego Board Policy I-18 and [The County of San Diego Public Road Standards](#), the property shall transfer into the Lighting District. **DESCRIPTION OF REQUIREMENT:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **DOCUMENTATION:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [PDS, LDR]. The applicant shall provide the receipt to [PDS, PCC]. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use in the premises in reliance of this permit, the

fee shall be paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

**24. STRMWTR#3–VERIFICATION OF STRUCTURAL BMPs**

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), verification of Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Complete a Structural BMP Verification Form as shown in Attachment 4 of the PDP SWQMP. **DOCUMENTATION:** The applicant shall process the Structural BMP Verification Forms with [DPW, PDC] or [PDS, BLDG]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; execution of the Structural BMP Verification Form shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the Structural BMP Verification Forms for consistency with the condition and County Standards.

**25. STRMWTR#4–PROVISION OF STORMWATER DOCUMENTATION TO PROPERTY OWNER**

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), stormwater documentation shall be provided to property owner. **DESCRIPTION OF REQUIREMENT:** Demonstrate that copies of the following documents are provided to the property owner and initial occupants:

- a. A copy of the project's approved SWQMP (with attached Operation & Maintenance Plan).
- b. A copy of project's recorded Maintenance Notification Agreement and/or Stormwater Facilities Maintenance Agreement and/or Private Road Maintenance Agreement showing the Structural BMPs pertaining to the property.
- c. Sample copies of the following:
  - 1) A Letter for Privately Owned Stormwater Treatment Control Best Management Practices Operation and Maintenance Verification.
  - 2) One Operation and Maintenance Verification Form for each type of Private Treatment Control BMP.

**DOCUMENTATION:** The applicant shall submit a letter stating that the above documentation has been submitted to the property owner and initial occupants. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; provision of stormwater documents shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the letter provided by the applicant for consistency with the condition and County Standards.

**26. LNDSCP#2–CERTIFICATION OF INSTALLATION**

**INTENT:** In order to provide adequate Landscaping that provides screening, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), the COSD Grading ordinance and the Fallbrook Design Guidelines, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417](#)

[and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [PDS LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

## 27. HAZ#1–HEALTH AND SAFETY PLAN

**INTENT:** In order to protect workers from hazardous chemicals and to notify the public of potential hazardous chemicals and substances and to comply with the [California Health and Safety Code, Chapter 6.95](#), a Health and Safety Plan and a Hazardous Materials Business Plan (HMBP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** A Health and Safety Plan and A HMBP that outlines worker safety and personal protection equipment appropriate for the chemicals of concern (i.e., TPH, VOCs, arsenic and lead) and the construction activities planned for the site regarding all on-site storage, handling, and disposal of potentially hazardous substances, such as ground fuel storage and contaminated soil storage. The plan shall be approved by [DEH, HMD]. **DOCUMENTATION:** The applicant shall provide copies of the Health and Safety Plan, and HMBP to [DEH, HMD] for review and approval. Evidence shall be in the form of a letter from the county of San Diego, DEH, Hazardous Materials Division, stating that the appropriate DEH, State and/or Federal permits are being pursued or have been obtained or that no further permits are required. **TIMING:** Prior to occupancy of the first structure built in association with this permit, the Health and Safety Plan, and HMBP shall be prepared, approved and implemented. **MONITORING:** [DEH, HMD] shall verify and approve the Health and Safety Plan, and HMBP for compliance with this condition.

## 28. GEN-TIE LINE GRADING

**INTENT:** In order to allow the placement of the 69kV generation tie line within private properties and in accordance with the [County of San Diego Grading Ordinance](#), a grading permit shall be obtained. **DESCRIPTION OF REQUIREMENT:** The undergrounding shall meet or exceed the requirements set forth in the San Diego County Design Standards and San Diego Regional Standard Drawings M-15, M-22, and M-23 to the satisfaction of [PDS, LDR]. **DOCUMENTATION:** The applicant shall obtain the grading permit and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to [PDS, LDR]. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, or use of the premises in reliance of this permit, the offsite grading permit for gen-tie shall be obtained. **MONITORING:** [PDS, LDR] shall review the permit for compliance with this condition and the applicable improvement plans, and implement any conditions of the permit in the County improvement plans.



**ONGOING:** *(Upon establishment of use the following conditions shall apply during the term of this permit).*

**29. NOISE#1–ON-GOING SOUND LEVEL COMPLIANCE: [PDS, CODES] [OG]**

**INTENT:** In order to comply with the applicable sections of Title 3, Division 6, Chapter 4 (County of San Diego Noise Ordinance), the site shall comply with the requirements of this condition. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following requirements: Minor Use Permit associated activities shall comply with the one-hour average sound level limit property line requirement pursuant to the County Noise Ordinance, Section 36.404. This includes (but not limited to) generator and air conditioner units. **DOCUMENTATION:** The property owner(s) and applicant shall conform to the ongoing requirements of this condition. Failure to conform to this condition may result in disturbing, excessive or offensive noise interfering with a person's right to enjoy life and property and is detrimental to the public health and safety pursuant to the applicable sections of Chapter 4. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The *[PDS, Code Compliance Division]* is responsible for enforcement of this permit.

**30. PLN#4–SITE CONFORMANCE**

**INTENT:** In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved building plans, and plot plan(s). This includes but is not limited to maintaining the following: all parking and driveways areas, painting all necessary aesthetics design features, , and all lighting, and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The *[PDS, Code Compliance Division]* is responsible for enforcement of this permit.

**31. ROADS#5–SIGHT DISTANCE**

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, an unobstructed sight distance shall be maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance of 334 feet in the East Bound (EB) direction and 424 feet in the West Bound (WB) direction along **East Mission Road** from the project driveway openings for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The *[PDS, Code Compliance Division]* is responsible for compliance of this permit.

**32. STRMWTR#5–SELF-VERIFICATION OPERATION AND MAINTENANCE LETTER**

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), an operation and maintenance verification form for each Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Every year the property owner shall receive from the County a BMP Verification Form to be completed for each privately owned Structural BMP. **DOCUMENTATION:** Every year the property owner shall file with the County the completed Structural BMP Verification Form stating the maintenance performed during the reporting period for each privately owned Structural BMP with [DPW, WPP]. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [DPW, WPP] is responsible for compliance of this permit.

### 33. FIRE#1–ON-GOING FIRE PROTECTION

**INTENT:** In order to comply with the [County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707](#), the site shall comply with the approved Fire Protection Plan (FPP). **DESCRIPTION OF REQUIREMENT:** The following measures approved in the FPP shall be implemented and maintained:

- a. A minimum vertical clearance of 13 feet 6 inches shall be maintained for the entire required width of fire access roads.
- b. A minimum 100-foot Fuel Management Zone will be established and maintained around all structures over 250 square feet in size.
- c. All proposed structures shall have automatic fire sprinklers per County Code or County Consolidated Code requirements.” The containers will be equipped with Fire suppression systems, (clean agent Novec 1230 in a tank connected to nozzles and designed to flood the entire container during fire event) with early smoke detection, alarms and remote monitoring. The fire protection system plans will be submitted to North County Fire for approval.
- d. There will be a gate that shall have a North County Fire approved Knox box key opener installed. An exit loop will also be installed.
- e. All structures shall comply with the ignition-resistive construction requirements: Wildland- Urban Interface areas of Chapter 7A of the County Building Code. The layout includes: (16) containers on individual concrete equipment pads; (16) inverters/transformers on individual concrete equipment pads.

**DOCUMENTATION:** The applicant shall comply with the requirements of the FPP and this condition for the life of this permit. **TIMING:** Upon establishment of the use, the conditions of the FPP shall be complied with for the term of this permit. **MONITORING:** The [PDS, PCC] shall verify that the mitigation measures have been implemented pursuant to the approved building plans and the FPP. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit. The North County Fire Protection District shall be responsible for long-term implementation of fire clearing requirements.

### 34. ROADS#6–PRIVATE ROAD MAINTENANCE

**INTENT:** In order to ensure that the on and offsite private roads are maintained and not damaged during construction and during the term of the permit, the applicant shall assume responsibility. **DESCRIPTION OF REQUIREMENT:** The applicant is responsible for the repair of any damage caused by this Project during construction and the term of this permit to on-site and offsite private roads that serve the Project. Furthermore, the applicant is responsible for maintenance on a proportional basis (number of trips) during

the term of this permit to on-site and offsite private roads that serve the Project. **DOCUMENTATION:** The applicant shall assume responsibility pursuant to this condition. **TIMING:** Upon establishment of use, this condition shall apply during the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

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

**STORMWATER ORDINANCE COMPLIANCE:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, 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 during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. 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. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

[http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED\\_PROTECTION\\_PROGRAM/susmppdf/lid\\_handbook\\_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf)

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

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

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

**GRADING PERMIT REQUIRED:** A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill, pursuant to [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 PDS Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate County 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 is required for any and all proposed/existing facilities within the County right-of-way. **East Mission Road** is shown as a road on the Mobility Element of the County General Plan. 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:** An excavation permit is required 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](#). The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

**NOISE ORDINANCE COMPLIANCE:** In order to comply with the [County Noise Ordinance 36.401](#) et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), the property and all of its uses shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to noise generating devices or activities. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

**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.



**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: 6010 Hidden Valley Rd, Suite 105, Carlsbad, CA 92011-4219; (858) 674-5386; <http://www.usace.army.mil/>

Regional Water Quality Control Board: 9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340; (858) 467-2952; <http://www.waterboards.ca.gov/sandiego/>

California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 467-4201; <http://www.dfg.ca.gov/>

**NOTICE:** Fish and Wildlife Fees have been paid in the amount of \$\_\_\_\_\_ for the review of the EIR, Receipt numbers \_\_\_\_\_, dated \_\_\_\_\_.

**LIGHTING ORDINANCE COMPLIANCE:** In order to comply with the [County Lighting Ordinance 59.101](#) et seq. and Zoning Ordinance Sections 6322, 6324, and 6326, the onsite lighting shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to the [County Lighting Ordinance 59.101](#) et seq. and Zoning Ordinance Sections 6322, and 6324. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to lighting. No additional lighting is permitted. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

**COMPLIANCE INSPECTION:** In order to comply with Zoning Ordinance Section 7362.e the County shall inspect the Use Permit property for compliance with the terms of this Use Permit. The County Permit Compliance Officer will perform a site inspection and review the on-going conditions associated with this permit. The inspection shall be scheduled no later than the six months subsequent to establishing the intended use of the permit. If the County determines the applicant is not complying with the Major Use Permit terms and conditions the applicant shall allow the County to conduct follow up inspections more frequently than once every twelve months until the County determines the applicant is in compliance. The Property Owner/Permittee shall allow the County to inspect the property for which the Major Use Permit has been granted, at least once every twelve months, to determine if the Property Owner/Permittee is complying with all terms and conditions of the Use Permit. This requirement shall apply during the term of this permit.

## MINOR USE PERMIT FINDINGS

Pursuant to Section 7358 of the Zoning Ordinance, the following findings in support of the granting of the Minor Use Permit are made:

- (a) *The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to*

1. *Harmony in scale, bulk, coverage, and density*

### Scale and Bulk

The Fallbrook Battery Energy Storage System (BESS) would utilize batteries and control systems contained within an approximately 660-foot by 278-foot (179,568 square foot) fenced area. The proposed BESS would consist of 16, 63-foot long, 12-foot wide, and 13-foot tall (756 square foot each) battery storage containers on individual concrete equipment pads. In addition to the batteries, the system would contain 16 inverters/transformers (130 sf each) on individual concrete equipment pads, mechanical equipment such as electrical controls, and heating, ventilation, and air conditioning (HVAC) units. The battery storage containers would comply with the 35-foot height limit and floor-area-ratio.

### Coverage

The area of new impervious surface would be 1.17 acres. The site is designated for a max floor area ratio (FAR) of 60%. The proposed BESS and associated equipment will have 14,176 square feet, which equates to a FAR of 7%. This is below the maximum allowable FAR for the site. The proposed lot coverage of the project would be compatible with surrounding lot coverage in the area.

### Density

The project does not have a residential component subject to density regulations.

2. *The availability of public facilities, services, and utilities*

The Fallbrook Public Utility District provided a water Service Availability Form for the proposed project which indicates that there is adequate water capacity and service for the proposed project. The project will not have an on-site private septic system or require sewer services. No bathroom facilities are proposed as part of the project. The North County Fire Protection District has indicated that there are adequate services and acceptable response time for the proposed project. Since the project does not include any on-site permanent workers, the project would not require new or expanded school facilities or result in an increase in demand for other services.

All necessary public facilities, services, and utilities are available for the project.

3. *The harmful effect, if any, upon desirable neighborhood character:*

The project would not adversely affect the character of the surrounding land uses as it is relatively small in scale and bulk in comparison to the adjacent industrial complex. The character of the surrounding area can be described as rural residential and industrial. This project encompasses both of these community characteristics by utilizing the Limited Industrial (M52) use designation while also limiting the change in the natural appearance of existing landforms, promoting the rural characteristic of the site. This is expected to be accomplished by designing the BESS to conform to the natural topography of the site to the maximum extent practicable. Battery storage containers and inverters/transformers will be placed on individual concrete equipment pads to allow for incorporation of the elevation change of the natural topography. To screen the project from East Mission Road, as well as from the east and south residences, landscaping will be utilized and maintained on the site.

In addition, the project would be in compliance with Fallbrook Community Design Guidelines and the Design Review Checklist for industrial developments, including landscaping and color scheme requirements, per consultation with the Fallbrook Community Design Group.

4. *The generation of traffic and the capacity and physical character of surrounding streets:*

Access to the site is to be provided off E. Mission Rd. The Battery Energy Storage System would be remotely operated by SDG&E personnel. The long-term operational workforce would include maintenance staff who would maintain the facilities and landscaping on a periodic basis over the project life. The project would also require a four-person crew for maintenance visits twice a month on average. The project would include five parking spaces for the part-time staff who would perform routine maintenance activities on a periodic (monthly) basis.

The width of the project access road would total 24 feet, including a three-point hammerhead turnaround at the northern end of the facility. The 24-foot wide driveway heads south through the center of the facility and terminates with a 40-foot radius cul-de-sac at the southern end of the facility. The grade of the roadway would range from 15 percent in the northern portion near East Mission Road, to 11 percent in the southern portion near the project site. Roadway surface materials would consist of asphalt concrete (AC)/aggregate base (AB).

5. *The suitability of the site for the type and intensity of use or development, which is proposed:*

The BESS facility is a suitable use for the property, taking the General Plan and local context of land uses into consideration.

The site is designated as limited Industrial (M52) to allow for the proposed use with the approval of a Minor Use Permit (ZAP). The BESS will help SDG&E meet their energy storage mandate per California state law AB 2514 while also providing local area capacity for electrical system reliability and flexibility.

The surrounding area consists of both industrial and residential use regulators. To the West there is approximately 54 acres of developed land designated as M52. Current uses in the existing industrial complex include churches, an animal hospital and industrial uses such as welding and sign shops and a fabricator. To the North, South and West the predominate use regulator is Rural Residential (RR) allowing for Single-Family Residences. The site, as discussed in Finding a3, utilizes the designated land use but designs the project to reduce any detriment to community character. Utilizing existing topography and incorporating landscaping to shield the project is a way of blending with the surrounding residential development.

The applicant attended the Fallbrook Community Planning Group (FCPG) on two different occasions during project processing. On February 18, 2019, the FCPG voted to recommend approval of the project unanimously with the following conditions:

1. The County should, after reviewing the application and the considerations of the FCPG and community considerations, determine whether or not the applicant should be requesting a Major Use Permit or Minor Use Permit;
2. The applicant and County should assess the impact of the facility on the Lavender Hill Charter School a short distance from the project site;
3. The approval by the FCPG is for the project as presented and future decisions will be based on signage, landscaping and other design considerations;
4. The Planning Group requires a reclamation plan for decayed batteries at they near the end of their useful life;
5. The Planning Group requests information pertaining to the traffic anticipated at the site over a month;
6. The parties (Arnold Raskin, Fluence/AES and SDG&E) should work together to facilitate access to the adjacent parcel.

On October 21, 2019, the applicant attended the FCPG meeting as a non-voting item to address the above concerns. The following are responses to the FCPG's concerns that were presented at this meeting:

1. The proposed use is considered a Minor Impact Utility and pursuant to the County Zoning Ordinance Section 2524, a Minor Use Permit is required in a Limited Industrial Zone (M52).

2. In response to the concerns, an offsite hazard analysis was conducted to determine any potential impacts on the Lavender Hill Charter School. The offsite hazard analysis reviewed and accepted by SDG&E found that was no danger any nearby schools.
3. The applicant worked with the North County Fire Protection District to ensure that existing residences are adequately screened from the project and that the landscaping does not present any additional fire risk. Landscaping is conditioned to be maintained while the project is in operation.
4. The permit is limited to 20 years and is also conditioned to have a hazardous materials business plan for when the batteries are nearing the of their useful life. If they wish to extend the permit, the applicant will be required to process a Minor Use Permit modification.
5. There are only two to four trips a month anticipated for this project for maintenance of the site.
6. SDG&E and the applicant reached out to Mr.Raskin to talk about potential options for access to his parcel. At the time of this report, no agreement has been made.

Therefore, the type and intensity of the proposed use would be harmonious with the surrounding area.

6. *Any other relevant impact of the proposed use:*

None.

- (b) *The impacts, as described in Findings (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan:*

The site is designated Limited-Impact Industrial (I-1) per the County General Plan. This designation provides for both freestanding and campus-style industrial development in Village and Semi-Rural areas with access to key transportation corridors at a maximum FAR of 60%. The project would create 1.17 acres of impervious area over a 4.22-acre site. The FAR would amount to approximately 7%, which is below the County General Plan's allowed FAR of 60%. Typical uses within this designation include light manufacturing, processing, and assembly, all within enclosed buildings, with no exterior indications of such activity or need for outdoor storage. This designation allows for such uses to be located in close proximity to residential and commercial designations in Village and Semi-Rural areas with suitable screening and buffering. The project site lies within Village boundaries and will not only be fully fenced but landscaping will be incorporated and designed to screen the proposed project facilities from East Mission Road, as well as from the east and the south. Therefore, for the reasons stated above, the project is consistent with the San Diego County General Plan.

- (c) *That the requirements of the California Environmental Quality Act have been complied with:*



The project has been reviewed for compliance with CEQA, and an MND was prepared for the project. The MND found that the project, with incorporation of mitigation measures for biological resources, cultural resources, and hazards would not cause any significant effects on the environment. Mitigation for all resources have been incorporated as conditions of approval.

**ORDINANCE COMPLIANCE NOTIFICATIONS:** 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:

**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 \(SDRWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, 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 during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. 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. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

[http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED\\_PROTECTION\\_PROGRAM/susmppdf/lid\\_handbook\\_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf)

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

**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 PDS Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate County 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.

**EXCAVATION PERMIT REQUIRED:** An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

**NOISE ORDINANCE COMPLIANCE:** In order to comply with the [County Noise Ordinance 36.401](#) et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), the property and all of its uses shall comply with the approved plot plans, specific permit conditions and approved building plans associated with this permit. No noise generating equipment (including HVAC units and pool equipment) and project related noise sources shall produce noise levels in violation of the County Noise Ordinance. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to noise generating devices or activities. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

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

**Notice:** The subject property contains habitat which may be used for nesting by migratory birds. Any grading, brushing or clearing conducted during the migratory bird breeding season, February 1 – August 31, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act. The applicant may submit evidence that nesting or breeding migratory birds will not be affected by the grading, brushing or clearing to these agencies: California Department of Fish and Wildlife, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201, <http://www.dfg.ca.gov/>; and United States Fish and Wildlife Service, 6010 Hidden Valley Rd, Carlsbad, CA 92011-4219, (760) 431- 9440, <http://www.fws.gov/>.

**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.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA

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

**APPEAL PROCEDURE:** Within ten calendar days after the date of this Decision of the Planning Commission, the decision may be appealed to the Board of Supervisors in accordance with [Section 7366 of the County Zoning Ordinance](#). An appeal shall be filed with the Director of Planning & Development Services or by mail with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice 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. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

COUNTY OF SAN DIEGO PLANNING COMMISSION  
MARK WARDLAW, SECRETARY

BY:

Darin Neufeld, Chief  
Project Planning Division  
Planning & Development Services

cc:

AES Energy Storage LLC; 4300 Wilson Blvd, Arlington, VA 22203; P: (562) 577-7706

## **Attachment C – Appeal Form**



County of San Diego, Planning & Development Services  
**APPEAL APPLICATION**  
 ZONING DIVISION

**APPEAL TO:**

- ☐ Board of Supervisors  
☒ Planning Commission  
☐ Administrative Appeal  
 (Requires Deposit & PDS-346)

**FOR OFFICIAL USE ONLY**

1027  
H2

Code \_\_\_\_\_ Fee \_\_\_\_\_ Record ID **ZAP-19-001**

Thomas Guide Map

Community Plan Area **Fallbrook**

General Plan Designation **Limited Impact Industrial** Zone **M52**

**APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE**

1305 East Mission Rd. Fallbrook 92028				105-410-18	
Site Address		Number	Street	City	Zip
Rashkin		Arnold	L		
Appellant's Name		Last	First	Middle	
2652 Dos Lomas					
Mailing Address		Number	Street		
Fallbrook		92028			
		City	Zip		
760-212-0584					
Telephone					

Rashkin Arnold L				105-410-18	
Owner's Name		Last	First	Middle	
2652 Dos Lomas					
Mailing Address		Number	Street		
Fallbrook		92028			
		City	Zip		
760-212-0584					
Telephone					

**REQUEST:** Clearly define all items requested in the appeal. Submit plans if necessary, to illustrate request.

The Applicant and I are in discussions on PDS 2019-ZAP-19-001 in an effort to reach an Agreement that will allow me to develop my Industrial Land M52 Zoned Parcel. If we do not reach an Agreement before the Appeal date, I will request that full County Industrial Road Improvements and a Major Use Permit be required by SDG&E, the real Applicant for this Project

**JUSTIFICATION:** Attach additional sheets if necessary.

See my Submitted Letters Dated January 17, 2019, January 30, 2020 and February 3, 2020 with Exhibits. There is Justification from past Fallbrook Projects to require County Industrial Road Improvements and A Major Use Permit for this Project.

Arnold L. Rashkin  
 Signature of Appellant

\_\_\_\_\_  
 If Company Officer – indicate Company Name and function  
 (Please print)

----- OFFICIAL USE ONLY -----

SDC PDS RCVD 02-18-20

**ZAP19-001**

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

HTTP://WWW.SDCPDS.ORG





Arnold Rashkin  
2652 Dos Lomas  
Fallbrook, CA 92028  
January 17, 2019  
ALRashkin @AOL.com  
(760) 212-0584

Nicholas Koutoufidis  
County of San Diego  
Department of Planning and Development Services  
E-Mail Nicholas [koutoufidis@sdcounty.ca.gov](mailto:koutoufidis@sdcounty.ca.gov)  
SDC PDS RCVD 01-02-19  
ZAP19-001

Hi Nicholas,

Thanks for the plans on the Battery Storage project submitted to the County by Fluence Energy.

I am the owner of the adjoining 5.37 acre parcel (APN:105-410-18) Next to and West of this project. I am a developer of industrial property who has lived in Fallbrook for over 50 years. I constructed Industrial Way a 52 foot wide County Road that services the existing industrial park to the West of this project that includes over 30 acres of Fallbrook Industrial needs. The existing Industrial Park is almost built out and a few years ago when the County recognized the need for additional Industrial zoned land they amended the Community Plan and rezoned approximately 25 acres of land East of the existing Industrial Park land in order to provide for Fallbrooks future needs. At the Public hearings it was explained how the Rezoned Land would be developed with County Roads to provide land for Fallbrooks future needs in the downtown area. It was pointed out that this 25 acres of land was the only property available that adjoined the existing M52 Industrial Land to the West and how important it was to provide for Fallbrook Future Needs.

I have met with County officials many times since this 25 acres was rezoned and have been told that development plans submitted must provide County Road access from East Mission Rd. The County used Industrial Way as the example for what they would required to be constructed for access. ALS and Fluence purchased 15 acres of land to develop their Battery Storage projects that will be serviced by the SDG&E substation that adjoins the Westerly line of the 25 acres of rezoned land. I have met and discussed

possible County Road locations with Fluence Energy and their representatives many times. I am sending a layout of County Road access from East Mission Rd. that was discussed with Fluence.

The existing Right of Ways available can not be expanded to meet County Industrial Road Standards. The only County Road access that can serve all 25 acres of property must come from East Mission Rd. through the 15 acres of land AES and Fluence own, Any plans to develop this 15 acres of M52 land must include County Road improvements from East Mission Rd. that can be extended in the future to all of the 25 acres of M52 Industrial Land Zoned by the County for additional needed Industrial use. If this project is approved by the County as submitted, Fluence Energy will be able to access all 15 acres they own and develop additional Battery Storage projects on their property without any County Industrial Road requirements. Assuming they were to build out all their property with Battery Storage units they could have as much as 70,000 sq.ft. of Battery containers without providing any County Road and utility improvements for any future Industrial development in the Fallbrook town site area. This land needs County Road access now. These Battery Storage units are not forever.

I will not have any possibility of developing my land if this project is approved without requiring County Industrial Road access. Do not deny me the chance to develop my land.

It was the County who originally rezoned this land and required Industrial Road access. Do not allow this project to go forward without a County approved Industrial Road from East Mission Rd.

I object to the project as submitted.

Arnold Rashkin

Arnold Rashkin  
2652 Dos Lomas  
Fallbrook, CA 92028  
February 3, 2020  
[ALRashkin@AOL.com](mailto:ALRashkin@AOL.com)  
(760) 212-0584

Nicholas Koutoufidis  
County of San Diego  
Department of Planning and Development Services  
E-Mail ([Nicholas.Koutoufidis@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis@sdcounty.ca.gov))  
ZAP19-001

Hi Nicholas,

I am sending you this letter with exhibit "H". The Exhibit shows a proposed plan for the development of my Industrial Zoned M52 parcel adjoining the Energy Storage Project. SDG&E will own this Project after it is built. SDG&E will also be the owner of all the Rights and Easements that AES has obtained for this Project from others. SDG&E should be named as an Applicant of this Project. In Exhibit "H" I have shown the Extension of the Fire Access Road that I addressed in my letter of 1/30,2020, to the County of San Diego. Additionally I have shown the 30 ft easement I have along the Western line of my property. This Easement on the Keck property should not be shown as a private Easement. The Kecks have or will deed one of the most important links to this Project to AES and SDG&E, an Easement that allows AES/SDG&E to transfer power from the Energy Storage Project to the SDG&E Expanded Fallbrook Substation to the West. When the Keck property, the AES/SDG&E properties and my property were Rezoned and the County General Plan was changed by the Board of Supervisors to the M52 Zone there were no objections by any of the owners. The land use was changed to Industrial and Commercial Public Uses. To show this Easement as a Private Easement is not correct. Please have the applicants removed the words Private from their plans.

Some of the Energy Storage Plans and Documents show that the total Project size is 19.92 acres and includes 4 parcels 105-410-19, 10, 11 and 14. If you add the SDG&E Substation Expansion Project APN 105-410-42 the total acreage used for this Project is 22.35 acres.

With the approval of this Project, Fallbrook will lose approximately 15 acres of much needed M52 Industrial Land, with no other replacement land made available. Additionally this Project will be built without any County

Industrial Road Improvements. There is another M52 Zoned property with very similar conditions in Fallbrook that was required to build a full County Approved Road as access. In that case both the Board of Zoning and Planning appeals and the Planning Commission ruled against the project and required Full County Industrial Road Access.

I ask that the County continue this Hearing to a later date to allow time for the Applicant and the County to address my requests.  
Please E-Mail me to confirm receipt of my letter of 1/30/2020 and this letter.

Thank you

Arnold Rashkin

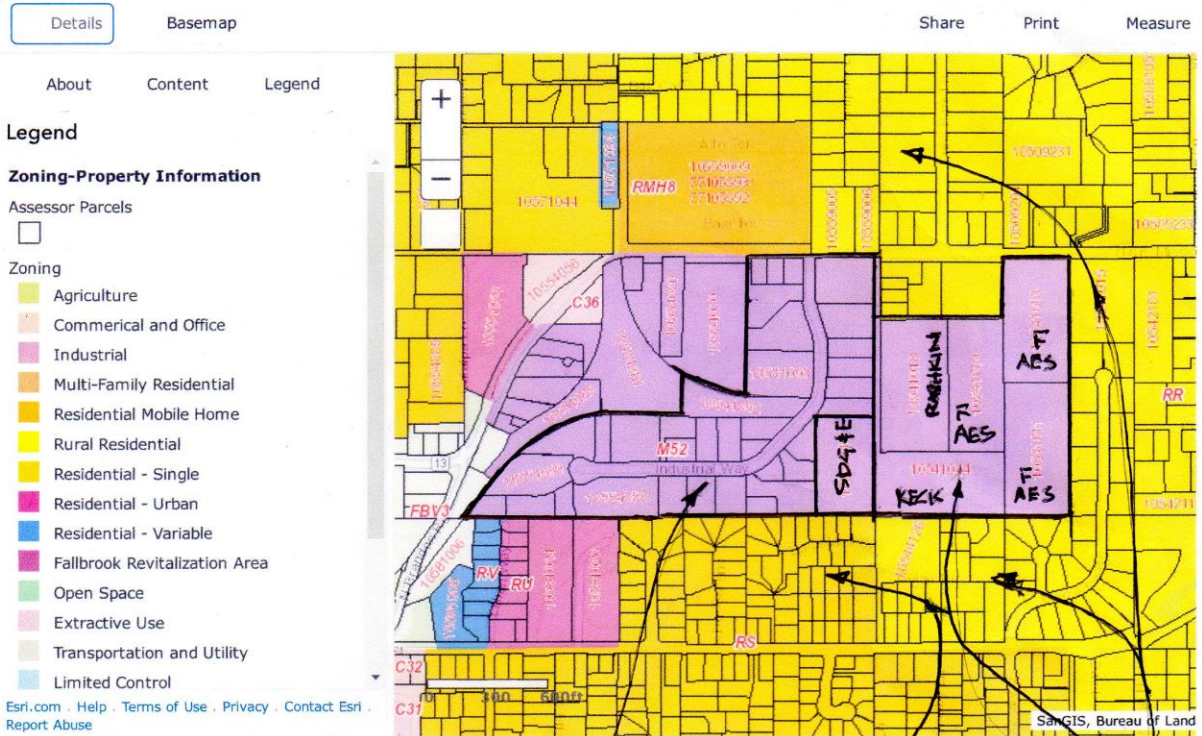




2/24/2017

ArcGIS - County of San Diego - PDS - Zoning & Property Information - Simplified

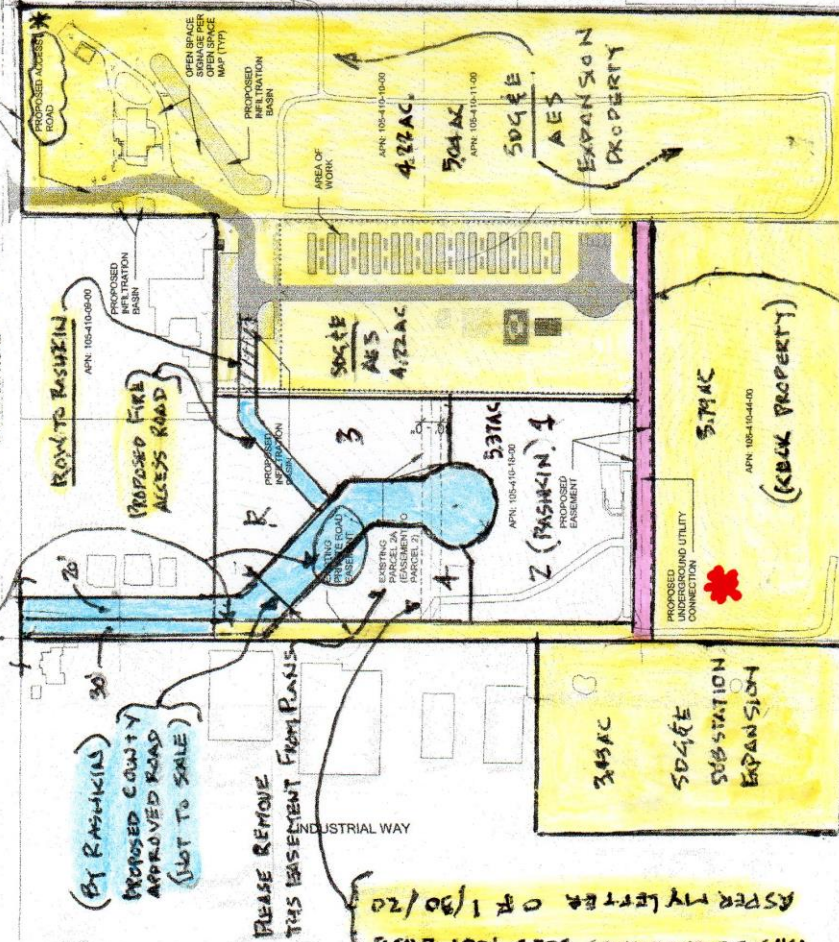
ArcGIS ▾ County of San Diego - PDS - Zoning & Property Information - Simplified





PLEASE READ MY LETTER DATED 2/3/20  
THIS 30'0" EASEMENT IS A ~~PER~~ OWNERSHIP BY THE KECKS. THE  
30' STRIP IS ZONED M52 FOR INDUSTRIAL AND COMMERCIAL USE. PLEASE HAVE THE APPLICANT  
REMOVE THE WORDS PRIVATE.

OPEN SPACE  
STRIP PER OPEN  
SPACE MAP (TYP)



OWNER:  
AES Energy Storage LLC  
4300 Wilson Blvd  
Arlington, VA 22203

CONTACT:  
Duren Kilish  
690 N. Studebaker Road  
Long Beach, CA 90803  
Ph: 562.577.7706

SITE ADDRESS:  
1405 E. Mission Road  
Fallbrook, CA 92028

APN: 105-410-19-00  
SUMMARY TABLE  
Existing:  
LOT ACRES: 4.220  
LOT Sq. Ft. 183,823

Proposed:  
Total Fenced Area: 179,568 Sq. Ft.  
New access road  
Switchgear PDC, Aux Transformer  
16 Battery Containers: 756 Sq. Ft. ea.  
16 Inverter/Transformers: 130 Sq. Ft. ea.

THIS PROJECT IS DESCRIBED  
IN THE USE PERMIT  
DOCUMENTS AS A  
19.92 AC. PROJECT.  
IF WE ADD IN THE  
SUBSTATION EXPANSION  
PROJECT THE TOTAL  
ACRES IN THIS PROJECT  
IS 23.35 ACRES

FALLBROOK, CA  
COUNTY OF SAN DIEGO



VICINITY MAP  
NOT TO SCALE

CABLE VAULT FOR CONNECTION TO BEE AND  
SOGEE SUBSTATION

SITE PLAN  
As indicated  
08/28/2019



CORGAN

23.35 ACRES

COMPLETE PROJECT SITE SHOWN IN YELLOW (23.35 AC)

1. REFER TO ATTACHED SITE EXHIBIT BY PSOMAS FOR ADDITIONAL INFORMATION.
2. REFER TO ATTACHED ARCHITECTURAL PLOT PLAN FOR ADDITIONAL INFORMATION.

Project Number: 19090.0000

Arnold Rashkin  
2652 Dos Lomas  
Fallbrook, CA 92028  
January 30, 2020  
[ALRashkin@AOL.com](mailto:ALRashkin@AOL.com)  
(760) 212-0584

Nicholas Koutoufidis  
County of San Diego  
Department of Planning and Development Services  
E-Mail ([Nicholas.Koutoufidis@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis@sdcounty.ca.gov))  
ZAP19-001

Hi Nicholas,

I am sending you this letter to point out and explain to you some of the topics I will address at the Public Hearing scheduled for February 5, 2020, before the Zoning Administrator for the AES/SDG&E Battery Energy Storage project in Fallbrook. I will be asking for changes to this Project that have been shown by the applicants on their plans incorrectly and for changes that will allow my property to be developed. I own the 5.37 ac. Parcel (APN 103-410-18) of M52 land, adjacent and to the West of the properties AES/SDG&E is proposing to build a 40MW energy storage system on. The development of this project, if built as shown on the plans submitted, will not allow me to develop my property. Any other project on this acreage would be required to build a County approved Industrial width road and provide Easements to the adjoining M52 Zone Properties. The County Planning Department and the County Board of Supervisors determined that Fallbrook was running out of Industrial Zoned Land, a few years ago they rezoned approximately 25 acres to the M52 zone and changed the County General Plan. This project will take approximately 20 of these 25 acres out of Industrial use for at least the next 20 years and if it is approved as submitted it may make my parcel undevelopable as M52 Industrial Land.

I believe this project with the cooperation of AES and SDG&E could have been built and still left Fallbrook with much more of needed Industrial Zoned Land. Actually Fallbrook may be the looser as most of the energy available from this facility can be transferred to other areas of the county by lines from the New SDG&E Substation Expansion project.

In this letter I have called this Project the AES/SDG&E Project. San Diego Gas and Electric (SDG&E) is currently expanding their Substation in Fallbrook on their property to the West of this Battery Storage

Project. The Extension of the Substation and the Battery Storage System are one in the same Project and should be addressed by the County together as one project. The completed Energy Storage Project, including the Substation Expansion may be the largest one in the world. (see attached exhibit A ) I question why the County has not included the Substation Expansion together with this Use Permit. This should not be considered a Minor Use Project.

Plan Changes (60ft. Easement)

The applicants have shown a 60 ft Easement they claim they have over my property. They are wrong. I have asked both my Title Company and the County of San Diego to research whether this Easement exists. The County Zoning Department (Dag Bunnemeyer) furnished me with copies of an old Lot Split that was applied for in 1967 but was never completed. Dag at Zonning told me the Lot Split and Easements were never completed and were terminated. See attached Exhibits(B1,B2,C1 and C2) showing the Expired plats and expired notice.

See the attached order from the Ticor Title Report that shows no Easement across my parcel 18. There is no 60 ft. Easement on my property. (See attached Exhibits D1 and D2)

Please have the Applicants remove this Easement from their plans as a condition of any approval.

Plan Changes (Fire Modification Zone)

The Applicants have called for a Fire Modification Zone on their Landscape Plan and have noticed it in their Fire Protection Plan. This Zone is shown on their plans Extending into my property (see exhibits (E-1 and E-2).

Please have the Applicants move their AUX EMAR, ELECT. ROOM, SWITCH GEAR PDC, MRT & HV BREAKERS to a location that will not put any limits on how I can develop with my property.

Plan Changes (Oak Trees)

Please have Applicants change their plans and any Environmental Notes to clearly show that all reference to construction near Oak Trees applies to Oak Trees only on their property. I will address the Oak Trees when and if I am able to develop my property

Plan Changes (Requested for Easement by Arnold Rashkin)

I have met with the Applicants or their representatives a number of times to discuss different Easements that could help me to develop my land. Most recently we discussed extending their Fire Access Road to my property but the Applicants have decided not to offer me that Access. When this Project was presented to the Fallbrook Community Planning Committee, the

Committee put into their approval minutes for this Project that the Applicants meet and work with me to resolve my access problems. I hereby request that the County of San Diego require AES/SDG&E to furnish me with an Easement access to Mission Road as shown on the attached Plan Exhibit (F). This will give me a Fire Access Road to East Mission Road. I have been a builder and Developer in San Diego County for over 50 years and I cannot remember when the County has not required me to give Easement access to an adjoining property owner in a case like this. The way this Project has been located on a total of 23.35 acres as shown on Exhibit "G" was not the best solution for the Fallbrook Community. I have tried to make this as simple as I could but this Project is not simple. Since I only received Notice of the Hearing a few days ago it has not been possible to meet with my team and go over everything which is very complicated when I am also dealing with the SDG&E Substation Expansion. The County should consider extending this Hearing Date for a week or 10 days. Is that possible? Can you please give me the name and contact information for the County Administrator and how I can send this information to him before the Hearing. Thank you for the plans. I will be sending you any additional concerns I have in the next few days.

Arnold Rashkin



## **Attachment D – Environmental Documentation**



# County of San Diego

**MARK WARDLAW**  
DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
[www.sdcounty.ca.gov/pds](http://www.sdcounty.ca.gov/pds)

**KATHLEEN FLANERY**  
ASSISTANT DIRECTOR

December 5, 2019

## **CEQA Initial Study - Environmental Checklist Form (Based on the State CEQA Guidelines, Appendix G)**

1. Title: AES Fallbrook 40MW Battery Energy Storage System Project  
Project Number(s): PDS2019-ZAP-19-001  
Environmental Log Number: PDS2019-ER-19-02-001
2. Lead agency name and address:  
County of San Diego, Planning & Development Services  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123-1239
3. a. Contact Nicholas Koutoufidis, Project Manager  
b. Phone number: (858) 495-5329  
c. E-mail: [Nicholas.Koutoufidis@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis@sdcounty.ca.gov).
4. Project location:  
1405 E. Mission Road, Fallbrook Community Planning Area, County of San Diego  
Thomas Guide Coordinates: Page 1027, Grid H/2
5. Project Applicant name and address:  
Fluence Energy, 4300 Wilson Blvd., Arlington VA 22203
6. General Plan  
Community Plan: Fallbrook  
Land Use Designation: Limited Impact Industrial (I-1)  
Density: N/A  
Floor Area Ratio (FAR) 0.60
7. Zoning  
Use Regulation: Limited Impact Industrial (M52)  
Minimum Lot Size: 6,000 acre(s)  
Special Area Regulation: B (Community Design Review)  
C (Airport Land Use Compatibility Plan Area)

8. Description of project:

The proposed project consists of a Minor Use Permit (ZAP) to construct a 40-megawatt (MW) battery energy storage system (BESS) facility located at 1405 East Mission Road in the Fallbrook Community Plan area of the County of San Diego (Project). The ZAP would be placed over one parcel, 105-410-19, while two additional parcels (105-410-10, 105-410-44) would support off-site components: a 16-foot wide access driveway, infiltration basins and an underground utility easement. The Project would require the grading of 1,460 cubic yards, with 70 cubic yards of fill and 1,390 cubic yards of export.

The facility would utilize advanced technology batteries and control systems contained within an approximately 660-foot by 278-foot (179,568 sf) fenced area. The proposed BESS would consist of 16, 63-foot long, 12-foot wide, and 13-foot tall (756 sf each) battery storage containers on individual concrete equipment pads. Each container would store approximately 50 battery racks, and each rack would hold 12 battery modules. The battery storage containers would be setback 19 feet from the eastern parcel boundary and would be separated by a minimum of 8 feet from each other. In addition to the batteries, the system would contain 16 inverters/transformers (130 sf each) on individual concrete equipment pads, mechanical equipment such as electrical controls, and heating, ventilation, and air conditioning (HVAC) units. The area of new impervious surface would be 1.17 acres, an increase from an existing impervious area 0.36 acres.

The detailed list of major equipment is as follows:

- Batteries (LG Chem or Samsung SDI modules connected in racks)
- Power Conversion System (PCS - i.e., Power Electronics inverters) to convert direct current into alternative current and vice versa. Each PCS is 3 Mega Volt Amp (MVA) power capacity, with noise levels < 79 A-weighted decibels (dBA) measured at 1 meter from the back of the unit.
- HVAC systems (4 per container) to keep battery cores at optimal operating temperature
- Fire suppression systems in each container (clean agent Novec 1230 in a tank connected to nozzles and designed to flood the entire container during fire event) equipped with early smoke detection, alarms and remote monitoring
- Low and medium voltage electrical switching equipment
- Computer and telecommunications equipment
- Medium-voltage transformers
- Medium-voltage switchgear
- Step-up transformer and associated equipment
- Security lighting and fencing
- Signage

The facility would upgrade and connect to the existing SDG&E 69-kV Avocado substation (approximately 450 feet to the west) via approximately 630 linear feet of underground cable/vaults along a proposed easement to the south. Connection to the Fallbrook Public Utility District water line along East Mission Road would be established at the Project

entrance to supply water to the facility as needed. Stormwater drainage facilities would include infiltration basins located in the northern portion of the fenced facility, as well as adjacent to the access driveway. Landscaping would be designed to screen the Proposed Project facilities from East Mission Road. Access to the site would be provided via an existing paved driveway from East Mission Road which would be widened to 24-foot wide.

The Project would be delivered to San Diego Gas and Electric (SDG&E) through a Build-Own-Transfer (BOT) contract. In this case, The AES Corporation (AES) purchased the land and would then build and commission the Project. Upon successful completion of a series of Acceptance Tests in March 2021, AES would transfer the Project assets (e.g., energy storage system, land, interconnection, interconnection agreement) to SDG&E. The facility would be remotely operated and would have no permanent employees on-site. The long-term operational workforce would entail AES-contracted maintenance staff who would maintain the facilities and landscaping on a periodic basis over the Project life. The Project would require a four-person crew for maintenance visits twice a month on average.

After completion of 20 years of operations, most of the Project's electrical equipment (breakers, transformers, inverters) would be removed and recycled. Project batteries would be returned to the battery manufacturer for recycling. Equipment foundations and pads would be demolished and removed.

9. Surrounding land uses and setting (Briefly describe the project's surroundings):

The Project site is immediately adjacent to rural residential and agricultural land uses. The parcels adjacent to the Project site on the west are designated for Limited Impact Industrial (I-1) uses in the County's General Plan. The industrial complex to the west includes both a Calvary Chapel and the North Coast Church as well as an animal hospital and industrial uses such as welding and sign shops and a fabricator.

Surrounding lots on the north, east, and south are designated for Village Residential (VR-2) under the County's General Plan and are zoned Rural Residential (RR). However, existing development patterns include large lot residential-type land uses immediately to the north; while the development to the south, southeast, and southwest is tract housing at a slightly higher density.

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10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

<b><u>Permit Type/Action</u></b>	<b><u>Agency</u></b>
Landscape Plans	County of San Diego
Minor Minor Grading Permit	County of San Diego
Minor Use Permit	County of San Diego
Site Plan	County of San Diego
County Right-of-Way Permits Construction Permit Excavation Permit Encroachment Permit	County of San Diego
Improvement Plans	County of San Diego
401 Permit - Water Quality Certification	Regional Water Quality Control Board (RWQCB)
1603 – Streambed Alteration Agreement	CA Department of Fish and Wildlife (CDFW)
National Pollutant Discharge Elimination System (NPDES) Permit	RWQCB
General Industrial Storm Water Permit	RWQCB
General Construction Storm Water Permit	RWQCB
Waste Discharge Requirements Permit	RWQCB
Water District Approval	Fallbrook Water District
Sewer District Approval	Fallbrook Sewer District
Fire District Approval	North County Fire Protection District

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1? If so, has consultation begun?

YES



NO



Note: Conducting consultation early in the CEQA process allows tribal governments, public lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and to reduce the potential for delay and conflict in the environmental review process (see Public Resources Code §21083.3.2). Information is also available from the Native American Heritage Commission's Sacred Lands File per Public Resources Code §5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code §21082.3(e) contains provisions specific to confidentiality.



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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The environmental factors checked below would be potentially affected by this project and involve at least one impact that is a "Potentially Significant Impact" or a "Less Than Significant With Mitigation Incorporated," as indicated by the checklist on the following pages.

- |                                                                 |                                                                      |                                                                               |
|-----------------------------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <input type="checkbox"/> <u>Aesthetics</u>                      | <input type="checkbox"/> <u>Agriculture and Forest Resources</u>     | <input checked="" type="checkbox"/> <u>Air Quality</u>                        |
| <input checked="" type="checkbox"/> <u>Biological Resources</u> | <input checked="" type="checkbox"/> <u>Cultural Resources</u>        | <input type="checkbox"/> <u>Energy</u>                                        |
| <input type="checkbox"/> <u>Geology &amp; Soils</u>             | <input type="checkbox"/> <u>Greenhouse Gas Emissions</u>             | <input checked="" type="checkbox"/> <u>Hazards &amp; Haz. Materials</u>       |
| <input type="checkbox"/> <u>Hydrology &amp; Water Quality</u>   | <input type="checkbox"/> <u>Land Use &amp; Planning</u>              | <input type="checkbox"/> <u>Mineral Resources</u>                             |
| <input type="checkbox"/> <u>Noise</u>                           | <input type="checkbox"/> <u>Population &amp; Housing</u>             | <input type="checkbox"/> <u>Public Services</u>                               |
| <input type="checkbox"/> <u>Recreation</u>                      | <input type="checkbox"/> <u>Transportation</u>                       | <input type="checkbox"/> <u>Utilities &amp; Service Systems</u>               |
| <input type="checkbox"/> <u>Wildfire</u>                        | <input checked="" type="checkbox"/> <u>Tribal Cultural Resources</u> | <input checked="" type="checkbox"/> <u>Mandatory Findings of Significance</u> |

**DETERMINATION:** (To be completed by the Lead Agency)  
On the basis of this initial evaluation:

- ☐ On the basis of this Initial Study, Planning & Development Services finds that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ On the basis of this Initial Study, Planning & Development Services finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ On the basis of this Initial Study, Planning & Development Services finds that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

  
Signature

December 5, 2019  
Date

Nicholas Koutoufidis  
Printed Name

Land Use/Environmental Planner  
Title

## INSTRUCTIONS ON EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, Less Than Significant With Mitigation Incorporated, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less Than Significant With Mitigation Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance

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**I. AESTHETICS.** Except as provided in Public Resources Code Section 21099 -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** A vista is a view from a particular location or composite views along a roadway or trail. Scenic vistas often refer to views of natural lands, but may also be compositions of natural and developed areas, or even entirely of developed and unnatural areas, such as a scenic vista of a rural town and surrounding agricultural lands. What is scenic to one person may not be scenic to another, so the assessment of what constitutes a scenic vista must consider the perceptions of a variety of viewer groups.

The items that can be seen within a vista are visual resources. Adverse impacts to individual visual resources or the addition of structures or developed areas may or may not adversely affect the vista. Determining the level of impact to a scenic vista requires analyzing the changes to the vista as a whole and also to individual visual resources.

As described in the General Plan Update Environmental Impact Report (GPU EIR; County of San Diego 2011), the County contains visual resources affording opportunities for scenic vistas in every community. Resource Conservation Areas (RCAs) are identified within the GPU EIR and are the closest that the County comes to specifically designating scenic vistas. Many public roads in the County currently have views of RCAs or expanses of natural resources that would have the potential to be considered scenic vistas. Numerous public trails are also available throughout the County. New development can often have the potential to obstruct, interrupt, or detract from a scenic vista.

The Project includes the construction and operation of a battery energy storage facility on parcels designated for M52 Limited Impact Industrial uses within the Fallbrook Community Plan area. Surrounding land uses consist of Limited Impact Industrial uses on the west and rural residential and agricultural land uses on the north, east, and south. The proposed facility would consist of battery storage containers located on an interior parcel and set back from East Mission Road by approximately 550 feet. The facility would be screened by existing structures and vegetation on East Mission Road. In addition, new landscaping is proposed along the northern, eastern, and southern boundaries of the facility, based on consultation with the Fallbrook Community Planning Group and to ensure consistency with the Fallbrook Community Plan Design Guidelines/Checklist. Further, proposed containers would be constructed on individual concrete equipment pads to conform to the natural topography of the site. Therefore, the Project would be compatible with existing surrounding industrial and agricultural operations.

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Moreover, although there are several RCAs in the Fallbrook CPA, all RCA's within a mile radius of the site are low-lying creek and stream resources which would not afford views of the Project site. The nearest RCA offering views from a vantage point would be Mount Olympus, approximately 5.65 miles to the east. Due to the distance and Project compatibility with surrounding development in relation to bulk and scale, the Project would not substantially change the composition of an existing scenic vista in a way that would adversely alter the visual quality or character of the view.

Due to the aforementioned criteria, the Project would have a less than significant effect on a scenic vista.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** State scenic highways refer to those highways that are officially designated by the California Department of Transportation (Caltrans) as scenic (Caltrans - California Scenic Highway Program). Generally, the area defined within a state scenic highway is the land adjacent to and visible from the vehicular right-of-way. The dimension of a scenic highway is usually identified using a motorist's line of vision, but a reasonable boundary is selected when the view extends to the distant horizon. The scenic highway corridor extends to the visual limits of the landscape abutting the scenic highway.

No natural features of scenic value are associated with the Project site. The Project is not located near or visible within the composite viewshed of a state scenic highway or County Designated Scenic Corridor and would not damage or remove visual resources within a state scenic highway or County Designated Scenic Corridor. The Project site is located approximately 1.4 miles northeast of Mission road, 1.6 miles northwest of Green Canyon road, and 2.4 miles northwest of Gird and Reche road, all County-Designated Scenic Corridors. It should be noted that not all segments of the above County roads have been designated as a County scenic corridor. Due to distance, intervening topography and structures, the site would not be visible from any designated segment of a County Scenic Corridor. Additionally, the nearest eligible state scenic highway (I-15) is located 3.4 miles to the east and the Project site is not visible from that highway. The nearest designated state scenic highway is approximately 50 miles southeast. Therefore, the Project would not have any impact on a scenic resource within a state scenic highway.

- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

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- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** Visual character is the objective composition of the visible landscape within a viewshed. Visual character is based on the organization of the pattern elements line, form, color, and texture. Visual character is commonly discussed in terms of dominance, scale, diversity and continuity. Visual quality is the viewer's perception of the visual environment and varies based on exposure, sensitivity and expectation of the viewers. The Fallbrook Community Plan describes the community vision as maintaining its "small town atmosphere and rural, semi-rural natural environment." The existing visual character and quality of the Project site and surrounding is characterized by Limited Impact Industrial uses on the west and rural residential and agricultural land uses on the north, east, and south.

The Project is compatible with the existing natural and built environment. The proposed facility would be primarily un-manned and remotely operated. The facility would consist of battery storage containers constructed on individual concrete equipment pads to limit any impacts to existing topography to the extent possible. This would additionally break up the Project components by reducing the bulk and scale of the Project for consistency with development to the north, east and south. As previously discussed, the Project would be located on an interior parcel, set back approximately 500 feet and behind existing structures and vegetation on East Mission Road. Further, based on consultation with the Fallbrook Community Planning Group and to ensure consistency with the Fallbrook Community Plan Design Guidelines/Checklist, a compatible color scheme and new landscaping along the northern, eastern, and southern boundaries of the facility is proposed as part of Project design. Therefore, the Project would not degrade the visual character of the area and would be compatible with existing surrounding industrial and agricultural operations.

- d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Proposed Project is located within Zone B as identified by the San Diego County Light Pollution Code. Zone B is an area that is more than 15 miles from an observatory. The Project outdoor lighting, if necessary, would be minimal and only required for security purposes. The Project would not adversely affect nighttime views or astronomical observations because the Project would conform to the County's Light Pollution Code (Section 51.201-51.209), including the Zone B lamp type and shielding requirements per fixture and hours of operation limitations for outdoor lighting and searchlights. Compliance with the Code is



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required prior to issuance of a building permit. Therefore, the Project would not create a significant new source of substantial light or glare, which would adversely affect daytime or nighttime views in the area.

## **II. AGRICULTURE AND FORESTRY RESOURCES** -- Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or local Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, or other agricultural resources, to non-agricultural use?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Background:** In determining whether impacts to agricultural resources are significant environmental effects, the CEQA Guidelines references the California Agricultural LESA Model (1997) prepared by the California Department of Conservation (DOC), as an optional methodology that may be used to assess the relative value of agriculture and farmland. After several years of practical experience with application of the LESA model in San Diego County, the inadequacy of the model in capturing the unique and varied character of San Diego agriculture has become apparent. An alternative approach, referred to as the Local Agricultural Resource Assessment (LARA) model has been developed to assess the relative value of agricultural resources in the County of San Diego. Specific documentation of the LARA model can be found in the Guidelines for Determining Significance for Agricultural Resources (Guidelines) at <http://www.sdcounty.ca.gov/pds/procguid.html#Agricultural Resources>.

**Less than Significant Impact:** Portions of the Project site were used for residential, and previously for agricultural purposes (primarily citrus crops) beginning in 1994 or possibly earlier, the remnants of which are still visible in places (e.g., irrigation pipe, tree stumps, etc.). However, no active agricultural uses are currently taking place.

Through initial County review, the following are the Project site specific characteristics of importance regarding agricultural resources:

- Historic Agricultural Site
- Recent Agricultural Use within 10 years
- Within the County Water Authority
- Sunset Zone: 23 (High significance)
- Farmland of Statewide Local Importance
- Topography Rating (High Significance)

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According to the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), portions of the Project site are categorized as “Farmland of Statewide Importance”, “Farmland of Local Importance”, and “Unique Farmland.” Use of this categorized land for the Project could constitute converting protected or important farmland.

As discussed above, the County evaluates agricultural resources based on the County’s LARA model which takes into account local factors that define the importance of San Diego County agricultural resources. Pursuant to the LARA model prepared for the Project by the County of San Diego, dated July 12, 2018, the site would not constitute an important agricultural resource. The site has received a rating of “high” for climate and a rating of “moderate” for soil quality. However, the site has received a rating of “low” for water. The site is located within the County Water Authority service area, however, pursuant to the Guidelines, if no water infrastructure connections to the site exist and no meter has been installed, the site would receive a rating of “low” for water. In order for a site to be considered an important agricultural resource based on the LARA model, all three required LARA model factors (water, soil, and climate) must receive either a high or moderate score. A low score in any of these three categories would render a LARA model result that the site is not an important agricultural resource pursuant to the Guidelines. Therefore, the site would not meet the definition of a significant agricultural resource, and conversion of this Farmland of Statewide or Local Importance to a non-agricultural use would be considered less than significant.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

**Discussion/Explanation:**

According to the Guidelines, indirect impacts would occur if a project proposes a school, church, day care or other use involving a concentration of people, or is placed within one-quarter mile of an active agricultural operation or land under a Williamson Act Contract, and as a result of the project, land use conflicts would occur.

**Less than Significant Impact:** The Project site is zoned M52, Limited Impact Industrial, which is not considered to be an agricultural zone. In addition, the Project site and surrounding land within a quarter mile is not under a Williamson Act Contract, a County Agricultural Preserve, or contains active agricultural operations. The closest agricultural preserve is located approximately 1.3 miles west of the Project site and the closest land under a Williamson Act contract are located approximately 2.1 miles north of the Project site. Adjacent parcels to the east and south have been used historically for a grove, but no current agricultural uses are operating within 300 feet of the Project. According to the Guidelines, for most types of agriculture, if the land uses are separated by 300 feet, interface conflicts would usually be less than significant. In addition, land with a history of agricultural use would usually be considered agricultural land, unless there is evidence that it has been committed to a non-agricultural use,

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according to the Guidelines. The Project site and surrounding parcels have been re-zoned to Limited Impact Industrial (M-52) zone, thereby committing the land to a non-agricultural use. Moreover, the Project site does not propose a sensitive land-use type such as a school or daycare. Therefore, the Project would have a less than significant impact on conflicts with existing zoning for agricultural use or a Williamson Act contract.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project site, including offsite improvements, does not contain forest land or timberland. The County of San Diego does not have any existing Timberland Production Zones. In addition, the Project would be consistent with existing zoning and a rezone of the property is not proposed. Therefore, Project implementation would not conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland production zones.

- d) Result in the loss of forest land or conversion of forest land to non-forest use, or involve other changes in the existing environment, which, due to their location or nature, could result in conversion of forest land to non-forest use?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project site, including any offsite improvements, do not contain any forest lands as defined in Public Resources Code section 12220(g); therefore, Project implementation would not result in the loss or conversion of forest land to a non-forest use. A portion of the Cleveland National Forest is located approximately 8.5 miles to the northwest of the Project site, however, due to distance the Project would not impact forest land.

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Important Farmland or other agricultural resources, to non-agricultural use or conversion of forest land to non-forest use?

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- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** As described above in response II. Agriculture and Forestry Resources, a), the Project has been determined to not meet the definition of a significant agricultural resource pursuant to the Guidelines of Determining Significance for Agricultural Resources. In addition, the Project is not under a Williamson Act Contract or within an Agricultural Preserve, nor is the Project site located within the vicinity of a Williamson Act Contract, an Agricultural Preserve, existing agricultural operation, nor surrounded by agricultural-zoned land. Therefore, the Project would not have significant adverse impacts related to the conversion of Farmland of Statewide Importance, Farmland of Local Importance, or Unique Farmland to a non-agricultural use

**III. AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** The Project proposes development of a 40-MW battery storage facility on land designated for M52 Limited Impact Industrial use in the community of Fallbrook. Construction would include 16 battery storage containers (756 sf each) on individual concrete equipment pads with HVAC systems, access road widening, underground transmission line, and landscaping. The system would be remotely operated; long-term operational workforce would entail maintenance visits only twice a month on average.

The RAQS rely on population and projected growth in the County, mobile, area and all other source emissions in order to project future emissions and determine from that the strategies necessary for the reduction of stationary source emissions through regulatory controls. Mobile source emission projections and growth projections are based on population and vehicle trends and land use plans developed by the cities and by the County. As such, projects that are consistent with the growth anticipated by the General Plan would be considered consistent with the RAQS. The Project is consistent with the General Plan category and zoning with the application of a minor use permit for the site and was accounted for in the County's General

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Plan. Therefore, based on the *County's Guidelines for Determining Significance for Air Quality*, since the Project is considered consistent with the growth anticipated by the General Plan, the Project would also be consistent with the RAQS and would not conflict with or block the implementation of the RAQS or the SIP.

- b) Result in 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?

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

**Less Than Significant Impact with Mitigation Incorporated:** Currently, San Diego County is in "non-attainment" status for federal and state Ozone (O<sub>3</sub>) and state Particulate Matter less than or equal to 10 microns and less than or equal to 2.5 microns (PM<sub>10</sub> and PM<sub>2.5</sub>). O<sub>3</sub> is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>) react in the presence of sunlight. VOC sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage; and pesticides. Sources of PM<sub>10</sub> in both urban and rural areas include the following: motor vehicles, wood burning stoves and fireplaces, dust from construction, landfills, agriculture, wildfires, brush/waste burning, and industrial sources of windblown dust from open lands.

Air quality emissions associated with the Project would include emissions of PM<sub>10</sub>, NO<sub>x</sub> and VOCs from construction/grading activities. Operational sources would include area sources such as landscaping equipment, energy usage for battery cooling, water usage for limited landscaping, vehicle usage and minimal solid waste generated from the site during maintenance activities (i.e., landscape debris). Additional operational emissions would be generated from traffic associated with bi-monthly maintenance site visits.

Pursuant to the Project Air Quality Assessment prepared by Ldn Consulting, Inc. and dated April 5, 2019, the Project was found to have potentially significant health risk impacts from diesel exhaust during construction; however, with the use of at least Tier 3 or better diesel equipment fitted with diesel particulate filters (DPF), impacts would be mitigated to less than significant. In addition, grading operations associated with the construction of the Project would be subject to the County of San Diego Grading Ordinance and the San Diego Air Pollution Control District (SDAPCD) Rule 55, which requires the implementation of dust control measures during grading activities. Further, operational emissions have been determined to be minimal and below the screening level thresholds within the San Diego County Guidelines for Determining Significance for Air Quality.



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Based on analysis of proposed construction and operational activities, the Project would not result in substantial emissions such that any criteria pollutant air quality standard would be violated. Therefore, the Project would not result in a cumulatively considerable net increase of any criteria pollutant; impacts would be less than significant with mitigation incorporated.

c) Expose sensitive receptors to substantial pollutant concentrations?

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

**Less than Significant Impact with Mitigation Incorporated:** Air quality regulators typically define sensitive receptors as schools (Preschool-12<sup>th</sup> Grade), hospitals, resident care facilities, or day-care centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. The County of San Diego also considers residences as sensitive receptors since they house children and the elderly.

Existing residences are located within a quarter mile (the radius determined by SCAQMD in which the dilution of pollutants is typically significant) of the Project site. The Project could result significant health risk impacts from diesel exhaust during construction. However, based on the Project Air Quality Assessment, with the use of Tier 3 or better diesel equipment fitted with diesel particulate filters (DPF), impacts would be mitigated to less than significant. In addition, Project operational emissions have been determined to be minimal and below the screening level thresholds within the San Diego County Guidelines for Determining Significance for Air Quality. Therefore, the Project would not propose uses or activities that would result in exposure of identified sensitive receptors to substantial pollutant concentrations and impacts would be less than significant with mitigation incorporated.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Proposed Project would likely generate short-term odors from temporary construction activities such as paving and possibly painting. Odors created during short-term construction activities would most likely be from placing asphalt which has a slight odor from the bitumen and solvents used within hot asphalt. Impacts associated with asphalt operations are short-term, less than one month, and are expected to be less than significant. The Project may also create temporary construction odors from combustion engine

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equipment but would not be considered significant due to the highly dispersive nature of diesel exhaust. No odor-generating land uses are proposed and, therefore, no significant operational odors emissions would not be expected to affect surrounding receptors. Therefore, impacts would be less than significant.

**IV. BIOLOGICAL RESOURCES** -- Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less than Significant with Mitigation Incorporated:** Based on an analysis of the County's Geographic Information System (GIS) records, the County's Comprehensive Matrix of Sensitive Species, site photos, and a Biological Resources Letter Report dated October 17, 2019 prepared by Cummings Environmental Inc, it has been determined that the site, and surrounding area, supports native vegetation, including coast live oak woodland and southern willow scrub. Staff has determined the removal of the 0.47 acres of coast live oak habitat and their oak root protection zone will not result in substantial adverse effects with the incorporation of mitigation. The proposed mitigation consists of the purchase of 1.41 acres of coast live oak woodland mitigation credits. In addition, the Project includes dedication of an open space easement over the remainder of the coast live oak woodland and southern willow scrub with open space signage, and dedication of a limited building zone. Therefore, the impact is less than significant with the incorporation of mitigation.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less than Significant with Mitigation Incorporated:** Based the Biological Resources Letter Report dated October 17, 2019 and prepared by Cummings Environmental Inc, it has been determined that the Project site contains southern riparian scrub and coast live oak woodland

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within the Project boundaries. However, the areas proposed for development will completely avoid direct impacts to any portion of the southern riparian scrub. Mitigation measures have been incorporated regarding the coast live oak woodland as described in part (a). Therefore, Project impacts to any riparian habitat or sensitive natural community identified in the County of San Diego Multiple Species Conservation Program, County of San Diego Resource Protection Ordinance, Natural Community Conservation Plan, Fish and Wildlife Code, Endangered Species Act, Clean Water Act, or any other local or regional plans, policies or regulations, are considered less than significant with the incorporation of mitigation.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less Than Significant Impact:** Based on the Biological Resources Letter Report dated October 17, 2019 and prepared by Cummings Environmental Inc, it has been determined that wetlands, defined by Section 404 of the Clean Water Act that include disturbed wetland and southern riparian woodland habitat(s) is on the Project site. However, the Project will not impact through, discharging into, directly removing, filling, or hydrologically interrupting, any federally protected wetlands supported on the Project site. The Project proposes complete avoidance. Therefore, no significant impacts will occur to wetlands or waters of the U.S. as defined by Section 404 of the Clean Water Act and under the jurisdiction of the Army Corps of Engineers. The Project has been conditioned to provide evidence that permits under Section 404 of the Clean Water Act are not required (or to obtain appropriate permits if determined to be required).

- d) Interfere substantially with the movement of any native resident or migratory Fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less than Significant Impact:** Based on an analysis of the County's Geographic Information System (GIS) records, the County's Comprehensive Matrix of Sensitive Species, site photos, and a Biological Resources Letter Report dated October 17, 2019 prepared by Cummings Environmental Inc, it has been determined that the site has limited biological value and impedance of the movement of any native resident or migratory fish or wildlife species, the use

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of an established native resident or migratory wildlife corridors, and the use of native wildlife nursery sites would not be expected as a result of the Project due to the Project area being surrounded by development and busy roads. Breeding season avoidance will be implemented and if an active nest is observed, avoidance measures will be implemented.

- e) Conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources?

Potentially Significant Impact  
Less Than Significant With Mitigation  
Incorporated

☒ Less than Significant Impact  
☐ No Impact

Discussion/Explanation:

**Less Than Significant Impact:** Refer to the attached Ordinance Compliance Checklist dated December 5, 2019 for further information on consistency with any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan, including, Habitat Management Plans (HMP), Special Area Management Plans (SAMP), or any other local policies or ordinances that protect biological resources including the Multiple Species Conservation Program (MSCP), Biological Mitigation Ordinance, Resource Protection Ordinance (RPO), Habitat Loss Permit (HLP).

**V. CULTURAL RESOURCES** -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to 15064.5?

☐ Potentially Significant Impact  
☐ Less Than Significant With Mitigation  
Incorporated

☒ Less than Significant Impact  
☐ No Impact

Discussion/Explanation:

**Less than Significant Impact:** Based on an analysis of records and a survey of the property by a County of San Diego approved historian, Doug Mengers, it has been determined that there are one or more historical resources within the Project site. These resources include a 1956 ranch style residence. An historical resources report titled, *Cultural Resources Survey Report for the AES Fallbrook Project* (October 2018), prepared by Shelby Castells and Doug Mengers evaluated the significance of the historical resources based on a review of historical records including site record forms, historic maps, historic addresses and an architectural evaluation. Based on the results of this study, it has been determined that the historic resource is not significant pursuant to the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5. Because the resources are not considered significant historic resources

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pursuant to CEQA Section 15064.5, the loss of these resources cannot contribute to a potentially significant cumulative impact.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:**

Based on an analysis of records and a survey of the property by a County of San Diego approved archaeologist, Shelby Castells, it has been determined that the Project site does not contain any archaeological resources. The results of the survey are provided in an archaeological survey report titled, *Cultural Resources Survey Report for the AES Fallbrook Project* (October 2018), prepared by Shelby Castells and Doug Mengers. An Archaeological Monitoring Program will be made a condition of approval for the potential discovery of buried resources as outlined below.

- Pre-Construction
  - Contract with a County approved archaeologist to perform archaeological monitoring and a potential data recovery program during all earth-disturbing activities. The Project Archaeologist shall perform the monitoring duties before, during and after construction.
  - Pre-construction meeting to be attended by the Project Archaeologist and Luiseno Native American monitor to explain the monitoring requirements.
- Construction
  - Monitoring. Both the Project Archaeologist and Luiseno Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Luiseno Native American monitor. Both the Project Archaeologist and Luiseno Native American monitor will evaluate fill soils to ensure that they are negative for cultural resources
  - If cultural resources are identified:
    - Both the Project Archaeologist and Luiseno Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.
    - The Project Archaeologist shall contact the County Archaeologist at the time of discovery.
    - The Project Archaeologist in consultation with the County Archaeologist and Luiseno Native American shall determine the significance of discovered resources.



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- Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.
- Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Luiseno Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
- If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Luiseno Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
- Human Remains.
  - The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
  - Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Luiseno Native American monitor.
  - If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
  - The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
  - Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- Rough Grading
  - Monitoring Report. Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered. A copy of the monitoring report shall be provided to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.
- Final Grading
  - Final. Report. A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center, the Pechanga Band of Luiseno Indians, the Rincon Band of Luiseno Indians, the San Luis Rey Band of Mission Indians, and any culturally-affiliated tribe who requests a copy.

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- Cultural Material Conveyance
  - The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively have been repatriated to a culturally affiliated tribe.
  - The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** Based on an analysis of records and a survey of the property by a County of San Diego approved archaeologist, Shelby Castells, it has been determined that the Project will not disturb any human remains because the Project site does not include a formal cemetery or any archaeological resources that might contain interred human remains. The results of the survey are provided in an archaeological survey report titled, *Cultural Resources Survey Report for the AES Fallbrook Project* (October 2018), prepared by Shelby Castells and Doug Mengers.

#### **VI. ENERGY** -- Would the project:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project is intended to provide local area capacity for electrical system reliability and flexibility. During construction, the Project would require the use of heavy construction equipment that would be fueled by gas and diesel but would be temporary. The Project does not include any permanent components that would increase demand for existing sources of energy for the exception of gasoline usage for bi-monthly maintenance visits and landscaping equipment. By building the Project, a clean, reliable resource would be gained to help integrate renewable energy sources, reduce dependence on gas-fired generation, eliminate ocean water for cooling, reduce freshwater consumption, and reduce GHG and criteria air pollutant emissions. Therefore, no significant impact to energy resources would result.

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b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project would be part of a sustainable solution to enable increasing amounts of intermittent renewable energy generating sources to be accessed; therefore, no conflicts with renewable energy or energy efficiency plans would occur and there would be no impact from the Project.

**VII. GEOLOGY AND SOILS** -- Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

A Geotechnical Investigation (Investigation) has been prepared by AECOM, dated February 27, 2017. The following responses has incorporated the analysis from the Investigation.

Discussion/Explanation:

**Less than Significant Impact:** The Project site is not located in a fault rupture hazard zone identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 2007, Fault-Rupture Hazards Zones in California, or located within any other area with substantial evidence of a known fault. According to the Investigation, the nearest active fault to the site is the Elsinore fault zone located approximately 8 miles east. This fault is not considered to present a significant fault rupture hazard in the Project area. Therefore, the potential for surface fault rupture at the Project site is considered to be very low, and impacts would be less than significant.

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ii. Strong seismic ground shaking?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** To ensure the structural integrity of all structures, the Proposed Project must conform to the Seismic Requirements as outlined within the California Building Code. The County Code requires a soils compaction report with proposed foundation recommendations to be approved before the issuance of a building permit. Additionally, the proposed battery storage containers would be individually placed on level ground. Each battery storage container would be fastened to earth screws at all four corners of the container. Within the containers, battery racks would be attached to the floor of the storage container using methods and materials approved by a structural engineer to withstand damage from seismic ground shaking consistent with the California Building Code. No permanent occupancy is proposed at the Project site, and people would generally not be present except during construction or during scheduled or required maintenance or repairs of the facility operations. Therefore, compliance with the California Building Code and the County Code ensures the Project will not result in a potentially significant impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project site is not within a "Potential Liquefaction Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. This indicates that the liquefaction potential at the site is low. In addition, according to the Investigation, the Project site is predominately underlain by variably weathered dense and very dense granitic rock, and groundwater is expected to occur at depth within the fractured granitic rock. Therefore, there will be a less than significant impact from the exposure of people or structures to adverse effects from a known area susceptible to ground failure, including liquefaction. In addition, because liquefaction potential at the site is low, earthquake-induced lateral spreading is not considered to be a seismic hazard at the site and impacts would be less than significant.

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iv. Landslides?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project site is not within a "Landslide Susceptibility Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. Landslide Susceptibility Areas were developed based on landslide risk profiles included in the Multi-Jurisdictional Hazard Mitigation Plan, San Diego, CA (URS, 2004). Landslide risk areas from this plan were based on data including steep slopes (greater than 25%); soil series data (SANDAG based on USGS 1970s series); soil-slip susceptibility from USGS; and Landslide Hazard Zone Maps (limited to western portion of the County) developed by the California Department of Conservation, Division of Mines and Geology (DMG). Also included within Landslide Susceptibility Areas are gabbroic soils on slopes steeper than 15% in grade because these soils are slide prone.

According to the Investigation, the Project site is relatively flat. No existing slopes are located within the Project area. Site grading creating new slopes or requiring retaining walls is not expected for the Project. Because the Project is not located within an identified Landslide Susceptibility Area and the geologic environment has a low probability to become unstable, the Project would have a less than significant impact from the exposure of people or structures to potential adverse effects from landslides.

b) Result in substantial soil erosion or the loss of topsoil?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The majority of soils on the Project site are identified as Placentia sandy loam, 2 to 9 percent slopes (PeC), which has a soil erodibility rating of "slight to moderate" and a "slow to medium" runoff class, as indicated by the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. In addition, the Project would not result in substantial soil erosion or the loss of topsoil for the following reasons:

- The Project would not result in unprotected erodible soils; is not located in a floodplain; and would not develop steep slopes.
- A Storm Water Quality Management Plan (SWQMP) and Drainage Study (November 2019) have been prepared by Haley and Aldrich, Inc. for the Project. Proposed new



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stormwater drainage facilities would include infiltration basins to capture runoff and protect downstream resources.

- The Project involves grading. However, the Project would be required to comply with the County's Grading Ordinance [San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING)]. Compliance with these regulations would minimize the potential for water and wind erosion.

Due to these factors, it has been found that the Project would not result in substantial soil erosion or the loss of topsoil, and impacts would be less than significant.

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

## Discussion/Explanation:

**Less than Significant Impact:** The Project involves 1,460 cubic yards of grading that would result in the creation of areas of cut and areas underlain by fill. In order to assure that Proposed Project components are adequately supported, a Geotechnical Investigation was prepared for the Project, in compliance with the San Diego County Building Permit process. The investigation found that excessive swelling or shrinkage of surficial soil/rock due to wetting and drying over time is not anticipated. In addition, since native soils are primarily derived from weathering of dense to very dense native granitic rock, the potential for collapse at the Project site is considered low. The investigation also found that the potential for excessive settlement affecting the Project is low, and the potential for subsidence is very low. The investigation evaluated the strength of underlying soils and provided recommendations on foundation design. The investigation demonstrated that the site would be suitable for development when constructed in accordance with structural stability standards required by the California Building Code, and in compliance with the Grading Ordinance. Therefore, impacts would be less than significant. For further information regarding landslides, liquefaction, and lateral spreading, refer to Section VI Geology and Soils, Question a), iii) through iv) listed above.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

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Discussion/Explanation:

**Less than Significant Impact:** The main soil unit on the Project site is PeC Placentia sandy loam, 2 to 9 percent slopes pursuant to the County of San Diego Soil Survey. This soil has a high shrink-swell potential, which is associated with expansive soils. However, the Geotechnical Investigation performed for the Project found that the site residual soil as well as the granitic rock weathering is predominately silty to clayey sand with a relatively low plasticity. It determined that that excessive swelling or shrinkage of the surficial soil/rock due to wetting and drying over time is not anticipated, and that the potential for expansive soil to impact performance of the Proposed Project is considered low. The Proposed Project would be designed and constructed in compliance with the California Building Code design standards and incorporate geotechnical recommendations to ensure soil stability and proper engineering design of the battery storage footings, thus reducing potential impacts related to geologic units or soils to a less than significant level. Therefore, the Project would not create a substantial risk to life or property and impacts would be less than significant.

- e) Have 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?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The Project does not propose any septic tanks or alternative wastewater disposal systems because no wastewater would be generated. Therefore, the Project would have no impact related to the use of septic tanks or alternative wastewater disposal systems.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

San Diego County has a variety of geologic environments and geologic processes which generally occur in other parts of the state, country, and the world. However, some features stand out as being unique in one way or another within the boundaries of the County.

**No Impact:** A review of the County's Paleontological Resources Maps indicates that the Project is located entirely on plutonic igneous rock and has no potential for producing fossil remains.

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The site does not contain any unique geologic features that have been listed in the County's Guidelines for Determining Significance for Unique Geology Resources nor does the site support any known geologic characteristics that have the potential to support unique geologic features.

### **VIII. GREENHOUSE GAS EMISSIONS** -- Would the project

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project would produce Greenhouse Gas (GHG) emissions during construction activities, as well as during the operation of the Project through vehicle trips and landscaping maintenance. However, the Project falls below the screening criteria that were developed to identify project types and sizes that would have less than cumulatively considerable GHG emissions.

#### **GHG Overview**

Greenhouse gas (GHG) emissions are said to result in an increase in the earth's average surface temperature commonly referred to as global warming. This rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system, known as climate change. These changes are now broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

GHGs include carbon dioxide, methane, halocarbons, and nitrous oxide, among others. Human induced GHG emissions are a result of energy production and consumption, and personal vehicle use, among other sources. Climate changes resulting from GHG emissions could produce an array of adverse environmental impacts including water supply shortages, severe drought, increased flooding, sea level rise, air pollution from increased formation of ground level ozone and particulate matter, ecosystem changes, increased wildfire risk, agricultural impacts, ocean and terrestrial species impacts, among other adverse effects.

In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as Assembly Bill (AB) 32, which set the GHG emissions reduction goal for the State of California into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing GHG emissions from significant sources via regulation, market mechanisms, and other actions.

Senate Bill (SB) 375, passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (CARB) to set regional targets for the purpose of reducing GHG emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing, and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under the California Environmental Quality Act (CEQA). The San Diego Association of Governments (SANDAG) has prepared a Sustainable Communities Strategy (SCS) and the 2050 Regional Transportation Plan (RTP) which are elements of the San Diego Forward: The Regional Plan. The strategy identifies how regional GHG reduction targets, as established by the CARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible. The County of San Diego has also adopted various GHG related goals and policies in the General Plan.

It should be noted that an individual project's GHG emissions would generally not result in direct impacts under CEQA, as the climate change issue is global in nature; however, an individual project could be found to contribute to a potentially significant cumulative impact. CEQA Guidelines Section 15130(f) states that an environmental impact report (EIR) shall analyze GHG emissions resulting from a proposed project when the incremental contribution of those emissions may be cumulatively considerable.

#### Background on CAP and Litigation

The County of San Diego adopted a Climate Action Plan on February 14, 2018 which outlines actions that the County will undertake to meet its greenhouse gas (GHG) emissions reductions targets. Implementation of the CAP requires that new development projects incorporate more sustainable design standards and implement applicable reduction measures consistent with the CAP. In addition, a CAP Consistency Review Checklist has been prepared by the County to help streamline the review and determine consistency with the CAP. However, in March 2018, several petitioners filed a lawsuit against the County, alleging that the CAP and, in particular, M-GHG-1 were inconsistent with General Plan Goal COS-20 and Policy COS-20.1.

In December 2018, the San Diego Superior Court ruled against the County. The Court issued a writ ordering the approval of the CAP and its EIR to be set aside, and enjoining reliance on the County CAP's mitigation measure M-GHG-1. In January 2019, the County appealed the San Diego Superior Court ruling which stayed the above described writ. Essentially, the CAP and its EIR are still in place during the appeal. Given the current legal instability concerning the County's CAP, the analysis prepared for the Project did not rely solely on the CAP to streamline the Project's environmental analysis under CEQA Guidelines Section 15183.5. Rather, the Project's significance determination used the criteria detailed above, (informed by CEQA Guidelines Section 15064.4) and mitigation strategies (informed by CEQA Guidelines Section 15126.4(c)) that are independent of the CAP. As such, in the event that the CAP does not withstand judicial scrutiny, the Project has undergone a separate, stand-alone analysis for determining whether the Project's GHG emissions would significantly impact the environment. The results from both the CAP checklist and the supplemental GHG analysis are described below.

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#### Project Analysis

The Project has prepared the CAP checklist and would implement all applicable measures identified in the checklist. The Project would therefore be consistent with the County's Climate Action Plan. Proposed incorporated measures from the CAP Checklist include the following:

In order to supplement the CAP checklist, a Greenhouse Gas Screening analysis was prepared by Ldn Consulting, Inc. and dated April 5, 2019. The analysis found that demolition and construction of the Project would generate approximately 95 MTCO<sub>2e</sub> over the construction life of the Project. Given the fact that the total emissions would ultimately contribute to cumulative levels, total construction emissions averaged over the life of the Project, assumed to be 30 years, would add 5 MTCO<sub>2e</sub> per year. Adding both annual construction and the expected operational emissions from vehicle exhaust emissions associated with the maintenance crews traveling to and from the site, the Project would generate emissions of 8.19 MTCO<sub>2e</sub> per year. For reference, the California Air Pollution Control Officers Association (CAPCOA) prepared a white paper which recommends a 900 metric tons (MT) of carbon dioxide equivalent (CO<sub>2e</sub>) per year per screening level to determine the size of projects that would be likely to have a less than considerable contribution to the cumulative impact of climate change. Given this, the Project would not exceed CAPCOA's 900 MTCO<sub>2e</sub> screening level and would not be expected to result in a substantial contribution of GHG emissions to global climate change.

The Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Therefore, impacts are less than significant.

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

#### Discussion/Explanation:

**Less than Significant Impact:** In 2006, the state passed the Global Warming Solutions Act of 2006, commonly referred to as AB 32, which set the GHG emissions reduction goal for the State of California into law. The law requires that by 2020, state emissions must be reduced to 1990 levels by reducing GHG emissions from significant sources via regulation, market mechanisms, and other actions.

SB 375, passed in 2008, links transportation and land use planning with global warming. It requires CARB to set regional targets for the purpose of reducing GHG emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing, and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under CEQA. SANDAG has prepared a SCS and the 2050 RTP which are elements of the San Diego Forward: The Regional Plan. The strategy identifies how



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regional GHG reduction targets, as established by CARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible.

To implement state mandates to address climate change in local land use planning, local land use jurisdictions are generally preparing GHG emission inventories and reduction plans and incorporating climate change policies into local General Plans to ensure development is guided by a land use plan that reduces GHG emissions. The County of San Diego's General Plan incorporates policies related to climate change. These policies provide direction for individual development projects to reduce GHG emissions and help the County meet its GHG emission reduction targets.

As discussed in Section VIII(a) above, the Proposed Project's emissions would be below the 900 MTCO<sub>2e</sub> per year screening level. As such, the Proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. Impacts would be less than significant.

#### **IX. HAZARDS AND HAZARDOUS MATERIALS** -- Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

A Hazard Consequence Analysis Report dated November 2019 was prepared by the consulting firm Haley and Aldrich by Robert Kalin, Senior Technical Specialist and Tina Berceli-Boyle, P.E., Senior Associate/Chemical Engineer. The study was peer reviewed by Eric Clark of Stantec. San Diego Gas & Electric was also provided the study for review and has no further comments.

**Less than Significant Impact:** The Project will be conditioned to comply with Department of Environmental Health requirements for the transport and storage of hazardous chemicals. Therefore, the Project will not have any effects to hazards and hazardous materials with the preparation and approval of a Hazard Materials Business Plan prior to building permit issuance.

The HMBP contains detailed information on the storage of hazardous materials at regulated facilities. The purpose of the HMBP is to prevent or minimize damage to public health, safety, and the environment, from a release or threatened release of a hazardous material. The HMBP

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also provides emergency response personnel with adequate information to help them better prepare and respond to chemical-related incidents at regulated facilities.

As the Certified Unified Program Agency (CUPA) for the County of San Diego, the Hazardous Materials Division (HMD) conducts routine inspections at facilities that are subject to the HMBP requirements. The purpose of these inspections is to ensure compliance with existing laws and regulations concerning HMBP requirements, to identify existing safety hazards that could cause or contribute to an accidental spill or release, and to suggest preventive measures designed to minimize the risk of a spill or release of hazardous materials.

The HMBP is not a mitigation measure and is considered part of the standard conditions of approval for a Project.

The EPA's "Risk Management Program Guidance for Offsite Consequence Analysis" and the CalARP both recommend conducting an offsite consequence analysis to represent release scenarios that are possible (although unlikely) to occur under a variety of weather and wind conditions to determine the distance certain projects should be sited relative to sensitive uses. Modeling assumptions and meteorological conditions that were used for conducting the off-site consequence analysis are specified in the California Code of Regulations (CCR), Title 19, Chapter 4.5, Article 2735.1 et seq.

Plume analysis and exposure impacts were conducted using USEPA's ALOHA hazards modeling program. Based on information about a chemical release, ALOHA estimates how quickly the chemical will escape from containment and form a hazardous gas cloud, and also how that release rate may change over time. ALOHA can then model how that hazardous gas cloud will travel downwind, including both neutrally buoyant and heavy gas dispersion. Additionally, if the chemical is flammable, ALOHA simulates pool fires, boiling liquid expanding vapor explosions, vapor cloud explosions, jet fires, and flammable gas clouds (where flash fires might occur). ALOHA evaluates different types of hazards (depending on the release scenario); toxicity, flammability, thermal radiation, and overpressure. ALOHA produces a threat zone estimate, which shows the area where a particular hazard (such as toxicity or thermal radiation) is predicted to exceed a specified level of concern at some time after the release begins. ALOHA is able to determine a threat zone under different weather and wind scenarios.

Based the Offsite Consequence Analysis dated October 2019 and prepared by Haley & Aldrich, a toxic release from 1.5 battery racks was assumed to be triggered by a fire event and result in a release of HCl, HF, HCN, and CO. Using nighttime meteorological conditions, modeling results indicate that the distance of the Project to sensitive use types will be adequately sited. ALOHA is unable to predict threat zones less than 10 meters because of the effects of near-field patchiness which make dispersion predictions less reliable for short distances.

The Project is required to conform to California Fire Code 2018 section 608.5.1.1. which requires stationary storage battery systems to have a fire suppression system. Each container will have four heating, ventilation, and air conditioning systems to keep battery cores at optimal operating temperature. Fire suppression systems in each container include the clean agent Novec 1230

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in a tank connected to nozzles and designed to floor the entire container during a fire vent. The systems will be reequipped with early smoke detection, alarms, and remote monitoring. The use of Novec 1230 with an active suppression system supports the determination adequate separations, cascading protections, and suppression systems would limit failure to a single module or at least a single rack and that the credible thermal runaway/fire event involving a maximum 1.5 battery racks is a conservative assumption.

The results of the offsite consequence analysis show that the Project would be adequately sited relative to sensitive use types. The estimated maximum distance is primarily within the Project site's boundary but does extend to the adjacent undeveloped parcel (APN 1054101100), which is also controlled by Fluence. No schools or residences are located within the maximum distance of the Project site.

Therefore, impacts would be less than significant and no mitigation would be required.

- b) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

#### **Less than Significant Impact:**

According to the County of San Diego's 2007 "Guidelines for Determining Significance, Hazardous Materials and Existing Contamination," which states that facilities would handle regulated substances subject to CalARP regulations and are located within 0.25-mile from a school or day care are required to prepare a hazard assessment to determine the effects of the regulated substance on surrounding land uses in the vent of a release. According to these guidelines, the requirement for a hazard assessment is satisfied by preparing an offsite Consequence Analysis following 2009 "Risk Management Program Guidance for Offsite Consequence Analysis," as supplemented by guidance from CalARP.

The County of San Diego's Planning and Development Services identified the St. Stephen Lutheran Church located on parcel APN 1050922200 is proposing to modify their Major Use Permit to be a small school. This property is located approximately 0.25 mile from the Project site's boundary. In addition, Lavender Hill School is a small home school located approximately 700 feet east of the Project site on parcel APN 1054210100.

As previously identified in response IX. Hazards and Hazardous Materials, a), the Project would be adequately sited relative to sensitive use types. The estimated maximum distance is primarily within the Project site's boundary but does extend to the adjacent undeveloped parcel (APN

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1054101100), which is also controlled by Fluence. No schools or residences are located within this distance.

- c) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or is otherwise known to have been subject to a release of hazardous substances and, as a result, would it create a significant hazard to the public or the environment?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** Based on a Phase I Environmental Site Assessment completed for the Project, in conformance with the scope and limitations of the American Society for Testing and Materials (ASTM) E 1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process as referenced in 40 Code of Federal Regulations (CFR) Part 312 (the All Appropriate Inquiries [AAI] Rule), the Project site has not been subject known or suspected "recognized environmental conditions" (REC) as defined in the ASTM E 1527-13 Standard. Therefore, the Project would not create a significant hazard to the public or environment.

- d) For a project 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, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less than Significant Impact:** The Project is not located within 2 miles of a public airport; however, it is located within the Fallbrook Community Airpark Land Use Compatibility Plan area (Review Area 2). Although the Project would be unmanned (with the exception of limited maintenance activities), and would not include construction of any structure equal to or greater than 150 feet in height that would constitute a safety hazard to aircraft and/or operations from an airport or heliport, a Federal Aviation Administration (FAA) Form 74-60-1 Notice of Proposed Construction or Alteration would be filed in compliance with FAA Height Notification coordination requirements. Therefore, the Proposed Project would not constitute a safety hazard for people residing or working in the Project area, and impacts would be less than significant.

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- e) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

The following sections summarize the Project's consistency with applicable emergency response plans or emergency evacuation plans.

i. OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN:

**Less than Significant Impact:** The Operational Area Emergency Plan is a comprehensive emergency plan that defines responsibilities, establishes an emergency organization, defines lines of communications, and is designed to be part of the statewide Standardized Emergency Management System. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the risk assessment process, identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives and actions for each jurisdiction in the County of San Diego, including all cities and the County unincorporated areas. The Project would not interfere with this plan because it would not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.

ii. SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN

**No Impact:** The San Diego County Nuclear Power Station Emergency Response Plan would not be interfered with by the Project due to the location of the Project, plant and the specific requirements of the plan. The emergency plan for the San Onofre Nuclear Generating Station includes an emergency planning zone within a 10-mile radius. All land area within 10 miles of the plant is not within the jurisdiction of the unincorporated County and as such a project in the unincorporated area is not expected to interfere with any response or evacuation.

iii. OIL SPILL CONTINGENCY ELEMENT

**No Impact:** The Oil Spill Contingency Element would not be interfered with because the Project is not located along the coastal zone or coastline.

iv. EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN



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**No Impact:** The Emergency Water Contingencies Annex and Energy Shortage Response Plan would not be interfered with because the Project does not include the alteration of a major water or energy supply infrastructure, such as the California Aqueduct.

v. DAM EVACUATION PLAN

**No Impact:** The Dam Evacuation Plan would not be interfered with because the Project is not located within a dam inundation zone.

f) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project is not listed as high fire hazard area but is located within the Urban-Wildland Interface Zone. A Fire Protection Plan (FPP) prepared by Santa Margarita Consulting LLC, dated October 24, 2019 has been prepared for the Project, in coordination with North County Fire Protection District. The Project would comply with regulations relating to emergency access, water supply, and defensible space specified in the County Fire Code and Consolidated Fire Code. Implementation of these fire safety standards would occur during the Minor Use Permit, or building permit process. In addition, a Fire Service Availability Letter and conditions, dated December 13, 2018, has been received from the North County Fire Protection District. The conditions from the North County Fire Protection District as outlined in the FPP include: location of fire hydrants along fire access driveways and roadways to meet operational needs, and at intersections (i.e., access road/East Mission Road and access road terminus/ Project driveway) and intervals pursuant to the Fire Code; 2,500 gallons per minute fire flow in water main; adequate access road a minimum of 24 feet wide, paved surface suitable for a 75,000 pound fire apparatus; driveway grade of no more than 4 percent slope; turn-around provisions at dead-end fire access roads in excess of 150 feet; driveway terminating in a 40-foot radius cul-de-sac; minimum vertical clearance of 13 feet 6 inches for the entire width of fire access road; North County Fire Protection District-approved Knox box key opener on 24-foot gate across access road; automatic fire sprinklers and fire suppression systems with early smoke detection, alarms, and remote monitoring; minimum 100-foot fuel management zone around structures over 250 square feet in size maintained annually or as needed; and fire resistant construction. The Fire Service Availability Letter indicates the expected emergency travel time to the Project site to be 2 minutes. The Maximum Travel Time allowed pursuant to the Safety Element is 5 minutes. Further, the Project facility would be unmanned and therefore would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Based on review of the Project by County staff, through

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compliance with the County Fire Code and Consolidated Fire Code, and through compliance with the North County Fire Protection District's conditions, impacts would be less than significant.

- g) Propose a use, or place residents adjacent to an existing or reasonably foreseeable use that would substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies, which are capable of transmitting significant public health diseases or nuisances?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project includes proposed infiltration basins to improve stormwater runoff and enhance natural hydrologic flow and drainage. Infiltration basins have the potential to be suitable habitat for mosquito breeding when conditions allow water to stand for a period of 72 hours (3 days) or more. A Vector Control Plan would be required if proposed basins would not drain in less than 96 hours. However, drawdown calculations from the Project drainage study and SWQMP show that the two proposed large basins would drawdown in approximately 57 and 39 hours. Therefore, water is not anticipated to stand for a period of 72 hours or more, and the proposed basins would not be considered suitable habitat for mosquito breeding. Further, the Project would be well below the 96-hour trigger requiring a Vector Control Plan. Therefore, human exposure to vectors would not substantially increase, and impacts would be less than significant.

The Proposed Project would not involve or support uses that would produce or collect animal waste, such as equestrian facilities, agricultural operations (chicken coops, dairies, etc.), solid waste facility or other similar uses. Therefore, the Project would not substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies.

**X. HYDROLOGY AND WATER QUALITY** -- Would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project would be required to obtain a NPDES General Permit for Discharges of Storm Water Associated with Construction Activities. Minimum required construction Best Management Practices (BMPs) would include vegetation stabilization planting,

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fiber rolls (straw wattles), stabilized construction entrance, materials management, and waste management.

In addition, a Drainage/Hydro-modification Study and Priority Development Project (PDP) Storm Water Quality Management Plan (SWQMP), both dated November 2019, have been prepared to demonstrate that the Project would comply with all operational requirements. The Project proposes and would be required to implement the following site design measures and/or source control BMPs and/or permanent post-construction pollutant and hydro-modification control BMPs to reduce potential pollutants to the maximum extent practicable from entering storm water runoff: hydraulic stabilization and hydroseeding on disturbed slopes, County Standard lot perimeter protection detail and County Standard desilting basin for erosion control on disturbed flat areas, energy dissipater outlet protection for water velocity control, silt fencing, fiber rolls, gravel and sand bags, storm drain inlet protection and engineered desilting basin for sediment control, stabilized construction entrance, street sweeping and vacuuming for offsite tracking of sediment, and measures to control materials management and waste management. Proposed basins have been designed to detain excess runoff generated by the Project such that peak runoff flows offsite are maintained at or below their pre-development values. Further, most of the proposed battery storage system components would be enclosed (lithium-ion batteries would be fully contained within the storage containers, and battery fluids or substances would not be susceptible to spills or release as runoff).

The Project would be consistent with PDP requirements of the County of San Diego BMP Design Manual, which is a design manual for compliance with local County of San Diego Watershed Protection Ordinance (Sections 67.801 et seq.) and regional Municipal Separate Storm Sewer System (MS4) Permit (RWQCB, San Diego Region Order No. R9-2013-0001 as amended by R9-2015-0001 and R9-2015-0100) requirements for storm water management.

Therefore, the Project would have less than significant impacts on water quality standards and discharge requirements, as well as degradation of surface and groundwater quality in general.

- b) Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, could the project result in an increase in any pollutant for which the water body is already impaired?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project site is located within the Ysidora Hydrologic Area of the Santa Margarita River Hydrologic Unit in the San Diego Region. The Santa Margarita River is a 303(d) Impaired Water Body from Phosphorous, total nitrogen as N, Enterococcus, and fecal coliform.

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The PDP SWQMP prepared for the Project proposes the following design measures and source control BMPs such that potential pollutants would be reduced to the maximum extent practicable so as not to increase the level of pollutants in receiving waters and reduce impacts on storm water quality and hydromodification to less than significant levels: vegetation stabilization planting, fiber rolls (straw wattles), stabilized construction entrance, materials and waste management, permeable surfaces, and biofiltration basins.

The proposed BMPs are consistent with regional surface water and storm water planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result, the Project would not contribute to a cumulative impact to an already impaired water body, as listed on the Clean Water Act Section 303(d). Regional surface water and storm water permitting regulation for County of San Diego includes the following: RWQCB, San Diego Region Order No. R9-2013-0001 as amended by R9-2015-0001 and R9-2015-0100, San Diego Watershed Protection Ordinance (Sections 67.801 et seq.), and the County of San Diego BMP Design Manual. The stated purposes of these ordinances are to protect the health, safety and general welfare of the County of San Diego residents; to protect water resources and to improve water quality; to cause the use of management practices by the County and its citizens that will reduce the adverse effects of polluted runoff discharges on waters of the state; to secure benefits from the use of storm water as a resource; and to ensure the County is compliant with applicable state and federal laws. The Watershed Protection Ordinance has discharge prohibitions, and requirements that vary depending on type of land use activity and location in the County. The Project would be subject to the Watershed Protection Ordinance which would require the preparation of a Stormwater Management Plan that details the Project's pollutant discharge contribution to a given watershed and proposes BMPs or design measures to mitigate any impacts that may occur in the watershed. Therefore, impacts would be less than significant.

c) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The RWQCB has designated water quality objectives for waters of the San Diego Region to protect the existing and potential beneficial uses of each hydrologic unit. The Project lies in the Ysidora Hydrologic Area of the Santa Margarita River Hydrologic Unit that has the following existing and potential beneficial uses for ground water: municipal and domestic supply; agricultural supply; industrial process supply, and industrial service supply.

Potential sources of polluted runoff resulting from the Project are discussed in the PDP SWQMP prepared for the Project. The following site design measures and/or source control BMPs and/or permanent post construction pollutant and hydro-modification control BMPs would be employed

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to reduce potential pollutants in runoff to the maximum extent practicable, such that the Project would not cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses: permeable surfaces and biofiltration basins.

In addition, the proposed BMPs are consistent with regional surface water, storm water and groundwater planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result, the Project would not contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. Refer to Section X, Hydrology and Water Quality, Question b), for more information on regional surface water and storm water planning and permitting process.

- d) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less than Significant Impact:** The Project would obtain its water supply from the Fallbrook Public Utility District. The Project would not require restroom facilities or associated use of potable water, and would only require minimal water use for landscaping and fire suppression. Limited water required during the construction phase would be trucked in as necessary. No groundwater would be used for any purposes during construction or operation phases of the Project.

The majority of the Project would consist of gravel infill and remain pervious to allow infiltration of precipitation. New impervious surfaces would be limited to the individual concrete equipment pads and the widened areas of the access driveway. Any runoff would be directed to proposed infiltration basins located at the northern end of the facility and along the access driveway. In the context of the whole groundwater basin, the incremental amount of impervious surface that would be introduced by the Project would be small and would not substantially interfere with groundwater recharge. The Project would not involve regional diversion of water to another groundwater basin, or diversion or channelization of a stream course or waterway with impervious layers, such as concrete lining or culverts, for substantial distances (e.g. ¼ mile). Therefore, impacts would be less than significant.

- e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surface, in a manner which would:
- (i) result in substantial erosion or siltration on- or offsite;



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- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** As outlined in the PDP SWQMP prepared for the Project, the Project would implement the following site design measures, source control, and/or permanent post construction pollutant and hydro-modification control BMPs to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff: permeable surfaces and biofiltration basins. Runoff would be directed to the proposed infiltration basins located at the northern end of the facility and along the access driveway. These measures would control erosion and sedimentation and satisfy waste discharge requirements as required by the Land-Use Planning for New Development and Redevelopment Component of the San Diego MS4 Permit (SDRWQCB Order No. R9-2013-0001), as implemented by the San Diego County Jurisdictional Runoff Management Program (JRMP) and BMP Design Manual. The PDP SWQMP specifies and describes the implementation process of all BMPs that would address equipment operation and materials management, prevent the erosion process from occurring, and prevent sedimentation. The Department of Public Works would ensure that the Plan is implemented as proposed. Due to these factors, the Project would not result in significantly increased erosion or sedimentation potential and impacts would be less than significant. For further information on soil erosion, refer to Section VII, Geology and Soils, Question b).

(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Drainage Study analyzes drainage before and after proposed development of the Project site, including BMPs required to control runoff rate and quality to ensure that no adverse effects would occur to downgradient neighboring properties, consistent with the County's Hydrology Manual, Hydraulic Design Manual, and BMP Design Manual. Based on the study, the proposed infiltration basins would:

- detain excess runoff generated by the Project, such that peak runoff flows off-site are maintained at or below their pre-development values; and
- retain and treat the 85<sup>th</sup> percentile storm runoff volume.

The proposed basins would control flows at the points where existing runoff leaves the property.

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Furthermore, since the Project site is not currently prone to flooding and future site grading would not substantially alter the drainage patterns, the Project site would not be prone to on-site flooding under design peak flow conditions. Therefore, the Project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Impacts would be less than significant.

(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** As discussed above in Section X, Hydrology and Water Quality, Question e)ii), the proposed infiltration basins would detain excess runoff generated by the Project such that peak runoff flows off-site are maintained at or below their pre-development values, and would retain and treat the 85<sup>th</sup> percentile storm runoff volume. Therefore, the Project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

(iv) impede or redirect flood flows?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** As discussed above in Section X, Hydrology and Water Quality, Question e)ii), runoff would be directed to proposed infiltration basins which would maintain flow at or below pre-development values. Flows would be controlled at the points where existing runoff leaves the property. Therefore, the Project would not impede or redirect flows. Impacts would be less than significant.

f) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

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Discussion/Explanation:

**No Impact:** The Project site is not located within Federal Emergency Management Agency (FEMA), County Floodplain, County Floodway, or Dam Inundation flood zones. In addition, the Project site is not located within a tsunami or seiche inundation zone. Therefore, no impacts would occur.

- g) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project site would be in compliance with the San Diego Basin Water Quality Control Plan and is not located within a County Sustainable Groundwater Management Act or Groundwater Sustainability Plan basin area. See responses to Section X, Hydrology and Water Quality, Questions a) through d). Therefore, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

**XI. LAND USE AND PLANNING** -- Would the project:

- a) Physically divide an established community?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project does not propose the introduction of new major infrastructure such as roadways, water supply systems or utilities to the area. The Project was accounted for in the County's General Plan and is consistent with the M52 Limited Impact Industrial General Plan category and zoning for the site. Surrounding land uses consist of similar Limited Impact Industrial uses adjacent on the west, including the SDG&E Avocado substation. Therefore, the Project is considered consistent with surrounding land uses and would not significantly disrupt or physically divide an established community. Impacts would be less than significant.

- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

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- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project was accounted for in the County's General Plan and is consistent with the M52 Limited Impact Industrial General Plan category and zoning for the site. The Project is consistent with Policy LU-6.1, Environmental Sustainability and Policy COS-14.7, Alternative Energy Sources for Development Projects, because it is a clean, reliable resource that would help integrate renewables and reduce dependence on gas-fired generation, eliminate ocean water for cooling, reduce fresh water consumption, and reduce GHG and criteria air pollutant emissions. The Project is consistent with Policy LU-6.5, Sustainable Stormwater Management, because it consists mainly of gravel infill and includes several stormwater infiltration basins. The Project is consistent with Policy LU-10.2, Development–Environmental Resource Relationship, because the facility would be setback, screened by landscaping, and conform to the natural topography of the site. The Project is consistent with Policy COS-4.1, Water Conservation, because the facility would be unmanned and would require minimal water use (no groundwater). The Project is consistent with Policy COS-2.2, Habitat Protection through Site Design, because it has been sited to avoid sensitive habitat. In addition, the Project is also subject to the policies of the Fallbrook Community Plan and Design Guidelines which supports development that can be compared to, or transition with, existing development and “fits” with the community. The Project would not contrast with the surrounding use types due to the following reasons: the mass and scale of the Project would not conflict with the residences to the east due to the design as separate battery units (rather than one large unit); land use conflicts such as dust, noise and traffic would not be expected with the Project; and a landscape plan has been approved, providing for landscape screening of the site. The Project is consistent with Policy 2.3 of the Fallbrook Community Plan for industrial use because the facility would not create noise, dirt, air pollution and traffic and would include landscaping in the design of the facility to soften structure. Moreover, the Fallbrook Community Planning Group unanimously supported the Project at the February 18, 2019 hearing. Therefore, the Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

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**XII. MINERAL RESOURCES** -- Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project site has been classified by the California Department of Conservation – Division of Mines and Geology as an area of “Potential Mineral Resource Significance” (MRZ-3), but with no alluvium and no active mines. The Project site is surrounded by developed land uses including residential and industrial land uses which are incompatible to future extraction of mineral resources on the Project site. A future mining operation at the Project site would likely create a significant impact to neighboring properties for issues such as noise, air quality, traffic, and possibly other impacts. Therefore, implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value since the mineral resource has already been lost due to incompatible land uses.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project site is not located in an area that has Mineral Resource Zone 2 (MRZ-2) designated lands, nor is it located within 1,300 feet of such lands. Therefore, the Project would not result in the loss of availability of locally important mineral resource(s). Therefore, no potentially significant loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan would occur as a result of this Project.



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**XIII. NOISE** -- Would the project result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project would include construction and remote operation of a battery energy storage facility, including 16 battery storage containers (756 sf each) with inverters and HVAC systems. A Noise Assessment (Assessment) was prepared for the Project by Ldn Consulting, Inc. in February 2019. According to the Assessment, the Project is consistent with the County of San Diego General Plan, Noise Ordinance, and other applicable noise standards for the following reasons:

**General Plan – Noise Element**

The County of San Diego General Plan, Noise Element, Tables N-1 and N-2 addresses noise sensitive areas and requires an acoustical study to be prepared for any use that may expose noise sensitive areas to noise in excess of a Community Noise Equivalent Level (CNEL) of 60 decibels (dBA). Moreover, if the Project is in excess of 60 dBA Community Noise Equivalent Level (CNEL) or 65 dBA CNEL, modifications must be made to the Project to reduce noise levels. Noise sensitive areas include residences, hospitals, schools, libraries or similar facilities as mentioned within Tables N-1 and N-2. The Project is not a noise sensitive land use. However, noise sensitive land uses exist to the north, east and west of the Project site. Based on the Analysis, Project implementation would not expose existing or planned noise sensitive areas to noise in excess of the outside sound level threshold. The Project was found to be below the most restrictive nighttime property line standard of 57.5 dBA at the adjacent properties zoned Residential. In addition, the Project is consistent with the County Guidelines for Determining Significance and would not be expected to expose existing or planned noise sensitive areas to noise 10 dB CNEL over existing ambient noise levels. Therefore, the Project is consistent with the General Plan – Noise Element and impacts would be less than significant.

**Noise Ordinance – Section 36.404**

Non-transportation noise for the Project would be sourced from the HVAC system and periodic maintenance of the Bess Facility. Based on the Analysis including the empirical data, manufactures specifications and distances to property lines, non-transportation noise generated by the Project would not exceed the standards of the County of San Diego Noise Ordinance (Section 36.404) at or beyond the Project's property line. The HVAC system and periodic site maintenance of the BESS facility would not result in a substantial increase in noise levels above existing landscape maintenance on the existing and surrounding properties nor would it exceed

County noise standards. In addition, on-site operations would be limited to the daytime hours of 7 a.m. to 10 p.m. Therefore, the Project is consistent with the Noise Ordinance Section 36.404 and impacts would be less than significant.

Noise Ordinance – Section 36.409 and Section 36.410

Based on the Assessment, the Project would not generate construction noise that may exceed the standards of the County of San Diego Noise Ordinance (Section 36.409). The assessment found that at a distance as close as 240 feet, the point source noise attenuation from grading activities and the nearest property line would be -13.6 dBA, which equates to a worst-case 8-hour average combined noise level of 66 dBA at the property line during grading. During construction of the offsite transmission line, noise levels of 69 dBA  $L_{eq}$  would be anticipated at the edge of the easement. Given these noise levels and the spatial separation of the equipment over the site, the noise levels of the grading transmission line construction are anticipated to comply with the County of San Diego's 75 dBA standard at all Project property lines. Noise associated with construction would occur between 7:00 a.m. and 7:00 p.m. Thus, daytime construction would not result in significant noise impacts. In addition, no impulsive noise sources, such as blasting or rock crushing, is anticipated during grading operations. Therefore, the Project is consistent with the Noise Ordinance Section 36.409 and 36.410; impacts would be less than significant.

Finally, the Project's conformance to the County of San Diego General Plan and County of San Diego Noise Ordinance (Section 36-404 and 36.410) ensures the Project will not create cumulatively considerable noise impacts, because the Project will not exceed the local noise standards for noise sensitive areas; and the Project will not exceed the applicable noise level limits at the property line or construction noise limits, derived from State regulation to address human health and quality of life concerns. Therefore, the Project will not contribute to a cumulatively considerable exposure of persons or generation of noise levels in excess of standards established in the local general plan, noise ordinance, and applicable standards of other agencies.

b) Generation of excessive groundborne vibration or groundborne noise levels?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** As discussed in response XIII(a) above, no blasting or rock crushing is anticipated during grading operations. Therefore, no impulsive noise sources are expected, and the Project would comply with Section 36.410 of the County Noise Ordinance. In addition, the Project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels. Potential for vibration and

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ground-borne noise would be minimal and would substantially attenuate with distance such that impacts at sensitive receptors would be less than significant.

- c) For a project located within the vicinity of a private airstrip or 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, would the project expose people residing or working in the project area to excessive noise levels?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project is located within the Fallbrook Community Airpark Land Use Compatibility Plan area (Review Area 2); however, it is not located within 2 miles of the Airpark, and it is not located within 1 mile of a private airstrip. Further, the Project would be unmanned with the exception of limited maintenance activities. Therefore, the Project would not expose people in the Project area to excessive airport-related noise levels. Impacts would be less than significant.

#### **XIV. POPULATION AND HOUSING -- Would the project:**

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project is for the development of a battery energy storage facility. This physical change would not induce substantial population growth in the area because there would be no extension of new major infrastructure such as roadways or other infrastructure into previously unserved areas, and no regulatory changes are proposed that would allow increased population growth. In addition, the Project site and approximately 6 square miles of surround lands have a population of greater than 1,000 persons per square mile and is considered "urban" by the U.S. census. Therefore, impacts would be less than significant.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

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- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Proposed Project would not displace any existing people or housing because the Project site is presently vacant.

#### **XV. PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 service ratios, response times or other performance objectives for any of the public services:

- i. Fire protection?
- ii. Police protection?
- iii. Schools?
- iv. Parks?
- v. Other public facilities?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** Based on the service availability forms received for the Project, the Proposed Project would not result in the need for significantly altered services or facilities. Service availability forms have been provided which indicate existing services are available to the Project from the following agencies/districts: Fallbrook Public Utilities District and North County Fire Protection District. The Project does not involve the construction of new or physically altered governmental facilities, including, but not limited to, fire protection facilities, sheriff facilities, schools, or parks in order to maintain acceptable service ratios, response times or other performance service ratios or objectives for any public services. Therefore, the Project would not have an adverse physical effect on the environment because the Project does not require new or significantly altered services or facilities to be constructed.

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## **XVI. RECREATION**

- a) Would the project increase 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?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project does not propose any residential use, included but not limited to a residential subdivision, mobile home park, or construction for a single-family residence that may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project does not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, the construction or expansion of recreational facilities would not have an adverse physical effect on the environment.

## **XVII. TRANSPORTATION** -- Would the project:

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

San Diego Association of Governments (SANDAG) is the designated congestion management agency for the San Diego region. SANDAG is responsible for preparing the Regional Transportation Plan (RTP), of which the CMP is an element, to monitor transportation system performance, develop programs to address near- and long-term congestion, and better integrate

land use and transportation planning decisions. The CMP includes a requirement for enhanced CEQA review applicable to certain large developments that generate an equivalent of 2,400 or more average daily vehicle trips or 200 or more peak hour vehicle trips. These large projects must complete a traffic analysis that identifies the project's impacts on CMP system roadways, their associated costs and identify appropriate mitigation.

The County of San Diego has also developed an overall programmatic solution that addresses existing and projected future road deficiencies in the unincorporated portion of San Diego County. The TIF program creates a mechanism to proportionally fund improvements to roadways necessary to mitigate potential cumulative impacts caused by traffic from future development. These new projects were based on SANDAG regional growth and land use forecasts, the SANDAG Regional Transportation Model was utilized to analyze projected buildout (year 2030) development conditions on the existing Mobility Element roadway network throughout the unincorporated area of the County. Based on the results of the traffic modeling, funding necessary to construct transportation facilities that will mitigate cumulative impacts from new development was identified. Existing roadway deficiencies would be corrected through improvement projects funded by other public funding sources, such as TransNet, gas tax, and grants. Potential cumulative impacts to the region's freeways have been addressed in SANDAG's RTP. The RTP, which considers freeway buildout over the next 30 years, will use funds from TransNet, State, and Federal funding to improve freeways to projected level of service objectives in the RTP.

**Less than Significant Impact:** The Project would not have a direct impact related to a conflict with any plans, ordinances, or policies addressing the circulation system. Project trips, or average daily trips (ADTs), associated with construction is estimated to include between 5 and 13 ADT for workers depending on the construction phase. In addition, approximately 137 ADT for haul trips is estimated during the grading and access road phase. This would be a short-term increase and would only occur during the duration of Project construction. Given that construction worker trips would be temporary and would be dispersed along different routes based on the origin of the trips, construction worker commuting is not expected to have a significant effect on the capacity of the transportation system. Once operational, the system would be remotely operated, and traffic associated with Project maintenance site visits would occur only twice monthly on average. Estimated trip generation would be between 2 to 4 trips twice per month. Project trips would not result in a substantial increase in the number of vehicle trips, volume of capacity ratio on roads, or congestion at intersections in relation to existing conditions. Further, payment of the TIF would be required at issuance of building permits.

Implementation of the Project would not result in the construction of any road improvements or new road design features that would interfere with the provision of public transit, bicycle or pedestrian facilities, nor would it generate sufficient travel demand to increase demand for transit, pedestrian or bicycle facilities. Therefore, the Project would not conflict with policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.



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b) Would the project conflict or be consistent with CEQA Guidelines section 15064.3, subdivision (b)?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** Per CEQA Guidelines Section 15064.3, *Determining the Significance of Transportation Impacts*, land use projects would be evaluated based on vehicle miles traveled. As discussed above, traffic associated with Project maintenance site visits would occur only twice monthly on average. Estimated trip generation would be between 2 to 4 trips twice per month. The Project would not generate sufficient traffic to require advanced CEQA review per the CMP. Impacts would be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project would not substantially increase driving hazards due to a geometric design feature or incompatible uses. The proposed on-site access driveway would be used only by limited maintenance staff and emergency responders in the event of an emergency. Turning radius on the proposed access driveway would accommodate maneuverability of large trucks and vehicles, including fire trucks per County roadway standards.

Existing access to and from the Project site from East Mission Road would remain unchanged. A Sight Distance Analysis and Design Exception Request prepared for the Project has been approved by the Department of Public Works regarding safe and adequate minimum stopping sight distances for westbound and eastbound traffic on East Mission Road approaching the intersection with the Project driveway. The Sight Distance Analysis and Design Exception Request for the Project was approved based on consistency with American Association of State Highway and Transportation Officials (AASHTO) stopping sight distance criteria in lieu of County corner sight distance criteria. The Project was determined to not adversely affect traffic safety and flow of traffic in the area.

In addition, the Project would not place incompatible uses (e.g., farm equipment) on existing roadways. Therefore, the Project would not significantly increase hazards due to design features or incompatible uses. Impacts would be less than significant.

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d) Result in inadequate emergency access?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project would not generate traffic volumes that would impede emergency access. A FPP has been approved by North County Fire Protection District that describes how the Project complies with emergency access requirements, per the San Diego County Fire Code and Consolidated Fire Code, including turning radius and maneuverability of large emergency vehicles such as fire trucks and ambulances. Therefore, the Project would not result in inadequate emergency access, and impacts would be less than significant.

**XVIII. TRIBAL CULTURAL RESOURCES** -- Would the project:

a) Cause a substantial adverse change in the significance of a tribal cultural resource, as defined in Public Resources Code §21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of Historical Resources as defined in Public Resources Code §5020.1(k), or

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** No tribal cultural resources were identified within the Project area during the Cultural Resources Survey. Therefore, no impacts to listed or eligible for listing tribal cultural resources would occur.

ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the Lead Agency shall consider the significance of the resource to a California Native American tribe.

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- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

**Less than Significant with Mitigation Incorporated:** The Native American Heritage Commission (NAHC) was contacted on May 5, 2017, for a review of the Sacred Lands File (SLF), to determine if any known Native American cultural properties (e.g., traditional use or gathering areas, places of religious or sacred activity, etc.) are present within or adjacent to the Project area. The NAHC responded on May 8, 2017, noting that the SLF search failed to indicate the presence of Native American cultural resources in the immediate Project area. The NAHC requested that Native American individuals and organizations be contacted to elicit information and/or concerns regarding cultural resource issues related to the Project. A letter describing the Project and asking these individuals and organizations for their input was sent via mail and electronic mail on December 12, 2017. As of the date of the Cultural Resources Survey report (October 2018), four responses had been received:

- **Agua Caliente Band of Cahuilla Indians:** A response was received from the tribe's Cultural Resource Manager, Katie Croft, on January 4, 2018 stating that the Project is not located in the tribe's traditional use area and that the letter concludes their consultation efforts.
- **Iipay Nation of Santa Ysabel:** A response was received from the tribe's contact, Clint Linton, on December 15, 2017 stating that the tribe would defer to Cami at the San Luis Rey Band.
- **Pala Band of Mission Indians:** A response was received from the tribe's THPO, Shasta Gaughen, on December 13, 2017 stating that the Project is within the tribe's traditional use area and therefore, they request that documentation regarding the Project be provided to them and archaeological monitoring be conducted.
- **Jamul Indian Village:** A call was received from a representative of Jamul Indian Village stating that the tribe would be deferring to the Pala Band of Mission Indians.

Government-to-government consultation pursuant to Assembly Bill 52 is ongoing and is conducted by County staff.

No information has been obtained through Native American consultation or communication with the Native American monitors during fieldwork that there are any culturally or spiritually significant sites within the Project area. No Traditional Cultural Properties that currently serve religious or other community practices are known to exist within the Project area. During the archaeological survey, no artifacts or remains were identified or recovered that could be reasonably associated with such practices. No Tribal Cultural Resources were identified or reported from the Native American contacts.

As noted in Section V, Cultural Resources, Questions b) and c), monitoring of initial ground disturbance by a qualified archaeologist and Native American monitor would be implemented to mitigate potential impacts to sensitive resources, should subsurface resources be found during

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the construction process. Thus, potential impacts tribal cultural resources, as defined in Public Resources Code §5024.1(c) would be less than significant with mitigation incorporated.

**XIX. UTILITIES AND SERVICE SYSTEMS** -- Would the project:

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less than Significant Impact:** The Project would include connection to the existing SDG&E 69-kV Avocado substation (approximately 450 feet to the west) via approximately 630 linear feet of underground cable/vaults along a proposed easement (off-site parcel APN 105-410-44). Proposed stormwater drainage facilities would include infiltration basins located in the northern portion of the fenced facility, as well as along the access driveway parcel (off-site parcel APN 105-410-10). In addition, connection to the existing Fallbrook Public Utility District water line along East Mission Road would be established at the Project entrance to supply water to the facility.. The Project would not require the construction or expansion of wastewater treatment facilities as no wastewater would be produced. Similarly, no natural gas or telecommunications facilities would be required. Therefore, the Project would not require the construction of new or expanded facilities, which could cause significant environmental effects.

- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less than Significant Impact:** The Project would not require restroom facilities or associated use of potable water. Minimal water required for low water/drought tolerant landscaping and fire suppression would be obtained through connection to Fallbrook Public Utility District. A 399W Water Availability Form was provided by the Fallbrook Public Utility District on December 3, 2018, indicating adequate water resources and entitlements are available to serve the requested water resources. Limited water required during the construction phase would be trucked in as

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necessary. Therefore, the Project would have sufficient water supplies available to serve the Project.

- c) 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?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The Project would be remotely operated and there would be no full-time employees at the site; therefore, no bathroom/septic facilities would be required. No wastewater would be produced; therefore, the Project will not interfere with any wastewater treatment providers service capacity.

- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less than Significant Impact:** The Project would be unmanned and would generate minimal solid waste. In addition, the Project proposes recycling, reduction, and reuse of construction materials. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health, Local Enforcement Agency issues solid waste facility permits with concurrence from the Department of Resources Recycling and Recovery (CalRecycle) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440et seq.). There are four, permitted active landfills in San Diego County with remaining capacity. Therefore, there is sufficient existing permitted solid waste capacity to accommodate the Project's solid waste disposal needs and the Project would not impair the attainment of solid waste reduction goals.

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

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Discussion/Explanation:

**Less than Significant Impact:** The Project would be unmanned and would generate minimal solid waste. In addition, the Project proposes recycling, reduction, and reuse of construction materials. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health, Local Enforcement Agency issues solid waste facility permits with concurrence from the Department of Resources Recycling and Recovery (CalRecycle) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440et seq.). The Project would deposit all solid waste at a permitted solid waste facility and therefore, would comply with federal, state, and local statutes and regulations related to solid waste.

**XX. WILDFIRE** -- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less than Significant Impact:** The Project would not substantially impair an adopted emergency response plan or evacuation plan. Project access has been designed in conformance with State law, and local regulations, and in coordination with the North County Fire Protection District. A FPP has been approved by the North County Fire Protection District, dated October 30, 2018, that describes how the Project complies with emergency access requirements, per the San Diego County Fire Code and Consolidated Fire Code, including turning radius and maneuverability of large emergency vehicles such as fire trucks and ambulances. Per North County Fire Protection District emergency vehicle requirements, the paved width of the Project access road would total 24 feet, including a hammerhead turnaround at the northern end of the facility. The 24-foot wide driveway heads south through the center of the facility and terminates with a 40-foot radius cul-de-sac at the southern end of the facility. Further, the Project would contribute its fair share towards funding the appropriate fire and emergency medical services to adequately serve the Project, as determined through required development fees. Therefore, the Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentration from a wildfire or the uncontrolled spread of a wildfire?



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<input type="checkbox"/>	Potentially Significant Impact	<input checked="" type="checkbox"/>	Less than Significant Impact
<input type="checkbox"/>	Less Than Significant With Mitigation Incorporated	<input type="checkbox"/>	No Impact

Discussion/Explanation:

**Less than Significant Impact:** The Project is not listed as a high fire hazard area but is located within the Urban-Wildland Interface Zone. A FPP and landscape plan has been prepared for the Project, and approved by the North County Fire Protection District. The Project would comply with regulations relating to emergency access, water supply, and defensible space specified in the County Fire Code and Consolidated Fire Code. Implementation of these fire safety standards would occur during the building permit process.

In addition, a Fire Service Availability Letter and conditions, dated December 13, 2018, has been received from the North County Fire Protection District. The conditions from the North County Fire Protection District as outlined in the FPP include: location of fire hydrants along fire access driveways and roadways to meet operational needs, and at intersections (i.e., access road/East Mission Road and access road terminus/ Project driveway) and intervals pursuant to the Fire Code; 2,500 gallons per minute fire flow in water main; adequate access road a minimum of 24 feet wide, paved surface suitable for a 75,000 pound fire apparatus; driveway grade of no more than 4 percent slope; turn-around provisions at dead-end fire access roads in excess of 150 feet; driveway terminating in a 40-foot radius cul-de-sac; minimum vertical clearance of 13 feet 6 inches for the entire width of fire access road; North County Fire Protection District-approved Knox box key opener on 24-foot gate across access road; automatic fire sprinklers and fire suppression systems with early smoke detection, alarms, and remote monitoring; minimum 100-foot fuel management zone around structures over 250 square feet in size maintained annually or as needed; and fire resistant construction. The Fire Service Availability Letter indicates the expected emergency travel time to the Project site to be 2 minutes. The Maximum Travel Time allowed pursuant to the Safety Element is 5 minutes. The project site does not contain any steep slopes and is gently sloping with elevations ranging from approximately 789 to 832 feet above mean sea level. The project site is located inland near the downtown community of Fallbrook and is subject to westerly breezes, and possible events of Santa Ana winds. However, the Project facility would be unmanned and therefore would not exacerbate wildfire risks and expose Project occupants to pollutant concentration from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors. Based on review of the Project by County staff, through compliance with the County Fire Code and Consolidated Fire Code, and through compliance with the North County Fire Protection District's conditions, impacts would be less than significant.

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

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<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less than Significant Impact:** As discussed above, the Project facility would be unmanned and would require minimal maintenance and landscaping. The Project has been located and designed to avoid flammable vegetation and is consistent with the North County Fire Protection Districts Weed Abatement Ordinance. In addition, the proposed transmission lines connecting the facility to Avocado substation would be underground, reducing the risk of exacerbation to wildfire. The facility would be maintained per the FPP and landscape plan that has been approved by the North County Fire Protection District. Further, a 100-foot Fuel Management Zone would be established and maintained around all structures of the project as a condition of approval. Therefore, based on Project coordination with County staff, compliance with the County Fire Code and Consolidated Fire Code, and compliance with the North County Fire Protection District's conditions, impacts associated with fire risk would be less than significant.

- d) Expose people or structure to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less than Significant Impact:** As previously stated in response XX(b), the Project site topography is gently sloping. A Stormwater Management Plan and Drainage Study has been prepared for the Project to ensure adequate drainage. Proposed new stormwater drainage facilities would include a large infiltration basin located at the northern end of the facility, as well as two smaller basins along the proposed access driveway to capture runoff. In addition, pursuant to the Geotechnical Investigation, the potential for landslides at the Project site is low due to the minimal grading required at the site. Therefore, impacts from downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes would be considered less than significant.

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## **XXI. MANDATORY FINDINGS OF SIGNIFICANCE:**

- a) Does the project have the potential to substantially 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, substantially 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?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

### Discussion/Explanation:

Per the instructions for evaluating environmental impacts in this Initial Study, the potential to 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 were considered in the response to each question in sections IV and V of this form. In addition to Project specific impacts, this evaluation considered the Proposed Project's potential for significant cumulative effects. As a result of this evaluation, the Proposed Project was determined to have potential significant effects related to air quality, biological resources, cultural and tribal resources, and hazards and hazardous materials. However, mitigation has been included that clearly reduces these effects to a level below significance. This mitigation includes:

- Air Quality: Use of at least Tier 3 or better diesel equipment fitted with diesel particulate filters (DPF) to mitigate a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment, and exposure of sensitive receptors to substantial pollutant concentrations;
- Biological Resources: The applicant shall purchase 1.41 acres of coast live oak woodland mitigation credits and dedicate an on-site open space easement with fencing, signage and dedication of a limited building zone. The applicant would also be required to comply with the Bird Migratory Treaty Act and obtain permits (if required) under Section 404 of the Clean Water Act; and
- Cultural and Tribal Resources: Monitoring of all ground disturbing activities by a qualified archaeologist and Luiseno Native American monitor and the preparation of a Research Design and Data Recovery Program if any significant resources are found, to mitigate potential impacts to archaeological or tribal resources or human remains.

As a result of this evaluation, there is no substantial evidence that, after mitigation, significant effects associated with this Project would result. Therefore, this Project has been determined not to meet this Mandatory Finding of Significance.

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- b) 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)?

☐ Potentially Significant Impact      ☐ Less than Significant Impact  
☒ Less Than Significant With Mitigation Incorporated      ☐ No Impact

Discussion/Explanation:

The following list of past, present and future projects located within a 1-mile radius of the Project were considered and evaluated as a part of this Initial Study:

PROJECT NAME	ADDRESS	PROJECT NUMBER	APN
McDaniel Fruit Company	937 E Mission Road, Fallbrook, CA 92028	PDS2009-3993-09-015	1055403200
St Peter's Catholic Church MUP	404 S Stage Coach Lane, Fallbrook, CA 92028	PDS2004-3300-65-041	1056401700
CA8468-Willow Glen MUP	2119 Mission Road, Fallbrook, CA 92028	PDS2005-3300-05-056	1051121100
Salem Carwash & Oil Change, P10-015 MUP	936 E Mission Road, Fallbrook, CA 92028	PDS2010-3300-10-015	1055405600
The Crest MUP Modification	1911 Gum Tree Lane, Fallbrook, CA 92028	PDS2004-3301-00-006-01	1054500300
St John's Anglican Church MUP TE	320 S Stage Coach Lane, Fallbrook, CA 92028	PDS2006-3381-00-040	1052816200
St John's Anglican Church MUP TE	320 S Stage Coach Lane, Fallbrook, CA 92028	PDS2006-3381-00-040	1052812500
St John's Anglican Church MUP TE	320 S Stage Coach Lane, Fallbrook, CA 92028	PDS2006-3381-00-040	1052816000
AT&T Mobility, 4D0663 Fallbrook P09-022 Minor Use Permit Modification	550 E Ivy Street, Fallbrook, CA 92028	PDS2010-3401-03-051-01	1031830800
SD0663 Olive Hill Minor Use Permit Modification	No Address	PDS2012-ZAP-03-051W3	1031830800
Walz STP	21348 Bresa De Loma Dr, Escondido, CA 92029	PDS2002-3500-02-055	1054107100
Village Medical Center STP	585 E Elder Street, Fallbrook, CA 92028	PDS2004-3500-04-056	1042911000
McDaniels Fruit Company STP	336 Industrial Way, Fallbrook, CA 92028	PDS2006-3500-07-005	1055408800
Rashkin Design Review Exemption STP	No Address	PDS2013-STP-13-026	1054109400
Industrial Way III STP	550 Industrial Way	PDS2009-3500-97-014	1054109200

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Vine Street Apartments STP	No Address	PDS2016-STP-16-026	1031160700
Rashkin Design Review Exemption STP	No Address	PDS2013-STP-13-026	1054109700
Rashkin Industrial Buildings STP TE	No Address	PDS2015-STP-13-026TE	1054109400
Alvarado Knolls TM5215	137 Gardenside Court, Fallbrook, CA 92028	PDS2003-3100-5215	1058700100
Elder Subdivision TM	No Address	PDS2006-3100-5493	1058116000
Barr Ranch TM-5293TE	No Address	PDS2017-TM-5293TE	1058410300
The Arbors TE	No Address	PDS2016-TM-5268TE	1053801900
Alkema TPM	No Address	PDS2005-3200-20928	1054216500
Rosemere Lane TPM	No Address	PDS2005-3200-20901	1058413200
Zebu Construction & Design TPM	No Address	PDS2003-3200-20584	1058410600
Aguilar TPM In Fallbrook	495 Beaver Creek Lane, Fallbrook, CA 92028	PDS1998-3200-20359	1056407400
Matheny TPM	25617 Rue De Lac, Escondido, CA 92026	PDS2006-3200-21024	1052424000
Arena TPM	No Address	PDS2013-TPM-21199	1055145100
Hudak, TPM, 3 Lots	No Address	PDS2007-3200-21110	1054215900
Dawson TPM	No Address	PDS2013-TPM-21209	1040552300
Lavender Hill Charter School TPM	304 Sky Vista Way	-	1054211000

MUP – Major Use Permit  
STP – Site Plan  
TE – Time Extension  
TM – Tentative Map  
TPM – Tentative parcel map

Per the instructions for evaluating environmental impacts in this Initial Study, the potential for adverse cumulative effects were considered in the response to each question in Sections I through XIX of this form. In addition to Project specific impacts, this evaluation considered the Project's potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there were determined to be potentially significant cumulative effects related to Air Quality, Biological Resources, Cultural and Tribal Cultural Resources. However, mitigation has been included that clearly reduces these cumulative effects to a level below significance. This mitigation includes:

- Air Quality:
- Biological Resources:
- Cultural and Tribal Resources:

As a result of this evaluation, there is no substantial evidence that, after mitigation, there are cumulative effects associated with this Project. Therefore, this Project has been determined not to meet this Mandatory Finding of Significance.

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

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in Sections I. Aesthetics, III. Air Quality, VII. Geology and Soils, IX. Hazards and Hazardous Materials, X Hydrology and Water Quality, XIII. Noise, XIV. Population and Housing, and XVII. Transportation and Traffic. As a result of this evaluation, there were determined to be potentially significant effects to human beings related to the following: Air Quality. However, mitigation has been included that clearly reduces these effects to a level below significance. This mitigation includes the following measures:

- Air Quality: Use of at least Tier 3 or better diesel equipment fitted with diesel particulate filters (DPF) to mitigate a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment, and exposure of sensitive receptors to substantial pollutant concentrations; and

As a result of this evaluation, there is no substantial evidence that, after mitigation, there are adverse effects to human beings associated with this Project. Therefore, this Project has been determined not to meet this Mandatory Finding of Significance.



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

### FOR PURPOSES OF CONSIDERATION OF FALLBROOK ENERGY STORAGE PDS2019-ZAP-19-001

December 5, 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:

The proposed project and any off-site improvements are not located within the boundaries of the Multiple Species Conservation Program. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

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

YES  
☒

NO  
☐

NOT APPLICABLE/EXEMPT  
☐

Discussion:

The proposed project and any off-site improvements related to the proposed project are not within the boundaries of the Multiple Species Conservation Program. The project conforms with the Biological Mitigation Ordinance.

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

YES  
☐

NO  
☐

NOT APPLICABLE/EXEMPT  
☒

Discussion:

The project will obtain its water supply from the Fallbrook Public Utility District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

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

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

## Discussion:

***Wetland and Wetland Buffers:***

Based on the Biological Resources Letter Report dated October 17, 2019 and prepared by Cummings Environmental Inc, it has been determined that wetlands, defined by Section 404 of the Clean Water Act that include disturbed wetland and southern riparian woodland habitat(s) is on the project site. However, the project will not impact through, discharging into, directly removing, filling, or hydrologically interrupting, any federally protected wetlands supported on the project site. The project proposes complete avoidance. Therefore, no significant impacts will occur to wetlands or waters of the U.S. as defined by Section 404 of the Clean Water Act and under the jurisdiction of the Army Corps of Engineers. The project has been conditioned to provide evidence that permits under Section 404 of the Clean Water Act are not required (or to obtain appropriate permits if determined to be required). 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:***

The project is in compliance. The Project site is not located within Federal Emergency Management Agency (FEMA), County Floodplain, County Floodway, or Dam Inundation flood zones. In addition, the Project site is not located within a tsunami or seiche inundation zone. There are no proposals for any offsite uses or improvements that need compliance with the Resource Protection Ordinance.

***Steep Slopes:***

The average slope for the property is less than 25 percent gradient. 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. Additionally, the land has

been substantially disturbed by previous legal grading. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitats:***

The Project is consistent with Policy COS-2.2, Habitat Protection through Site Design, because it has been sited to avoid sensitive habitat. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

***Significant Prehistoric and Historic Sites:***

Based on an analysis of records and a survey of the property by a County of San Diego approved historian, Doug Mengers, it has been determined that there are one or more historical resources within the project site. These resources include a 1956 ranch style residence. An historical resources report titled, Cultural Resources Survey Report for the AES Fallbrook Project (October 2018), prepared by Shelby Castells and Doug Mengers evaluated the significance of the historical resources based on a review of historical records including site record forms, historic maps, historic addresses and an architectural evaluation. Based on the results of this study, it has been determined that the historic resource is not significant pursuant to the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5. Because the resources are not considered significant historic resources pursuant to CEQA Section 15064.5, the loss of these resources cannot contribute to a potentially significant cumulative impact. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

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

YES

☒

NO

☐

NOT APPLICABLE

☐

Discussion:

The project Storm Water Quality Management Plan, prepared by Haley and Aldrich has been reviewed and is found to be complete and in compliance with the WPO.

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

YES

☒

NO

☐

NOT APPLICABLE

☐

Discussion:

County staff has reviewed the Noise Assessment prepared by Ldn Consulting, Inc. The proposed project is not a noise sensitive land use. However, noise sensitive land uses exist to the north, east and west of the project site. Based on the Analysis, project implementation would not expose existing or planned noise sensitive areas to noise in excess of the outside sound level threshold. The project was found to be below the most restrictive nighttime property line standard of 57.5 dBA at the adjacent properties zoned Residential. In addition, the project is consistent with the County Guidelines for

Determining Significance and would not be expected to expose existing or planned noise sensitive areas to noise 10 dB CNEL over existing ambient noise levels.

Therefore, the project is consistent with the General Plan – Noise Element and impacts would be less than significant. Therefore the project 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.



# County of San Diego

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DIRECTOR

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**KATHLEEN FLANNERY**  
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## MITIGATED NEGATIVE DECLARATION

**PROJECT NAME:** Fallbrook Energy Storage

**RECORD ID:** PDS2019-ZAP-19-001

**ENVIRONMENTAL LOG NO.:** PDS2019-ER-19-02-001

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study – Environmental Checklist Form
- b. Technical Studies and Reports as referenced

1. **California Environmental Quality Act Mitigated Negative Declaration Findings:**

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. **Required Mitigation Measures:**

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

### **BIOLOGICAL RESOURCES**

1. **BIO#1–BIOLOGICAL EASEMENT [PDS, FEE X 2]**

In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO), a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego, an open space easement, as

shown on the approved plot plan. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcountry.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW or DPR.
- c. The continued access to and use and maintenance of the existing single-family home and associated utilities.

**DOCUMENTATION:** The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be recorded. **MONITORING:** The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] for pre-approval. The [PDS, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] [DPR, TC] for satisfaction of the condition.

## 2. **BIO#2-LBZ EASEMENT [PDS, FEE X 2]**

**INTENT:** In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO), a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the plot plan. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

- a. Decking, fences, and similar facilities.
- b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing



or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

**DOCUMENTATION:** The applicant shall prepare the draft plots and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the easements shall be recorded. **MONITORING:** The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] for pre-approval. The [PDS, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition.

### 3. **BIO#3—OFFSITE MITIGATION [PDS, FEE X2]**

**INTENT:** In order to mitigate for the impacts to coast live oak woodland, which is a sensitive biological resource pursuant to the Resource Protection Ordinance (RPO) and the County's Guidelines for Determining Significance for Biological Resources, offsite mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit or provide for the conservation of habitat of 1.41 acres of coast live oak woodland, located at the Brook Forest Mitigation Bank or other mitigation bank in North San Diego County as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be approved by the California Department of Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
  1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
  2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
  3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
  4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in North San Diego County as indicated below:
  1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
  2. 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. If the offsite mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of 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 purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

**DOCUMENTATION:** The applicant shall purchase the offsite mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [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. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

#### 4. **BIO#4—OPEN SPACE SIGNAGE [PDS, FEE]**

**INTENT:** In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the biological open space boundary as indicated on the approved Plot Plan for ZAP 19-001. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

#### **Sensitive Environmental Resources Area Restricted by Easement**

Entry without express written permission from the County of San Diego  
is prohibited. To report a violation or for more information about easement  
restrictions and exceptions contact the County of San Diego,  
Planning & Development Services  
Reference: ZAP 19-001

**DOCUMENTATION:** The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easement(s). **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the open space signs shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

## 5. **BIO#5—WETLAND PERMITS [PDS, FEE X2]**

**INTENT:** In order to comply with the State and Federal Regulations for jurisdictional water, the following agency permits, or verification that they are not required shall be obtained. **DESCRIPTION OF REQUIREMENT:** The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of PDS that such an agreement or permit is not required:

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

**DOCUMENTATION:** The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [PDS, PCC] for compliance. **TIMING:** Prior to approval of any grading and/or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The [PDS, PCC] shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans.

## 6. **BIO#6—TEMPORARY FENCING [PDS, FEE]**

**INTENT:** In order to prevent inadvertent disturbance to coast live oak woodland, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and/or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to Preconstruction Conference, and 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 [PDS, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant."

**7. BIO#7-RESOURCE AVOIDANCE [PDS, FEE X2]**

**INTENT:** In order to avoid impacts to migratory birds, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act, a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed during the breeding season of migratory bird and raptors. The breeding season is defined as occurring between February 15th and August 31<sup>st</sup>. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no raptors are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

**8. BIO#8-OPEN SPACE SIGNAGE & FENCING [PDS, FEE]**

**INTENT:** In order to comply with Conditions BIO#4 the signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences and open space signs shall be placed along the open space boundary as shown on these plans and the approved Conceptual Grading and Development Plan for ZAP 19-001.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6” x 9” in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources  
Area Restricted by Easement**

Entry without express written permission from the County of San Diego  
is prohibited. To report a violation or for more information about easement  
restrictions and exceptions contact the County of San Diego,

Planning & Development Services

Reference: ZAP 19-001

**DOCUMENTATION:** The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [PDS, PCC]. **TIMING:** Prior to the occupancy of any structure or use of the premises and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)) the fencing and signage shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

**9. BIO#9-EASEMENT AVOIDANCE [PDS, FEE]**

**INTENT:** In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **DESCRIPTION OF REQUIREMENT:** The easement indicated on this plan is for the protection of sensitive environmental resources including coast live oak woodland and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcountry.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW or DPR.
- c. The continued access to and use and maintenance of the existing single-family home and associated utilities.

**DOCUMENTATION:** The applicant shall provide a letter statement to the [PDS, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred.

**TIMING:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **MONITORING:** The [DPW, PDCI] shall not allow any grading, clearing or encroachment into the open space easement.”

**AIR QUALITY****10. AQ#1-CONSTRUCTION EXHAUST EMISSIONS**

**INTENT:** In order to mitigate for exhaust emissions. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measure:

- a. The project shall require the construction contractor to provide a construction fleet that uses heavy-duty diesel-powered equipment equipped with Tier 3 diesel engines.
- b. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained in accordance with manufacturer's specifications before and for the duration of on-site operation.
- c. Simultaneous operation of multiple construction equipment units shall be minimized. During construction, vehicles in loading and unloading queues shall not

idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.

- d. Construction equipment shall be outfitted with best available control technology (BACT) devices certified by the California Air Resources Board. A copy of each unit's BACT documentation shall be provided to the County of San Diego at the time of mobilization of each applicable unit of equipment.

**DOCUMENTATION:** The applicant shall comply with the Air Quality requirements of this condition. The applicant shall show compliance with this measure by providing the construction bid/estimate from the construction contractor that will be used. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The [DPW, PDCI] shall make sure that the construction contractor complies with the Air Quality requirement of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

#### 11. AQ#2-FUGITIVE DUST PLAN

**INTENT:** In order to mitigate for fugitive dust. **DESCRIPTION OF REQUIREMENT:** The project applicant or designee shall prepare and implement a Fugitive Dust Plan demonstrating compliance with San Diego Air Pollution Control District (SDAPCD) Rule 55 and County Code Section 87.428 (Grading Ordinance), to the satisfaction of the County. Measures shall include but not limited to:

- a. Water, or utilize another SDAPCD-approved dust control non-toxic agent on the grading areas at least three times daily to minimize fugitive dust.
- b. All main roadways shall be constructed and paved as early as possible in the construction process to reduce construction vehicle travel on unpaved roads.
- c. Building pads shall be finalized as soon as possible following site preparation and grading activities to reduce fugitive dust from earth moving operations.
- d. Grading areas shall be stabilized as quickly as possible to minimize fugitive dust.
- e. Chemical stabilizer shall be applied, a gravel pad shall be installed, or the last 100 feet of internal travel path shall be paved within the construction site prior to public road entry, and for all haul roads.
- f. Wheel washers shall be installed adjacent to the apron for tire inspection and washing prior to vehicle entry on public roads.
- g. Any visible track-out into traveled public streets shall be removed with the use of sweepers, water trucks or similar method within 30 minutes of occurrence.
- h. Sufficient perimeter erosion control shall be provided to prevent washout of silty material onto public roads.
- i. Unpaved construction site egress points shall be graveled to prevent track-out.
- j. Construction access points shall be wet-washed at the end of the workday if any vehicle travel on unpaved surfaces has occurred.
- k. Transported material in haul trucks shall be watered or treated with SDAPCD-approved non-toxic dust control agent.
- l. Haul trucks shall be covered or shall maintain at least two feet of freeboard to reduce blow-off during hauling.
- m. All soil disturbance and travel on unpaved surfaces shall be suspended if winds exceed 25 miles per hour (mph).
- n. On-site stockpiles of excavated material shall be covered.
- o. A 15-mph speed limit on unpaved surfaces shall be enforced.



- p. Haul truck staging areas shall be provided for loading and unloading of soil and materials.
- q. Construction Traffic Control Plans shall route delivery and haul trucks required during construction away from sensitive receptor locations and congested intersections to the extent feasible. Construction Traffic Control plans shall be finalized and approved prior to issuance of grading permits.

**DOCUMENTATION:** The applicant or designee shall comply with the Air Quality requirements of this condition. **TIMING:** The Fugitive Dust Plan shall be prepared prior to approval of any grading permits and the following actions shall occur throughout the duration of construction. **MONITORING:** The [DPW, PDC] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDC] shall contact the [DPLU, PCC] if the applicant fails to comply with this condition.

## **CULTURAL RESOURCES**

### **12. CULT#1 - ARCHAEOLOGICAL MONITORING**

**INTENT:** In order to mitigate for potential impacts to undiscovered buried archaeological resources and human remains, an Archaeological 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 the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- 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. The Project Archaeologist and Luiseno Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
  - 1. The Project Archeologist shall provide evidence that a Luiseno Native American has been contracted to perform Native American Monitoring for the project.
  - 1. The cost of the monitoring shall be added to the grading bonds or bonded separately.

**DOCUMENTATION:** The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** [PDS, PPD] shall review the contract or

letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, PPD] for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

### 13. **CULT#2 - CULTURAL RESOURCES MONITORING REPORT**

**INTENT:** In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared. **DESCRIPTION OF**

**REQUIREMENT:** A final Archaeological 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. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been conveyed as follows:
  - (1) All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal 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 the prehistoric archaeological materials have been received and that all fees have been paid.
  - Or
  - Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.
  - (2) Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. 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 the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading 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, PPD] for approval. Once approved, a final copy of the report shall

be submitted to the South Coastal Information Center (SCIC), the Pechanga Band of Luiseno Indians, the Rincon Band of Luiseno Indians, the San Luis Rey Band of Mission Indians, and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The *[PDS, PPD]* shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, *[PDS, PPD]* 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, PPD]* shall inform *[PDS or DPW FISCAL]* to release the bond back to the applicant.

#### **CULT#GR-1 - ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING**

**INTENT:** In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented.

**DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist and Luiseno Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Luiseno Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Luiseno Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Luiseno Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The *[DPW, PDCI]* shall confirm the attendance of the approved Project Archaeologist.

#### **14. CULT#GR-2 - ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION**

**OF REQUIREMENT:** The Project Archaeologist and Luiseno Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. **Monitoring.** During the original cutting of previously undisturbed deposits, the Project Archaeologist and Luiseno 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 Luiseno Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor.

b. **Inadvertent Discoveries.** In the event that previously unidentified potentially significant cultural resources are discovered:

1. The Project Archaeologist or the Luiseno 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.
2. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
3. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Luiseno Native American Monitor, shall determine the significance of the discovered resources.
4. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
5. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Luiseno Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
6. If cultural resources are determined to be significant, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Luiseno Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

c. **Human Remains.** If any human remains are discovered:

1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Luiseno Native American monitor.
3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).
4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

- d. **Fill Soils.** The Project Archaeologist and Luiseno Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.

**DOCUMENTATION:** The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **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, PPD] if the Project Archeologist or applicant fails to comply with this condition.

#### 15. **CULT#GR-3 - ARCHAEOLOGICAL MONITORING – ROUGH GRADING**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

- a. **No Archaeological Resources Encountered.** If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Native American Monitor must be included in the Negative Monitoring Report.
- b. **Archaeological Resources Encountered.** If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.

**DOCUMENTATION:** The applicant shall submit the Archaeological Monitoring Report to [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and any culturally-affiliated Tribe who requests a copy. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** [PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

#### 16. **CULT#GR-4 - ARCHAEOLOGICAL MONITORING – FINAL GRADING**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological 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 earth-disturbing activities. The report shall include the following, if applicable:

a. Department of Parks and Recreation Primary and Archaeological Site forms.

b. Daily Monitoring Logs

c. Evidence that all cultural materials have been conveyed as follows:

- (1) Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal 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 or culturally affiliated Native American Tribal 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 the prehistoric archaeological materials have been received and that all fees have been paid.

**OR**

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity and shall be accompanied by payment of the fees necessary, if required. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. 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 the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

**DOCUMENTATION:** The applicant's archaeologist shall prepare the final report and submit it to [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC), the Pechanga Band of Luiseno Indians, the Rincon Band of Luiseno Indians, the San Luis Rey Band of Mission Indians, and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** [PDS, PPD] shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] 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, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

### 3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

#### 17. **GEN #1—COST RECOVERY: [PDS, DEH, DPR], [MA, GP, IP]**

**INTENT:** In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5 existing deficit accounts associated with processing this map shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this map. **DOCUMENTATION:** The applicant shall provide a receipt to Planning & Development Services, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No map can be issued if there are deficit deposit accounts. **TIMING:** Prior to the approval of any map and prior to the approval of any plan and issuance of any permit, all fees and discretionary deposit accounts shall be paid. **MONITORING:** The PDS Zoning Counter shall review the receipts and verify that all PDS, DEH, and DPR deposit accounts have been paid.

#### 18. **LNDSCP#1—LANDSCAPE DOCUMENTATION PACKAGE**

**INTENT:** In order to provide adequate Landscaping, and to comply with the Spring Valley Design Guidelines, the Rancho San Diego Specific Plan 74-01 (Sweetwater Avocado) Amendment, the County of San Diego's Water Efficient Landscape Design Manual, and the County's Water Conservation in Landscaping Ordinance, a landscape plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the COSD Water Efficient Landscape Design Manual and the COSD Water Conservation in Landscaping Ordinance, the COSD Parking Design Manual, the COSD Grading Ordinance, the Spring Valley Design Guidelines, and the requirements of the B Designator. All Plans 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 and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit 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 PDS.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.

- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Parking areas shall be landscaped and designed pursuant to the [Parking Design Manual](#) and the County Zoning Ordinance Section 6793.b

**DOCUMENTATION:** The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

#### 19. **ROADS#1–RELINQUISH ACCESS**

**INTENT:** In order to promote orderly development and to comply with the [Mobility Element of the General Plan](#) access shall be relinquished. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **East Mission Road** with the exception of the driveway as shown on the approved plot plan. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. Only the one (1) access point is permitted along the frontage of the parcel onto **East Mission Road** as indicated on the approved plot plan.

**DOCUMENTATION:** The applicant shall prepare the legal descriptions of the easement(s), submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the access shall be relinquished. **MONITORING:** The [DGS, RP] shall prepare the relinquishment documents and forward a copy of the documents to [PDS, LDR] for preapproval. [DGS, RP] shall forward copies of the recorded documents to [PDS, LDR]. The [PDS, LDR] shall review the documents for compliance with this condition.

#### 20. **ROADS#2–SIGHT DISTANCE**

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of

Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is a minimum unobstructed sight distance of 334 feet in the *East Bound (EB) direction* from the proposed driveway along **East Mission Road**. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is a minimum unobstructed sight distance of 424 feet in the *West Bound (WB) direction* from the proposed driveway along **East Mission Road**. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- c. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "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 any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

## 21. ROADS#3—LIEN AGREEMENTS

**INTENT:** In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#), the [County of San Diego Public Road Standards](#), a lien agreement shall be executed in lieu of providing securities for the road improvements.

**DESCRIPTION OF REQUIREMENT:** Execute a lien agreement to improve **East Mission Road** to a one-half graded width of **fifty-nine feet (59')** with Portland cement concrete curb, gutter and sidewalk, asphalt concrete pavement over approved base, ornamental street light, asphalt concrete bicycle facility, asphalt concrete dike taper to existing pavement. The face of the curb shall be fifty-nine feet (59') from the ultimate centerline. All future road improvements shall be in compliance with the [County of San Diego Public Road Standards](#).

- a. Execute an Irrevocable Offer to Dedicate (IOD) real property **East Mission Road**, for public road purposes, to the County of San Diego. The IOD shall provide a one-half right-of-way width of fifty-nine feet (59') from the ultimate centerline, plus slope rights and drainage easements for along the frontage of the project.

The lien agreement against the property shall be granted to the County of San Diego as security in lieu of the immediate installation of the full standard street improvements. It shall declare that present and future owners of this property construct the street improvements in the future and shall not be subordinate to any other lien or encumbrance on the property. **DOCUMENTATION:** The applicant shall execute the lien agreements

and submit them to the [PDS, LDR] for review. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the lien agreements shall be executed and recorded. **MONITORING:** The [DGS, RP] shall prepare, approve the lien agreements for recordation, and forward the recorded copies to [PDS, LDR], for review and approval. The [PDS, LDR] shall review the lien agreements for compliance with this condition.

## 22. STRMWTR#1–STORMWATER MAINTENANCE DOCUMENTATION

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. **DESCRIPTION OF REQUIREMENT:**

- a. Process a Stormwater Facilities Maintenance Agreement (SWMA) to assure maintenance of the Category 2 Structural BMPs and provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of DPW and/or PDS. The SWMA shall be signed and notarized by the applicant and recorded by the County.

**DOCUMENTATION:** The applicant shall process the agreement forms with [PDS, LDR] and pay any deposit and applicable review fees. **TIMING:** Prior to approval of any grading or improvement plan or construction permit, prior to use of the property in reliance of this permit; execution of the recorded agreements and securities shall be completed. **MONITORING:** The [PDS, LDR] shall review the agreements/mechanisms for consistency with the condition and County Standards.

## 23. STRMWTR#2–EROSION CONTROL

**INTENT:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [State Construction General Permit, Order No. 2009-00090-DWQ](#), or subsequent order and the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), and all other applicable ordinances and standards for this priority project.

**DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided 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](#). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] 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 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 PDS and/or DPW by the date agreed.

**DOCUMENTATION:** The applicant shall process an Erosion Control Plan and provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR].

**TIMING:** Prior to approval of any grading or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the Erosion Control Plan shall be approved and the agreement and securities shall be executed.

**MONITORING:** The [PDS, LDR] shall ensure that the Erosion Control Plan adequately satisfies the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

#### 24. **AQ#3- COUNTY CLIMATE ACTION PLAN SATISFACTION**

**INTENT:** In order to comply with the County's Climate Action Plan (CAP) measures, the project shall include the following features. **DESCRIPTION OF REQUIREMENT:** The project shall implement or install the following measures or features as required within Step 2 of the CAP Measure Consistency Checklist.

- a. **Measure 6:** The project shall submit a Landscape Document Package that complies with the County's Water Conservation in Landscaping Ordinance and demonstrates a 40 percent reduction in current Maximum Applied Water Allowance for outdoor use.

**DOCUMENTATION:** The applicant shall comply with the requirements of this condition.

**TIMING:** Prior to the approval of the final map and prior to the approval of any plan and issuance of any permit. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Plans for compliance with **Measure 6** of this condition.

#### 25. **GP#1-TEMPORARY CONSTRUCTION NOISE: [DPW, PDCI].**

**INTENT:** In order to minimize temporary construction noise for grading operations associated with ZAP-19-001. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following temporary construction noise control measures and shall comply with the eight hour average sound level of 75 dBA pursuant to Noise Ordinance Section 36.408 & 36.409:

- a. Turn off equipment when not in use.
- b. Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.
- c. Use equipment with effective mufflers
- d. Minimize the use of back up alarm.
- e. Equipment staging areas should be placed at locations away farthest away from noise sensitive receivers as deemed feasible.

- f. Temporary construction equipment operations shall comply with the County Noise Ordinance Sections 36.408, 409, and 410.

**DOCUMENTATION:** The applicant shall comply with the temporary construction noise measures and the County Noise Ordinance as described within this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction and construction equipment operations. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the construction noise control measures of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

## 26. GEO#1–GEOTECHNICAL MONITORING

**INTENT:** In order to identify areas of highly expansive soils and determine the actual expansion/compression potential of finish-grade soils during grading. **DESCRIPTION OF REQUIREMENT:** A geotechnical consultant in the field shall perform geotechnical observation and/or laboratory testing during grading to identify areas of highly expansive soils and determine the actual expansion/compression potential of finish-grade soils. All compressible soils in areas of proposed development or future fill shall be removed and soils shall be recompacted during grading. **DOCUMENTATION:** The applicant shall prepare a certified summary of their findings on the removal and recompaction measures. The findings shall be reviewed and approved by the Director of the County Department of Planning & Development Services or designee. **TIMING:** Prior to approval of final inspection of site grading for each phase of the affected areas of the proposed project. **MONITORING:** [PDS] shall review the geotechnical findings for compliance with this condition.

## 27. GEN#3–INSPECTION FEE

**INTENT:** In order to comply with Zoning Ordinance Section 7362.e, the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZC] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid along with updated contact information [PDS, PCC]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

## 28. PLN#1–SITE PLAN IMPLEMENTATION

**INTENT:** In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Minor Use Permit plot plan and the building plans. This includes, but is not limited to: improving all parking areas and driveways, installing all required design features, painting all structures with the approved colors, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit,



the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

**29. ROADS#4-ANNEX TO LIGHTING DISTRICT**

**INTENT:** In order to promote orderly development and to comply with the Street Lighting Requirements of the County of San Diego Board Policy I-18 and The County of San Diego Public Road Standards, the property shall transfer into the Lighting District.

**DESCRIPTION OF REQUIREMENT:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **DOCUMENTATION:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [PDS, LDR]. The applicant shall provide the receipt to [PDS, PCC]. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use in the premises in reliance of this permit, the fee shall be paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

**30. STRMWTR#3-VERIFICATION OF STRUCTURAL BMPs**

**INTENT:** In order to promote orderly development and to comply with the County Watershed Protection Ordinance (WPO) No.10410, County Code Section 67.801 et. seq., verification of Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Complete a Structural BMP Verification Form as shown in Attachment 4 of the PDP SWQMP. **DOCUMENTATION:** The applicant shall process the Structural BMP Verification Forms with [DPW, PDCI] or [PDS, BLDG]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; execution of the Structural BMP Verification Form shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the Structural BMP Verification Forms for consistency with the condition and County Standards.

**31. STRMWTR#4-PROVISION OF STORMWATER DOCUMENTATION TO PROPERTY OWNER**

**INTENT:** In order to promote orderly development and to comply with the County Watershed Protection Ordinance (WPO) No.10410, County Code Section 67.801 et. seq., stormwater documentation shall be provided to property owner. **DESCRIPTION OF REQUIREMENT:** Demonstrate that copies of the following documents are provided to the property owner and initial occupants:

- a. A copy of the project's approved SWQMP (with attached Operation & Maintenance Plan).
- b. A copy of project's recorded Maintenance Notification Agreement and/or Stormwater Facilities Maintenance Agreement and/or Private Road Maintenance Agreement showing the Structural BMPs pertaining to the property.
- c. Sample copies of the following:
  - 1) A Letter for Privately Owned Stormwater Treatment Control Best Management Practices Operation and Maintenance Verification.
  - 2) One Operation and Maintenance Verification Form for each type of Private Treatment Control BMP.

**DOCUMENTATION:** The applicant shall submit a letter stating that the above documentation has been submitted to the property owner and initial occupants. **TIMING:**

Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; provision of stormwater documents shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the letter provided by the applicant for consistency with the condition and County Standards.

### 32. LNDSCP#2–CERTIFICATION OF INSTALLATION

**INTENT:** In order to provide adequate Landscaping that provides screening, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), the COSD Grading ordinance and the Fallbrook Design Guidelines, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [PDS LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

### 33. HAZ#1–HEALTH AND SAFETY PLAN

**INTENT:** In order to protect workers from hazardous chemicals and to notify the public of potential hazardous chemicals and substances and to comply with the [California Health and Safety Code, Chapter 6.95](#), a Health and Safety Plan and a Hazardous Materials Business Plan (HMBP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** A Health and Safety Plan and A HMBP that outlines worker safety and personal protection equipment appropriate for the chemicals of concern (i.e., TPH, VOCs, arsenic and lead) and the construction activities planned for the site regarding all on-site storage, handling, and disposal of potentially hazardous substances, such as ground fuel storage and contaminated soil storage. The plan shall be approved by [DEH, HMD]. **DOCUMENTATION:** The applicant shall provide copies of the Health and Safety Plan, and HMBP to [DEH, HMD] for review and approval. Evidence shall be in the form of a letter from the county of San Diego, DEH, Hazardous Materials Division, stating that the appropriate DEH, State and/or Federal permits are being pursued or have been obtained or that no further permits are required. **TIMING:** Prior to occupancy of the first structure built in association with this permit, the Health and Safety Plan, and HMBP shall be prepared, approved and implemented. **MONITORING:** [DEH, HMD] shall verify and approve the Health and Safety Plan, and HMBP for compliance with this condition.

### 34. GEN-TIE LINE GRADING

**INTENT:** In order to allow the placement of the 69kV generation tie line within private properties and in accordance with the [County of San Diego Grading Ordinance](#), a grading

permit shall be obtained. **DESCRIPTION OF REQUIREMENT:** The undergrounding shall meet or exceed the requirements set forth in the San Diego County Design Standards and San Diego Regional Standard Drawings M-15, M-22, and M-23 to the satisfaction of [PDS, LDR]. **DOCUMENTATION:** The applicant shall obtain the grading permit and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to [PDS, LDR]. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, or use of the premises in reliance of this permit, the offsite grading permit for gen-tie shall be obtained. **MONITORING:** [PDS, LDR] shall review the permit for compliance with this condition and the applicable improvement plans, and implement any conditions of the permit in the County improvement plans.

**35. NOISE#1–ON-GOING SOUND LEVEL COMPLIANCE: [PDS, CODES] [OG]**

**INTENT:** In order to comply with the applicable sections of Title 3, Division 6, Chapter 4 (County of San Diego Noise Ordinance), the site shall comply with the requirements of this condition. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following requirements: Minor Use Permit associated activities shall comply with the one-hour average sound level limit property line requirement pursuant to the County Noise Ordinance, Section 36.404. This includes (but not limited to) generator and air conditioner units. **DOCUMENTATION:** The property owner(s) and applicant shall conform to the ongoing requirements of this condition. Failure to conform to this condition may result in disturbing, excessive or offensive noise interfering with a person's right to enjoy life and property and is detrimental to the public health and safety pursuant to the applicable sections of Chapter 4. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this permit.

**36. PLN#4–SITE CONFORMANCE**

**INTENT:** In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved building plans, and plot plan(s). This includes but is not limited to maintaining the following: all parking and driveways areas, painting all necessary aesthetics design features, , and all lighting, and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this permit.

**37. ROADS#5–SIGHT DISTANCE**

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, an unobstructed sight distance shall be maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance of 334 feet in the East Bound (EB) direction and 424 feet in the West Bound (WB) direction along **East Mission Road** from the project

driveway openings for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [*PDS, Code Compliance Division*] is responsible for compliance of this permit.

**38. STRMWTR#5–SELF-VERIFICATION OPERATION AND MAINTENANCE LETTER**

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), an operation and maintenance verification form for each Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Every year the property owner shall receive from the County a BMP Verification Form to be completed for each privately owned Structural BMP. **DOCUMENTATION:** Every year the property owner shall file with the County the completed Structural BMP Verification Form stating the maintenance performed during the reporting period for each privately owned Structural BMP with [*DPW, WPP*]. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [*DPW, WPP*] is responsible for compliance of this permit.

**39. FIRE#1–ON-GOING FIRE PROTECTION**

**INTENT:** In order to comply with the [County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707](#), the site shall comply with the approved Fire Protection Plan (FPP). **DESCRIPTION OF REQUIREMENT:** The following measures approved in the FPP shall be implemented and maintained:

- a. A minimum vertical clearance of 13 feet 6 inches shall be maintained for the entire required width of fire access roads.
- b. A minimum 100-foot Fuel Management Zone will be established and maintained around all structures over 250 square feet in size.
- c. All proposed structures shall have automatic fire sprinklers per County Code or County Consolidated Code requirements.” The containers will be equipped with Fire suppression systems, (clean agent Novec 1230 in a tank connected to nozzles and designed to flood the entire container during fire event) with early smoke detection, alarms and remote monitoring. The fire protection system plans will be submitted to North County Fire for approval.
- d. There will be a gate that shall have a North County Fire approved Knox box key opener installed. An exit loop will also be installed.
- e. All structures shall comply with the ignition-resistive construction requirements: Wildland- Urban Interface areas of Chapter 7A of the County Building Code. The layout includes: (16) containers on individual concrete equipment pads; (16) inverters/transformers on individual concrete equipment pads.

**DOCUMENTATION:** The applicant shall comply with the requirements of the FPP and this condition for the life of this permit. **TIMING:** Upon establishment of the use, the conditions of the FPP shall be complied with for the term of this permit. **MONITORING:** The [*PDS, PCC*] shall verify that the mitigation measures have been implemented pursuant to the approved building plans and the FPP. The [*PDS, Code Enforcement Division*] is responsible for enforcement of this permit. The North County Fire Protection District shall be responsible for long-term implementation of fire clearing requirements.

**40. ROADS#6—PRIVATE ROAD MAINTENANCE**

**INTENT:** In order to ensure that the on and offsite private roads are maintained and not damaged during construction and during the term of the permit, the applicant shall assume responsibility. **DESCRIPTION OF REQUIREMENT:** The applicant is responsible for the repair of any damage caused by this Project during construction and the term of this permit to on-site and offsite private roads that serve the Project. Furthermore, the applicant is responsible for maintenance on a proportional basis (number of trips) during the term of this permit to on-site and offsite private roads that serve the Project. **DOCUMENTATION:** The applicant shall assume responsibility pursuant to this condition. **TIMING:** Upon establishment of use, this condition shall apply during the term of this permit. **MONITORING:** The [*PDS, Code Enforcement Division*] is responsible for enforcement of this permit.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted, and above California Environmental Quality Act findings made by the:

\_\_\_\_\_

on \_\_\_\_\_

Greg Kazmer, Planning Manager  
Project Planning Division

MW:GK:NK



**County of San Diego, Planning & Development Services**  
***Project Planning Division***

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**Memorandum**

**TO:** File  
**FROM:** Nicholas Koutoufidis, Project Manager  
**SUBJECT:** Response to Comments; AES Fallbrook 40 MW Battery Energy Storage System Project; PDS2019-ZAP-19-001, PDS2019-ER-02-001  
**DATE:** February 5, 2019

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The following are staff's responses to comments received during the public review period for the Mitigated Negative Declaration, prepared pursuant to the California Environmental Quality Act (CEQA) dated December 5, 2019. The document was released for public review from December 5, 2019 through January 13, 2020, and 4 comment letters were received during that time.

**Response to comments received from Craig Bullock, received December 7, 2019:**

- A1. This comment states that Mr. Bullock has received the mitigated negative declaration letter. No changes were made to the Initial Study as a result of this comment.
- A2. This comment states that Mr. Bullock has come across an article about an explosion to a storage project and is concerned about the danger to local residents if an explosion were to occur by the proposed project. Mr. Bullock states he is located within 500 yards of the project site.

The article states four firefighters were injured by an explosion during a site inspection on a battery storage site. Prior to the explosion, firefighters were conducting an inspection, due to a call of smoke from the facility, and were in close proximity to the battery modules themselves. The site sits approximately 2,200 feet from a learning center, residential tract, and a community park. An investigation by APS is underway on the event.

The energy storage system that will be deployed for the proposed project is based on the state-of-the-art technology from Fluence, a leading global energy storage solution provider. The system will incorporate safety features intended to further reduce the chance of a fire or any other failure event and to limit the extent of an event in the unlikely case where one does happen. In accordance with latest standards, the system will be sited with setbacks and fencing to minimize risk to neighboring properties. Properties 500 meters from the batteries will be well outside of these setbacks. Details of the technological advancements are provided below.

The proposed project conducted a Hazard Consequence Analysis Report (report), dated November 2019, and was prepared by Robert Kalin, Senior Technical Specialist, and Tina Berceli-Boyle, P.E., Senior Associate/Chemical Engineer of





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Haley and Aldrich. In addition, the study was peer reviewed by Eric Clark of Stantec. San Diego Gas & Electric was also provided the study and had no further comments. The report evaluated the potential for adverse effects to people or the environment related to hazards and hazardous materials, including potential chemical release and fire hazards.

Within this analysis, a model called ALOHA, developed by the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, was utilized to analyze air toxins, the characteristics of emissions, possible smoke or emissions plume under several weather and wind scenarios, and potential exposure impacts to population and animals within the plume area. The model demonstrated how quickly the chemical would escape from containment and form a hazardous gas cloud, and also how the release rate may change over time. The program then reviewed how the gas would travel downwind. If the chemical is flammable, ALOHA simulated pool fires, boiling liquid expanding vapor explosions, vapor cloud explosions, jet fires, and flammable gas clouds. A threat zone estimate is then predicted to show the level of concern at some time after the release begins and is predicted dependent upon different weather and wind scenarios.

Based on the report, a toxic release from 1.5 battery racks was assumed to be triggered by a fire event and result in a release of HCl, HF, HCN, and CO. Using nighttime meteorological conditions, modeling results indicate that the distance of the Project to sensitive use types will be adequately sited (more than 33 feet from the nearest residence). ALOHA is unable to predict threat zones less than 10 meters because of the effects of near-field patchiness which make dispersion predictions less reliable for short distances.

Battery-based energy storage systems have been operating for more than a decade and incidents of fire are very rare. However, as no technology is completely hazard free, properly designed energy storage systems with enhanced safety features minimized the probability and severity of any incident, if one were to occur. The project has been designed in a way to minimize potential effects of a chemical release, a fire, or other hazardous event. These design features include 4 HVAC units per container, fire suppression systems including the clean agent Novec 1230, early smoke detectors, alarms, and remote monitoring. Novec 1230 is essentially a large fire extinguisher which would flood the entire container if a fire event were to occur. The project would also be equipped with the state-of-art Battery Management System (BMS), that monitors cell level voltage, state of health, cell temperature, and cell current in and out. If any of the monitored parameters are above or below pre-determined limits, the BMS will shut down and electrically isolate the affected battery rack from the system. This is designed to occur well before a battery cell overheats to the point that it will enter a thermal runaway state (when the internal heat generation exceeds the heat that can be expelled). In addition, the system will include measures to detect any gas releases



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by the batteries and will trigger an immediate shutdown of the system if gases are detected. This safety feature is intended to further avoid or minimize fires or other system failures. Further, if a significant amount of gas is released, a safety ventilation system will act to reduce the likelihood of that gas combusting.

In addition, the project is required to prepare a Hazard Materials Business Plan (HMBP) prior to building permit issuance. The purpose of the HMBP is to prevent or minimize damage to public health, safety, and the environment, from a release or threatened release of a hazardous material. The HMBP also provides emergency response personnel with adequate information to help fire officials better prepare and respond to chemical-related incidents at regulated facilities. In addition, routine inspections by the Hazardous Materials Division would occur for ongoing compliance with the HMBP requirements and existing laws.

No changes were made to the Initial Study as a result of this comment.

**Response to comments received from Steven Boudreau, received December 10, 2019:**

- B1. The commenter states he is thankful for receiving the project information. No changes were made to the Initial Study as a result of this comment.
- B2. This comment states Mr. Boudreau wishes the development would follow the “master plan” that allowed the property to be re zoned from Agricultural to Limited Use Impact Industrial (M52).

It is not clear what is meant by “master plan” by the commenter. The project site is subject to the Zoning Ordinance Use Regulation Limited Use Impact Industrial Zone (M52) and General Plan Designation Limited Impact Industrial. The project is consistent with both the General Plan Designation and the Zoning Ordinance Use Regulation. No changes were made to the Initial Study as a result of this comment.

- B3. The commenter asks if the road access to the site would be widened and include a turn lane due to fire access. The commenter further states that fire access is limited, and the exit is through the creek bed, the area of the site most likely to be on fire.

A Fire Protection Plan (FPP), dated October 30, 2018, has been submitted and approved by the North County Fire Protection District (NCFPD). Access to the site from East Mission Road would be required to be widened to 24 feet with a paved surface suitable for a 75,000-pound fire apparatus. In addition, a fire turnaround would be installed at the north end of the project site where it joins the access road, and the south end of the project site with a 40-foot radius cul-de-sac. The project has met all fire code requirements to the satisfaction of the NCFPD. No changes were made to the Initial Study as a result of this comment.



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**Response to comments received from the California Department of Fish and Wildlife, received January 6, 2020:**

- C1. This comment is introductory in nature and does not raise an issue under CEQA. No changes were made to the CEQA documentation as a result of this comment.
- C2. This comment is for background information purposes and does not raise an issue under CEQA. No changes were made to the CEQA documentation as a result of this comment.
- C3. This comment states the project location and project description of the proposed project. No issues under CEQA were raised by this comment. However, for clarification, the commenter states "...the site also supports single-family residences" which is inaccurate. The proposed project site does not contain any existing single-family residences, but these are found in the project vicinity. No changes were made to the CEQA documentation as a result of this comment.
- C4. This comment states California Department of Fish and Wildlife (CDFW) recommends including the mitigation measures described on pages 12-13 of the Biological Resources Letter Report, in regards to Coast Live Oak and Southern Riparian Scrub, within the Initial Study. CDFW also states the Biological Resource Letter Report requires the applicant to provide evidence that agency permits (ACOE, CDFW, and RWQCB) have been obtained or to provide a letter from these agencies stating a permit is not necessary.

The project is conditioned in the Form of Decision to place the Coast Live Oak and Southern Riparian Scrub into a Biological Open Space Easement with a buffer (Conditions #8 and #9). The Form of Decision also includes a condition (Condition #11) to place signage to protect the proposed Biological Open Space Easement.

A portion of the Coast Live Oak would be impacted, requiring the project to mitigate off-site. For this portion, the project is conditioned to purchase habitat credit from an approved CDFW mitigation bank or provide conservation habitat in the same amount and type with a Resource Management Plan (RMP) requiring CDFW coordination and approval (Condition #10).

No impacts to Coast Live Oak or Southern Riparian Scrub would occur without agency approval.

As it specifically relates to jurisdictional resources and wetlands, the project is conditioned in the Form of Decision (Condition #14) to provide evidence that agency permits have been obtained or to provide a letter from these agencies stating a permit is not necessary, as stated in the Biological Resource Letter Report. In addition, the Form of Decision includes the following notice:



**County of San Diego, Planning & Development Services**  
***Project Planning Division***

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**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: 6010 Hidden Valley Rd, Suite 105, Carlsbad, CA 92011-4219; (858) 674-5386; <http://www.usace.army.mil/>

Regional Water Quality Control Board: 9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340; (858) 467-2952; <http://www.waterboards.ca.gov/sandiego/>

California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 467-4201; <http://www.dfg.ca.gov/>

The aforementioned condition and notice will ensure that the applicant obtains the appropriate permits as required by each agency. No changes were made to the CEQA documentation as a result of this comment.

- C5. This comment is conclusionary in nature and does not raise an issue under CEQA. No changes were made to the CEQA documentation as a result of this comment.

**Response to comments received from Marlene Miller, received January 8, 2019:**

- D1. This comment is introductory in nature and states a general concern for Assessor's Parcel Number (APN) 105-410-11.

APN 105-410-11 is not part of the proposed project site and no development is proposed for this parcel. No changes were made to the Initial Study as a result of this comment.

- D2. This comment states a concern for a possible wildfire hazard due to the growth of eucalyptus trees on the south and east of APN 105-410-11.

As stated in response C1, the area of concern is not included within the proposed project site. In addition, a FPP, dated October 30, 2018, has been prepared for the proposed project. The project would be required to provide adequate vegetation management and defensible space (fuel modification zone) subject to the NCFPD. No changes were made to the Initial Study as a result of this comment.

December 7, 2019

Mr. Koutoufidis:

I received mitigated negative declaration letter.

Came across this article about explosion and fire on one of these storage projects.

<https://www.greentechmedia.com/articles/read/aps-and-fluence-investigating-explosion-at-arizona-energy-storage-facility>

How dangerous would it be to local residents if one of these containers of batteries exploded accidentally? Toxic gases? Burning projectiles? I am a homeowner down hill from this project and within 500 yards.

Thank You in advance for answering these questions.

Craig.

A1

A2

December 10, 2019

Thank you for sending this information.

As a neighboring property owner, I wish the development would follow the Countries master plan that allowed the property to be re zoned from Agricultural to limited impact Industrial (M52). Also why not the property that is next to the existing substation it is vacate land? Because of this development is the access to this property at Mission Road to be widened and a turn lane added. This property is subject to wildfires and the Fire Access is limited and the exit is through the area most likely area to be on fire the creek bed.

Regards

Steven Boudreau  
Property owner 525 Industrial Way Fallbrook, CA

B1

B2

B3





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



January 6, 2020

Nicholas Koutoufidis  
County of San Diego Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123  
[nicholas.koutoufidis@sdcounty.ca.gov](mailto:nicholas.koutoufidis@sdcounty.ca.gov)

**Subject: Comments on the Mitigated Negative Declaration for the AES Fallbrook 40 MW Battery Energy Storage System Project SCH# 2019129024**

Dear Mr. Koutoufidis:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Mitigated Negative Declaration (MND) for the AES Fallbrook 40 MW Battery Energy Storage System Project (Project).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

#### Department Role

The Department is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act [CEQA] Guidelines § 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

The Department is also a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) The Department may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to the Department's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.)

**Project Location:** The AES Fallbrook 40 MW Battery Energy Storage System (BESS) Project is to the south of East Mission Road, east of Industrial Way, and west of Mercedes Road, within the northeastern portion of the unincorporated community of Fallbrook, in the northwestern portion of the County.

**Project Description:** The Project proposed by the Audio Engineering Society (AES) Corporation would help San Diego Gas and Electric (SDG&E) meet their energy storage

C1

C2

Nicholas Koutoufidis  
County of San Diego Planning & Development Services  
January 6, 2020  
Page 2 of 2

mandate by deploying an energy storage system at the proposed Project site. Project activities include installation of BESS infrastructure. Off-site improvements associated with the project are road improvements installation of infiltration basins, and approximately 30 feet of utility undergrounding. While largely consisting of inactive agricultural lands, the site also supports single-family residences. The Project site includes seven vegetation communities: Southern Riparian Scrub; Coast Live Oak Woodland (County Resource Protection Ordinance [RPO] Associated); Coast Live Oak (Upland); Eucalyptus Woodland; Disturbed Habitat; Urban/Developed Land; and Agricultural Land. Most of the project site is Disturbed Habitat (14 acre), followed by Urban/Developed Land (6 acre), and Agricultural Land (3 acre). Eucalyptus Woodland occupies 1 acre, and the remaining vegetation communities, Coast Live Oak (Upland and RPO Associated) and Southern Riparian Scrub, occupy less than 1 acre each.

C3

#### COMMENTS AND RECOMMENDATIONS

The Department offers the following recommendation to assist the County in adequately avoiding, minimizing, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

The Department recommends that the MND include the mitigation measures described on pages 12-13 of the Biological Resources Letter Report, with respect to the potential impacts to Coast Live Oak (RPO Associated and Upland) and Southern Riparian Scrub due to their proximity to riparian habitat within the Project site. The Biological Resources Letter Report dated October 17, 2019 states that the Project proponent will be required to provide evidence that agency permits (ACOE, CDFW, and RWQCB) have been obtained or a letter from those agencies stating that a permit is not necessary if the Project impacts the drainage crossing at the northern boundary of the Project site.

C4

#### CONCLUSION

The Department appreciates the opportunity to comment on the MND to assist San Diego County in avoiding, minimizing, and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nasseer Idrisi, Senior Environmental Scientist (Specialist) at (858) 467-2720 or [Nasseer.Idrisi@wildlife.ca.gov](mailto:Nasseer.Idrisi@wildlife.ca.gov).

C5

Sincerely,



Gail K. Sevens  
Environmental Program Manager  
South Coast Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento

Mr. Koutoufidis:

Thank you for your time today and the information provided. I have some concerns regarding the AES Fallbrook 40 MW Energy Storage System Project, APN 105-410-11-00. Specifically, there are wild-growing eucalyptus trees growing against the property lines and fences of homes on the south and east of the planned project (Mercedes Rd and Bryce Ln) which I feel present a possible fire hazard as they are in close proximity to homes. These trees have been cut down in the past, but being eucalyptus, have grown back within a couple of years.

I would appreciate any contact with AES to see if they can mitigate this potential fire hazard by clearing the trees and having the stumps ground out so the trees will not regrow.

Thank you,  
Marlene M Miller  
249 Mercedes Rd  
Fallbrook CA

D1

D2

# NOTICE OF DETERMINATION

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TO: ☒ Recorder/County Clerk  
Attn: James Scott  
1600 Pacific Highway, M.S. A33  
San Diego, CA 92101

FROM: County of San Diego  
Planning & Development Services, M.S. O650  
Attn: Project Planning Section Secretary  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123

☒ 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): AES Fallbrook 40MW Energy Storage System Project; PDS2019-ZAP-19-001  
State Clearinghouse No.: 2019129024  
Project Location: 1405 East Mission Road, Fallbrook, CA (APN: 105-410-19)  
Project Applicant: Dauren Kilish, Fluence Energy, 4300 Wilson Boulevard, Arlington, VA, 22203 P: 562-577-7706  
Project Description: The project is a 40-megawatt battery energy storage system facility on one parcel with offsite improvements designated for M52 Limited Impact Industrial use located at 1405 East Mission Road in the Fallbrook Community Plan area of San Diego County. The facility will be contained within a 179,568 square foot fenced area. Access to the parcel will be through a 24-foot wide paved driveway from East Mission Road. Connection to the Fallbrook Public Utility District water line along East Mission Road will be established to supply water to the facility. Stormwater Drainage Facilities will include infiltration basins located in the northern portion of the fenced facility, as well as adjacent to the access driveway.  
Agency Approving Project: County of San Diego  
County Contact Person: Nicholas Koutoufidis, Project Manager P: 858-495-5329  
Date Form Completed: January 19, 2020

This is to advise that the County of San Diego Zoning Administrator has \_\_\_\_\_ the above described project on February 5, 2020 and has made the following determinations:

1. The project ☐ will ☒ 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.
4. A Mitigation reporting or monitoring plan ☒ was ☐ was not adopted for this project.

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)

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: \_\_\_\_\_

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Signature: \_\_\_\_\_ Telephone: (858) 495-5329

Name (Print): Nicholas Koutoufidis Title: Land Use & Environmental Planner

This notice must be filed with the Recorder/County Clerk within five working days after 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.

## **Attachment E – Environmental Findings**

**AES FALLBROOK 40 MW BATTERY ENERGY STORAGE SYSTEM PROJECT**

**PDS2019-ZAP-19-001. LOG NO. PDS2019-ER-19-02-001**

**ENVIRONMENTAL FINDINGS**

**February 5, 2020**

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

- 1) Find that the Zoning Administrator has reviewed and considered the information contained in the Mitigated Negative Declaration on file with Planning & Development Services as Environmental Review Number PDS2019-ER-19-02-001 before making its decision on the proposed project.
- 2) Adopt the Mitigation and Monitoring Program as incorporated into the project conditions of approval pursuant to CEQA Guidelines section 15074(d).
- 3) Find that the proposed project is consistent with the Resource Protection Ordinance (RPO) (County Code, Section 86.601 et seq.).
- 4) Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, Section 67.801 et seq.).



## **Attachment F – Public Documentation**

**FALLBROOK COMMUNITY PLANNING GROUP**  
**And**  
**DESIGN REVIEW BOARD**

Approved Minutes

Monday 18 February 2019, 7:00 PM, Live Oak School, 1978 Reche Road, Fallbrook

The February meeting of the Fallbrook Community Planning Group was called to order at 7:00PM by Chairman Jim Russell.

Twelve (12) members were present: Chairman Jim Russell, Vice-Chairs Jack Wood and Roy Moosa, Eileen Delaney, Donna Gebhart, Lee J. DeMeo, Karel Hanson, Jim Loge, Mark Mervich, William O'Connor, Victoria Stover and Kim Murphy. Steve Brown and Guy Howard were excused.

1. Vice-chairman Jack Wood to administer the oath of office to recently elected Stephen Brown.

**Mr. Brown was excused from the meeting and the oath was not administered.**

2. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three minute limitation. Non-discussion, & Non-voting item.
  - A. **George Montesario appeared and spoke on behalf of rescinding a proposed ordinance governing health care trailers, one of which is on his property in Fallbrook, inhabited by his father-in-law. He considered some of the requirements re renewals and other parameters to be onerous. He was informed that Planning Services at the County had pulled back consideration of the ordinance, however, he was concerned about the possibility of renewal processes occurring and wanted that aspect also deleted from consideration.**
  - B. **Joe Garcia inquired as to status of as traffic light at the corner of Green Canyon and Mission Rds. It was originally presented for consideration in 2017. Chairman Russell asked Mr. Garcia to send him and the Traffic Advisory Committee at the County requesting a status update.**
  - C. **Jack Wood reported on four issues before the County Planning Commission:**
    - i. **The Health Care trailer ordinance reference by Mr. Montesario is dead, and that the County is not going to pursue implementing it.**
    - ii. **As previously reported in the media, the County is proceeding with the state-mandated Land Development Code for Accessory Dwelling Units allowing waiver of fees for five years for creating those units, allowing them to be 50% of the size of the master unit on the property and the need for permits, nonetheless.**
    - iii. **And the County is responding to the State of California regarding implementation of allowance for Micro Home Kitchens, i.e. those that are to serve up to 30 meals a day.**
    - iv. **The Land Development Code updates regarding the above and other items are scheduled to be updated and in place by 2023.**

3. Approval of the minutes for the meeting of 21 January 2019. Voting Item.

**Bill O'Connor moved to approve the minutes as presented, and the motion carried unanimously.**

4. Request to remove the eucalyptus tree at 1492 N. Stagecoach Lane from Travis Evan, Department of Public Works, 760-510-2447, [travis.evan@sdcounty.ca.gov](mailto:travis.evan@sdcounty.ca.gov), because the tree is destroying the road. **Circulation committee.** Community input. Voting item. (1/16)

**Circulation Committee Chair Roy Moosa reported that the eucalyptus tree was a hazard and moved to approve removal of the tree. The motion was approved unanimously.**

5. AD18-025 Phan Ag Clearing Permit. Request for an ag permit to clear 1.21 of the 10.5 acres located at 3589 Sage Road for growing dragon fruit, a 1250 SqFt greenhouse for growing oyster mushrooms plus a 500 ft. chain length fence. Owner, applicant and contact person, Tai Phan, 562-341-1370, [timphan09@gmail.com](mailto:timphan09@gmail.com). County planner John Leavitt, 858-495-5448, [john.leavitt@sdcounty.ca.gov](mailto:john.leavitt@sdcounty.ca.gov). Continued at the 21 January 2019 FCPG meeting. **Land Use Committee,** Community input. Voting item. (1/3)

**Mr. Phan indicated he has increased the size of the greenhouse/hydroponic facility to 2500-square-feet and removed from consideration growing mushrooms, responding to Land Use Committee concerns over noxious odors and their effects on neighbors. Land clearance will also be for growing 1.5 acres of dragon fruit on the property. He indicated any equipment on the property would be contained inside the greenhouse. The motion to approve as amended increasing the size of the greenhouse and eliminating mushroom facilities was made by Jack Wood and it was approved unanimously.**

6. ZAP19-001 a minor use permit for the Fluence Fallbrook Energy Storage System (BESS) proposed Address: 1405 East Mission Road, APN: 105-410-19-00 by AES would help SDG&E meet their energy storage mandate while also providing local area capacity for electrical system reliability and flexibility. AES and SDG&E have already entered into an agreement for SDG&E to purchase the system from AES once operational. As part of the California Public Utility Commission's (CPUC's) energy and environmental policies for the electricity sector, which mandate that SDG&E must procure and maintain a minimum amount of electric power capacity, the Fallbrook BESS project ("project") would be part of a sustainable solution to:
  - Ø Maintain grid reliability;
  - Ø Enable increasing amounts of intermittent renewable energy generating sources to be accessed;
  - Ø Reduce greenhouse gas (GHG) and criteria air pollutant emissions from the electricity sector;
  - Ø Reduce marine impacts from once-through-cooling power plants;
  - Ø Upgrade aging infrastructure; and
  - Ø Support increased and new electricity demand from non-traditional users such as transportation.
 Battery-based energy storage provides flexibility to the electrical grid by storing energy produced during periods of oversupply and discharging to the electrical grid during periods of high demand. A battery system can provide instantaneous response, as compared to a slower ramping rate of a traditional gas-fired generation resource and can provide this response repeatedly in all hours. Energy storage speed of response serves to reduce the total amount of reserve power needed to manage the grid effectively, providing savings and reliability benefits. By building the proposed

project, a clean, reliable resource would be gained to help integrate renewables, reduce dependence on gas-fired generation, eliminate ocean water for cooling, reduce fresh water consumption, and reduce GHG and criteria air pollutant emissions. This project meets SDG&E's capacity requirements and contributes to their energy storage mandate. Contact persons Haley and Aldrich, Shruti Ramaker, 805-570-5566, [sramaker@haleyaldrich.com](mailto:sramaker@haleyaldrich.com), Land Use and Design Review Committees. Community input. Voting item. (1/2/19)

**Dauren Kilish**, director of California projects for Fluence Energy made the presentation and responded to comments/questions that followed after reports made by Chairs Jack Wood (Land Use) and Eileen Delaney (Design Review) regarding presentations made at their respective committees. Land Use approved the project concept as a Land Use item as presented, Mr. Wood noting that it is a good use of the parcels involved; and Design Review approved the project absent approval for the applicant meeting design, signage and landscaping issues, with Ms. Delaney noting overall it is a benefit to the community, however, she expressed concern about the interface yet needed with adjacent property owners.

**Community and Planning Group input covered issues beyond the scope of the two Planning Group committees as follows:**

- A. Paul Keck reported that the underground right of way through his property for the cabling between the Fluence batteries and the SDG&E substation is still being negotiated; but, as of the evening of the Planning Group meeting there was no agreement. He also indicated that there is no guarantee that once complete that the property and associated batteries will be turned over to the utility. He also indicated that he owns a strip in fee on the western edge of the Rashkin parcel, which runs along the parcels in the Industrial Way park.
- B. The project will receive up to 40 megawatts of energy from the grid and store it for balancing load fluctuations. Not all of that electrical energy will come from solar and wind farms, and not all energy stored will be used exclusively for Fallbrook residences and businesses but will be available for other areas in the region.
- C. The applicant is pursuing a Minor Use Permit and eventually, once the installation is complete and the facility tested, it will be turned over to SDG&E, which will own and operate the 18 containers and infrastructure. Fluence is under contract to SDG&E.
- D. A company called AES owns the parcel and one adjacent to it and has the contract with Fluence for development of the battery site before it is turned over to SDG&E. In answer to why there is a two-step process, Mr. Kilish indicated that is the way they have worked other similar projects for this and other utilities in California. The award to AES and Fluence was made two or three years ago after they and several other companies responded to an SDG&E Request for Offers.
- E. Arnold Rashkin, owner of a land-locked parcel west of the subject five-acre-parcel wants either the zoning changed from M52 to full industrial property or the County to require a Major Use Permit, which would require the road into the parcel to be at a larger County standard that he could then connect to and develop his parcel. Both Land Use and Design Review stipulated in their motions that the applicant work with Mr. Rashkin to help him resolve his concern about being land-locked and, therefore, holding an undevelopable piece of property.

- F. There was concern that the County did not request an Environmental Impact statement, and had they, it should have been forwarded to the Fallbrook Community Planning Group. A community resident noted that there is a possible adverse effect of having this kind of facility close to Lavender Hill School, which is nearby on Mission Rd. Chairman Russell said that if there is a community request for an EIR, then it is within the purview of the Group to ask the County to require one and submit it to the Fallbrook Community Planning Group.**
- G. The absence of SDG&E as a party appearing, commenting and presenting was noted by many members of the community and the Fallbrook Community Planning Group. It was felt that if the utility was the presenter, it was likely that the request would be for a Major Use Permit vs. the Minor Use Permit. It was further noted that SDG&E should participate in these meetings and because of that the permit should be a Major Use Permit as noted above.**
- H. There was concern expressed over the life-expectancy of the batteries and whether or not they would be replaced or remain on the property. Mr. Kilish said that all Lithium ion batteries degrade over 20-35 years and will either be replaced or removed once no longer effective.**

**Eileen Delaney moved to approve the project as presented subject to the following:**

- 1. The County should, after reviewing the application and the considerations of the Fallbrook Community Planning Group and community considerations, determine whether or not the applicant should be requesting a Major Use Permit or Minor Use Permit;**
- 2. The applicant and County should assess the impact of the facility on the Lavender Hill Charter School a short distance from the project site;**
- 3. The approval by the Fallbrook Community Planning Group is for the project as presented and future decisions will be based on signage, landscaping and other design considerations;**
- 4. The Planning Group requires a reclamation plan for decayed batteries as they near the end of their useful life;**
- 5. The Planning Group requests information pertaining to the traffic anticipated at the site over a month;**
- 6. The parties (Arnold Raskin, Fluence/AES and SDG&E) should work together to facilitate access to the adjacent parcel.**

**The motion was approved unanimously.**

- 7. Election of a Fallbrook Community Planning Group member to the I-15 Design Review Board. Voting item. (1/31)**

**Victoria Stover agreed to serve as the Fallbrook Community Planning Group representative on the I-15 Design Review Board. Her appointment was approved unanimously.**

**The meeting was adjourned at: 8:22PM.**

**Respectfully Submitted, Eileen Delaney, Secretary**

**FALLBROOK COMMUNITY PLANNING GROUP**  
**And**  
**DESIGN REVIEW BOARD**

Regular Meeting

Monday 21 October 2019, 7:00 P.M., Live Oak School, 1978 Reche Road, Fallbrook

Approved Minutes

The October meeting of the Fallbrook Community Planning Group was called to order at 7:00 PM by Vice Chairman Jack Wood.

Ten (10) members were present: Vice-Chairs Jack Wood and Roy Moosa, Jerry Kalman, Lee DeMeo, Eileen Delaney, Steve Brown, Mark Mervich, Jim Loge, William O'Connor and Kim Murphy. Chairman Jim Russell, Karel Hanson and Victoria Stover were excused.

1. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three minute limitation. Non-discussion & Non-voting item.

**Vice Chair Jim Wood reported that there is an opening on the Fallbrook Community Planning Group for a seat (#14) due to the resignation of Guy R. Howard. He said the vacancy notice has been posted and had an application for the appointment available for interested applicants. He also reported the latest news on Chairman Jim Russell's condition, stating he was still in the hospital in La Jolla and that the Chair had eye surgery last week.**

2. Approval of the minutes for the meeting of 16 September 2019. Voting item.

**Bill O'Connor moved to approve the minutes as presented and the motion carried unanimously.**

3. Presentation by Supervisor Jim Desmond and County staff on Form-Based Code. The supervisor has heard many requests from the community regarding changes to the regulations of the downtown area, many of which can be achieved through a Form-Based Code update. The purpose is to solely present the idea to the group to see if this is something the community would like to pursue. Contact person, Marisol Edrozo, 619-531-5515, [Marisol.Edrozo@sdcounty.ca.gov](mailto:Marisol.Edrozo@sdcounty.ca.gov). Community input. Non-voting item.

**District 5 Supervisor Jim Desmond started the presentation about Form-Based Code indicating it is a way for communities like Fallbrook (and before us Ramona and Alpine) to blend design guidelines with zoning. He said the initiative is an outgrowth of the Revitalization Committee effort he started earlier this year (two meetings have been held in Fallbrook) to bring County services to Fallbrook to get things done, especially anything outside the purview of the Planning Group. He said his office put in a request for money to look at Form-Based Code for Fallbrook. They set aside \$900,000 for this fiscal year's planning effort for Form-Based Code.**



Eric Lardy, chief, advanced planning for the County and a specialist in Form-Based Code, described the concept. It is different he said from traditional zoning that looks at use and set-backs and individual parcels. Form-Based Code looks at the entire Village area and determines what kind of design guidelines the community wants, what kind of relationship between the streets, street amenities desired. Fallbrook already has specific zoning codes (VR). He said after 15 years it is time to revisit those to see what things are working and those that are not; and then what are opportunities and constraints within the zoning ordinance and design guidelines. The outcome would be scoping that out and designing it into the regulations for Fallbrook. An initial step would be to bring in a County consultant to work with the Planning Group and other community members in Fallbrook to look at the General Plan developed in 2011 and update it when/where needed. Mr. Lardy indicated the current zoning maps are available online.

Kim Murphy advocated expanding multi-use designations in the downtown area of Fallbrook to embrace some of these issues and make them work for the community.

Eileen Delaney said that going forward there would be an effort consisting of community workshops under the Supervisor's Revitalization Sub-Committees and have joint meetings with the Planning Group and other members of the community to come up with a plan. Once there is a plan, bring it back to the full Planning Group for changes and improvements.

Eric Lardy said that process has worked well in other communities.

Bill O'Connor commented about those instances where state-mandated decisions take some powers of the local Planning Groups to deal with issues. He also cited similar moves by SANDAG and other agencies to take away from what "we can do." He hoped the process outlined by Eric Lardy would give rural areas a little more certainty in dealing with these issues.

Eric Lardy said one of the intents of Form-Based Code is more certainty. He said that right now existing zoning codes are old zoning codes that were adopted in the 1970s. These Form-Based Codes have more certainty on what exactly can go on a parcel and some things are predefined. Form-Based Codes incorporate design guidelines and that zoning into one regulatory document. He said he wants the Planning Group and all community groups involved in every step along the way in developing the Form-Based Codes for this community.

Eileen Delany said Form-Based Codes are geared off what it is that the community wants. It simplifies the process.

Eric Lardy explained that Form-Based Codes would probably cover the downtown (Village) area but probably not the entire community planning area. There would still be a need for existing zoning regulations for other parts of the community that require use permits, etc.

**Lee DeMeo asked if the intention is to create a more integrated set of design guidelines and zoning.**

**Eric Lardy said yes, that is the intent for Form-Based Codes to provide more regulatory backing to those design guidelines.**

**Lee DeMeo said that it appears that the bottom line is for Fallbrook to determine the Form-Based Codes for the community, and then that is what the community would apply as the downtown area is redeveloped.**

**Jack Wood noted that the General Plan update in 2011 was an arduous process. He wondered if the Form-Based Codes for Fallbrook would be included in the General Plan.**

**Eric Lardy said it would depend on what the community wants. Certain items he thought might require a General Plan update to implement. He noted that when Form-Based Codes were implemented in Ramona there was no General Plan update, and the codes were incorporated consistent with the General Plan.**

**Lila MacDonald said that it's important to realize what we want for Fallbrook because if it takes five years because we should start now to decide to be what we want to be when we grow up rather than wait for the County or some other community to tell us what we should look like.**

**Roy Moosa asked about what has changed in Ramona when they adopted Form-Based Codes.**

**Eric Lardy said Ramona adopted their plan in 2014 and the County made a couple of edits last year. He said that the County has seen some projects that have come forward since adopting Form-Based Codes and that the County will continue to make refinements to them.**

**Lee DeMeo asked who adopts the Form-Based Codes, Planning Groups or the Board of Supervisors.**

**Eric Lardy explained that community groups in Ramona made recommendations to the Board of Supervisors who then adopted Form-Based Codes for that community.**

**Lee DeMeo followed up and wanted to know how Fallbrook gets what Fallbrook wants in Form-Based Codes affecting this community.**

**Supervisor Desmond said that there needs to be some flexibility to the Form-Based Codes, so what may be called for in the code might be available close to the applicant's request.**

**Eric Lardy said the Form-Based Code is adopted as an amendment to the zoning code. He said they want to come to a place where the County and the community work together to create Form-Based Codes to recommend something to the Board.**

**Supervisor Desmond said the County wants champions in the community for this. He does not want someone in City Hall telling the community what to do.**

**Lee DeMeo and Eileen Delaney were concerned that after going through the process of developing Form-Based Codes for the community that they may not get enacted as recommended.**

**Supervisor Desmond responded that communities have got to have a vision for the future and how to adjust for change and plan. He said there has to be some flexibility, but it's best if requests for change come from the community.**

**Jack Wood said that the Planning Group is flexible and willing to work with the County to develop Form-Based Codes and present Fallbrook's desires.**

**Eric Lardy indicated the next step would be to schedule local meetings which are funded.**

**Eileen Delaney is set to schedule the meetings as part of the Revitalization effort.**

4. Presentation by County Planner Koutoufidis, Nicholas, 858-495-5329, Nicholas.Koutoufidis@sdcounty.ca.gov on ZAP19-001 a minor use permit for the Fluence Fallbrook Energy Storage System (BESS) proposed address: 1405 East Mission Road, APN: 105-410-19-00 by AES would help SDG&E meet their energy storage mandate while also providing local area capacity for electrical system reliability and flexibility. AES and SDG&E have already entered into an agreement for SDG&E to purchase the system from AES once operational. As part of the California Public Utility Commission's (CPUC's) energy and environmental policies for the electricity sector, which mandate that SDG&E must procure and maintain a minimum amount of electric power capacity, Community input. Non-voting item. (9/21)

The project was approved by the FCPG on 18 Feb 2019 with the following recommendations (NOTE -- replies by Nicholas Koutoufidis and/or inquiries by the Planning Group and amended in bold type):

1. The County should, after reviewing the application and the considerations of the Fallbrook Community Planning Group and community considerations, determine whether or not the applicant should be requesting a Major Use Permit or Minor Use Permit;  
**AES/Fluence is approved for a Minor Use Permit because it is zoned Industrial.**
2. The applicant and County should assess the impact of the facility on the Lavender Hill Charter School a short distance from the project site;

**The two schools are half a mile from the battery storage units and after an offsite hazard analysis it was determined the maximum hazard zone is 30 feet from the batteries. That analysis is out for review and will eventually be online.**

3. The approval by the Fallbrook Community Planning Group is for the project as presented and future decisions will be based on signage, landscaping and other design considerations;

**Fluence/AES is working with the fire department and spacing of landscaping along one edge, only, to make sure the landscaping doesn't create a fire hazard but shields the site from the residences.**

4. The Planning Group requires a reclamation plan for decayed batteries as they near the end of their useful life;

**The permit is limited to 35 years and also has a hazardous materials plan for when the batteries are nearing the end of their life they will be required to remove or replace the battery or they will have to come back before the Planning Group for a modification to extend the time for the permit. DEH monitors the operation of the storage facility.**

5. The Planning Group requests information pertaining to the traffic anticipated at the site over a month;

**There is only going to be two trips a month for repairs and maintenance; however, during construction there will be more than that.**

**Dauren Kilish, in answer to a question asked by Bill O'Connor about technology changes affecting newer and better batteries, said the project is designed to accommodate additional batteries, so once one degrades there is empty space in the racks to take on newer devices. The older ones stay there and operate at a lower level.**

6. The parties (Arnold Raskin, Fluence/AES and SDG&E) should work together to facilitate access to the adjacent parcel.

**Arnold Raskin, owner of an adjacent parcel that is zoned industrial, inquired why the developers of the project have not talked to him after the February meeting. He said there is no accessibility to his parcel because of this project. He says he has no way to develop his parcel.**

**Dauren Kalish said there is an agreement with one of the other parties (parcel #44) for access and the signed agreement is in escrow.**

**Nicholas Koutoufidis said, from the County's standpoint, the applicants are not required to provide access to his parcel because this project has its own private**

access and not doing a subdivision. If AES/Fluence was doing a subdivision they would have been required to put in a major road to the parcels.

Dauren Kalish indicated the only way to grant access would be through parcel 19, which is an environmentally sensitive area, which is not practical.

Arnold Raskin said that this prevents him from developing his 25 acre-parcel, which is zoned industrial by the County. He asserted, by using AES/Fluence to purchase and develop the parcel and then acquire the result, SDG&E is by-passing the zoning and ordinances to require public hearings on this project. He said he is not against the project, just how they are developing it and how SDG&E is handling it.

In response to Lee DeMeo's question why the developers cannot provide access, Dauren Kalish said that the project where the batteries, etc. are located is surrounded by a fence so they cannot provide any access through that area and the area that is open is through the oak trees (environmentally sensitive area). He said there is no easy solution to granting access.

Kelly Fitzgerald, a project manager from SDG&E, stated that the utility has gone through the CPUC and has received approvals from the Commission. She said the way it was handled is the build-out is then transferred by contract to SDG&E at completion. She said this is a competitive-bid situation, the first time it has been used by the utility. Also, they tried several times through emails to contact Mr. Raskin from the PR Manager. Through that office SDG&E has extended several invitations to Mr. Raskin to work out solutions.

Lee DeMeo, Bill O'Connor and Jack Wood encouraged the parties to continue to try to communicate with each other regarding accessibility.

5. Pursuant to Board Policy F-26: Utilization of Park Lands Dedication Ordinance Fees and a Sponsor Group to identify community recommendations for use of PLDO funds  
The Department of Parks and Recreation (DPR) is seeking input from the Fallbrook community on the Park Lands Dedication Ordinance (PLDO) and Recreation Programming priorities for the Fallbrook Local Park Planning Area (LPPA). The Department of Parks and Recreation requests that the Fallbrook Community Planning Group recommend projects eligible for PLDO funding for 2019-2020. The most recent PLDO Priority Project List received from your group as of 9/17/18 is:
  1. Acquire park lands;
  2. Upgrade Live Oak Park with ADA exercise equipment;
  3. Additional bikeways and hiking pathways;
  4. Multi-use facilities including hiking/biking pathways and team sports courts, fields, etc. Additionally a list of recreational programming.

Fallbrook's current list is:

1. Soccer facilities;

2. Skateboard facilities;
3. Hiking/Biking pathways in the community;
4. Basketball and Volleyball courts.

County planner Marcus Lubich, Senior Park Project Manager, 858-966-1348, [Marcus.Lubich@sdcountry.ca.gov](mailto:Marcus.Lubich@sdcountry.ca.gov). **Parks and Recreation Committee**. Community input. Voting item. (8/29)

**Eileen Delaney reported Marcus Lubich is not able to attend this meeting. She noted that at the Parks and Recreation subcommittee the lists were discussed at a community workshop. The first part of the meeting entailed participating agencies and organizations getting acquainted. She said one project was discussed, a proposed pathway/trail along Stage Coach Rd., which is heavily used by kids to and from the high school. They might be able to get funding for the pathway from DPW, and it would be difficult to get funding for a trail from Parks and Recreation. She said the committee will re-agenda the project for next month.**

**Eileen Delaney moved to continue the project and the motion passed unanimously.**

**After the motion carried there was additional discussion regarding pathways and trails in the community:**

**Jack Wood noted that this is an ongoing situation in Fallbrook in that the community is always looking for different avenues for funding for parks, recreation, paths, etc. He said that the most difficult thing is that many roads were laid out as old grove roads and many do not have rights-of-pay and to get pathways and trails requires getting easements on private properties. He said it is an ongoing process and the Planning Group will continue to pursue remedies.**

**Bill O'Connor said the problem is funding, and hoped that at least one project could be done.**

**Eileen Delaney said the first step is to find out from DPW (instead of Parks and Recreation) if there is an easement along Stage Coach. If there is an easement there is a possibility of getting a pathway and at that point the community can then ask for budget money for that.**

**Jim Loge cited a letter that outlines priorities on the Trails and Pathways map of Fallbrook and the reasons (Stage Coach was listed as first from Mission to Mission because of the use of the roadway by cross country running kids from the high school).**

6. Request for a B-designator waiver of a site plan for signage and remodel for The Kentucky Fried Chicken at 1077 South Mission Road, 104-390-11-00. The application for KFC has two parts: One is for signage with Tim Seaman, [tim@championpermits.com](mailto:tim@championpermits.com), 619-993-8846, as the applicant; and the second is for the color scheme with



[joe.honn@davacoinc.com](mailto:joe.honn@davacoinc.com), Joe.honn@[davacoinc.com](mailto:joe.honn@davacoinc.com), 630-441-0963, as the applicant. County planner Chloe Hird, [Chloe.hird@sdcounty.ca.gov](mailto:Chloe.hird@sdcounty.ca.gov), 858-495-5201. **Design Review Committee.** Community input. Voting item. (9/3)

**Joe Honn presented the project after making corrections requested by Design Review in September. Those changes included reducing sign sizes and making some signs generic, replacing others to remove KFC branding elements on them. The signs will consist of one set of KFC letters, one 6'x4' face of "The Colonel" logo and the monument sign at the property will only be refaced. The drive thru signs will be generic. The second element is that the color scheme would be gray and white with red awnings/shutters.**

**Eileen Delaney moved to approve the two elements of the project as presented and the motion was passed unanimously.**

7. Request for approval of traffic calming bulb-outs on Main Ave. (phase 1). Project initiated by Supervisor Desmond's Revitalization Programs Infrastructure Subcommittee (presented last month for information only). Contact: Lila MacDonald. Fallbrook Chamber of Commerce. Community Input. 760.728.5845, [lila.macdonald@fallbrookchamberofcommerce.org](mailto:lila.macdonald@fallbrookchamberofcommerce.org). **Circulation Committee.** Community input. Voting item. (9/16)

**Lila MacDonald presented updated renderings showing the bulb-outs proposed for two intersections (Elder and Ivy) along Main Ave. She noted that the local Fire Department was asked for input to determine if bulb-outs might hinder a response call and she was told they would not. The Circulation Committee approved the project and encouraged Ms. MacDonald to take it to the County for approval.**

**Roy Moosa and Eileen Delaney recused themselves as they were members of Supervisor Desmond's revitalization committee that brought forth this recommendation. Roy Moosa also owns property on Main Ave.**

**Bill O'Connor moved to approve the project as presented and the motion passed unanimously.**

8. AD19-024 Request for an administrative permit for an animal raising project to raise up to 15 alpacas on the 2.5 acres located at 1104 Arroyo Pacifica, APN 105-310-30. Also to hold classes for up to 3 hours on the alpacas one Saturday a month for up to eight children ages 5 to 14 with adults. Owner and point of contact Anita Caole, 760-212-2146, [n2alpacas@gmail.com](mailto:n2alpacas@gmail.com). County Planner Lauren Yzaguirre, 858-495-5362, [lauren.yzaguirre@sdcounty.ca.gov](mailto:lauren.yzaguirre@sdcounty.ca.gov). **Land Use Committee.** Community input. Voting item. (9/27)

**Anita Caole presented her plans to reduce her large animal content to 15 alpacas on her property and use them for demonstration projects for 4H students on weekends and to continue to breed the animals for yarn, etc. The project site was the subject of a visit by the Land Use Committee in the week prior to her presentation before the**

**Planning Group.** During her discussion with the Land Use Committee she expressed a willingness to reduce the “herd” to ten animals.

Several homeowners (some of their names could not be heard or recorded and are cited here in an approximate way, thus we apologize for misspelling those names), none of which knew of the Land Use Committee meeting in the area surrounding Ms. Caole’s property appeared and all cited problems at their properties associated with flies and odors from the alpacas’ dung. Most of them said that the number of animals was excessive and contributed to these offending problems. Others cited the unsightly presence of a large dumpster the applicant used to handle dung until picked up by trash collectors. Aside from the oft mentioned complaint about flies and odor here are some of the other neighbor and/or friend comments (pro and con):

**Cheri Cornachione** – no objection to the animals or 4H project, but flies and odor excessive

**Lisa Wilson** --- visited property Monday and experienced no flies or odor

**Glenn Johnson** – alpacas are noisy when they mate

**Darlene Seale** – can’t open windows because of smell and flies; applicant’s business affects others’ businesses in the area; can’t sell home because of flies and bugs, nor have BBQs; property values hurt

**Neil Friedlander** – wind drives odors and flies northeast toward his and others’ properties; dumpster with dung offensive; inappropriate to use 4H to justify operation

**Michele Rocheleau** – traffic in cul de sac is a nuisance

**Kelly Thomas** – Ms. Caole was helpful in curing her alpacas’ sick animals

**Lisa Friedlander** – why after two years in residence with alpacas is she applying now for 4H exemption

**Karen Eddy** – dumpster is unsightly

**Mr. and Mrs. Jones** – odor and flies (complaint via letter to Planning Group, in absentia)

Per the item above, some neighbors have filed repeated complaints with code enforcement and numerous letters in protest are on file with the County Planner.

**Input from the Planning Group:**

**Eileen Delaney** said she feels those in the area first have property rights in situations like this. The ag profile for A70 areas like this is a max of two large animals per acre (five for Ms. Caole) and that is what area can support; and that the plusses for a 4H project should be balanced against the needs of the property rights of neighbors.

**Steve Brown** agreed with Eileen Delaney.

**Roy Moosa** said that when on site tour he couldn’t see magnitude of problem voiced by neighbors. However, since that tour a letter was received from one of the neighbors and, based on the numerous complaints made at this meeting, he could not approve the applicant’s request since it seems to negatively impact so many.

**Bill O’Connor** was concerned about the unsightly dumpster at the property and was interested in maintaining a focus on code compliance and the regulations.

**Bill O'Connor moved to deny the applicants request to have a herd as large as 15 animals, stating she should comply with the ordinance allowing two large animals per acre (five total for the property). The motion was approved unanimously.**

9. OCEAN BREEZE - PDS2016-TM-5615, PDS2016-MUP-16-012, PDS2016-MUP-16-013 a proposed development of the 1387.28 acres at 5820 West Lilac Road, Bonsall, CA for 396 residential lots and a privately owned and operated equestrian facility. Plus possible traffic calming at the Monserate Mobil Home Park. County planner Bronwyn Brown, (858) 495-5516, Bronwyn.Brown@sdcounty.ca.gov. Contact person Pete Fagrell, 760-533-7261, pfagrell@sbcglobal.net. **Circulation Committee.** Community input. Voting item (9/27)

**Note: This item was moved up after item 5 for discussion.**

**Bronwyn Brown recapped planning elements for the Ocean Breeze project. Because all but two of the 1387 acres are in the jurisdiction of the Bonsall Sponsor Group, this report will only deal with issues pertaining to that two-acre portion of the project. The primary issue before the Fallbrook Community Planning Group was traffic circulation in and around the area, particularly with regard to issues along 395, CA 76 and Dulin Rd. She said the County is in a 45-day review period looking for input and recommendations regarding the project and from the Fallbrook Community Planning Group the traffic issues that pertain to the two-acre portion of the Ocean Breeze development.**

**Damon Davis provided highlights from the traffic study, citing the 20 different intersections and road segments affected by the project and that five (intersections involving Dulin Rd., 395, Lake Circle and CA 76) were in the Planning Group jurisdiction. He described the five intersections and said that there were no direct impacts to the road segments in the Planning Group's area. It was noted that there are 14 estate homes toward the eastern end of the Ocean Breezes area. They will also have daily egress/ingress totaling 12 AM and 14 PM trips through the area into and out of the Rancho Monserate Mobile Home Park. He said that all residents would have emergency egress granted by the Fire Department along the extension of Dulin Rd. out of the project through a pair of gates opened during an emergency.**

**Bronwyn Brown said the applicant has worked with the Rancho Monserate HOA to resolve concerns about the need for traffic calming through the mobile home park. There is concern that many of the residents are seniors and those in golf carts or strolling along Dulin Rd. might be affected and/or harmed during traffic incidents.**

**In answer to a question posed by Kim Murphy, Pete Magrell stated there is no developer at the moment. The project is being proposed by the owner of the property and after filing they will sell to a developer.**

**Jack Wood reminded all that the primary concern for the Planning Group pertains to traffic. He stated that it is the intent of the Palling Group to go on record and have calming devices on Dulin Rd. inside the mobile home park to protect residents there.**

He also noted that at the eastern edge of the San Luis Rey River Park there will be a park and recreational area accessed from Dulin Rd. and through the mobile home park. He wanted that addressed in the presentation and the traffic study. He said the 14 estate lots would generate 168 trips per day through the mobile home park each day, and that's 168 more cars going through there than now. Add to that all the additional traffic when the park gets developed and it is going to become quite busy.

Bronwyn Brown said they have alerted Parks and Recreation and DPW of the Planning Group's concern for safety. She noted that Dulin Rd. is a public road and there is no regulatory mechanism to stand on.

Pete Fagrell stated there is no way to know which way the 14 estate lot residents will go for their 168 trips. They could use other access/egress points in the area.

Roy Moosa reported that the Circulation Committee met and discussed the traffic issues, citing in particular the concern for the 390 homes from going through the mobile home park. Though the 14 estate homes would generate 100+ trips per day and that is still more than the mobile home park experiences now. Currently, he said the residents tend to cross the street wherever they want to and the concern to retrain them is a major issue. He wants to avoid a problem rather than address it when someone gets hit. He wanted some sort of a commitment on the part of the project to install some form of a calming device and the committee wasn't specific as to what kind it should be, but rather left that to Ocean Breeze and the complex.

Pete Fagrell said they did meet with Rancho Monserate and did commit to installing some form of traffic calming device. He said there are a number of different traffic calming devices that can be installed. There are today raised cross-walks, he said, and those could work in the mobile home park and they offered to the HOA to install those in one location.

Roy Moosa made a motion to approve as presented with a recommendation to install traffic calming devices in the Rancho Monserate Mobile Home Park and the motion passed unanimously.

10. Request for a B-designator waiver of a site plan for signage for The Union Bank at 1678 Mission Road. Contact person, Karl Henning, [khenning@matthewssign.com](mailto:khenning@matthewssign.com). County planner Regan Watt, [regan.watt@sdcountyca.gov](mailto:regan.watt@sdcountyca.gov). **Design Review Committee**. Community input. Voting item. (9/28)

Karl Henning presented plans for Union Bank to refresh the façade and signage of the building. The sign frames will remain the same. They will be refaced with updated colors and logos.

Eileen Delaney moved to approve the project as presented and the motion was approved unanimously.

The meeting was adjourned at 9:47PM.

**Respectfully Submitted, Jerry Kalman, Secretary**

## **Attachment G – Ownership Disclosure**



County of San Diego, Planning & Development Services  
**APPLICANT'S DISCLOSURE OF OWNERSHIP  
 INTERESTS ON APPLICATION FOR ZONING  
 PERMITS/ APPROVALS**  
 ZONING DIVISION

Record ID(s) \_\_\_\_\_

PDS2019-2AP-19-001

Assessor's Parcel Number(s) 105-410-10; 19; 44;

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. **NOTE:** Attach additional pages if necessary.

A. List the names of all persons having any *ownership interest* in the property involved.

AES Energy Storage, LLC

AES Energy Storage, LLC is owned by AES Grid Stability, LLC

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

None

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

None

**NOTE: Section 1127 of The Zoning Ordinance defines Person as:** "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

Signature of Applicant

Dauren Kilish

Print Name

12/27/2018

Date

----- OFFICIAL USE ONLY -----

SDC PDS RCVD 01-02-19

**ZAP19-001**

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