



*The County of San Diego*

# Planning Commission Hearing Report

<b>Date:</b>	September 18, 2020	<b>Case/File No.:</b>	International Industrial Park; PDS2008-3100-5549
<b>Place:</b>	No in-Person Attendance Allowed – Teleconference Only - County Conference Center 5520 Overland Avenue San Diego, CA 92123	<b>Project:</b>	Tentative Map
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	North of Lone Star Road, between Vann Centre Blvd and Alta Road
<b>Agenda Item:</b>	#2	<b>General Plan:</b>	Specific Plan Area
<b>Appeal Status:</b>	Appealable to the Board of Supervisors	<b>Zoning:</b>	Specific Planning Area (S88) – Technology Business Park/Conservation Open Space
<b>Applicant/Owner:</b>	International Industrial Park, Inc.	<b>Community:</b>	Otay Subregional Plan
<b>Environmental:</b>	CEQA § 15162 and 15164 Addendum	<b>APNs:</b>	646-080-34 & 648-040-20 and 25

## A. OVERVIEW

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider the proposed Tentative Map (PDS2008-3100-5549), conditions of approval and findings (Project), and environmental findings prepared in accordance with the California Environmental Quality Act (CEQA).

The Project proposes to subdivide approximately 170 acres of vacant land into eight lots, two of which will be for open space preserved by biological open space easements within the East Otay Mesa Business Park Specific Plan. The Project site is zoned Specific Plan (S88) and subject to the Village General Plan Regional Category, and Specific Plan Area (SPA) General Plan Land Use Designation. The East Otay Mesa Specific Plan designates the majority of the site as Technology Business Park, although the northwest corner of the site is designated Conservation / Limited Use. The site is also subject to the “B” (Community Design Review Area) and “C” (Airport Land Use Compatibility Plan Area) Special Area Designators. In addition, a portion of the site is subject to the “G” (Sensitive Resource) Special Area Designator for sensitive biological resources.

This report describes the Planning & Development Services (PDS) recommendation, development proposal, analysis and discussion, and public comments.

**B. RECOMMENDATIONS**

Planning & Development Services (PDS) recommends that the Planning Commission approve the proposed Tentative Map (PDS2008-3100-5549) with the conditions explained in the report and incorporated in the attached Resolution and Form of Decision.

The Planning Commission should evaluate and consider the proposed Project and if it agrees with staff recommendations take the following actions:

- a. Adopt the Environmental Findings included in Attachment A, which conclude that the previously adopted Environmental Impact Report (EIR) is adequate with an Addendum.
- b. Adopt the Resolution of Approval of Tentative Map PDS2008-3100-5549, which includes those requirements and conditions necessary to ensure that the Project is implemented in a manner consistent with State law and County of San Diego (County) Regulations (Attachment B).

**C. PROJECT BACKGROUND**

An application for the Project was submitted on February 1, 2008. At that time, the Project proposed to subdivide approximately 170 acres into 24 buildable lots and 35.90 acres of open space. The Project is located within Major and Minor Amendment Area, and approval by the United States Fish & Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) is required in determining project impacts and mitigation ratios. The County worked with the applicant to review and address Project impacts, however, the applicant chose to suspend the Project from approximately June 2012 to December 2019 until the applicant received concurrence from USFWS and CDFW. The applicant resubmitted the current configuration of the Project on December 20, 2019.

**D. REGIONAL SETTING AND PROJECT LOCATION**

**1. Regional Location and Surrounding Land Uses**

The Project site is located in the Otay Subregional Plan Area within the East Otay Mesa Business Park Specific Plan. The approximately 3,000-acre, East Otay Mesa Business Park is located in the southwestern portion of San Diego County, immediately adjacent to the U.S./Mexico border (Figure 1). The site is located within the South County segment of the Multiple Species Conservation Program (MSCP), South County Subarea Major and Minor Amendment Areas. The Major Amendment Areas onsite contain sensitive biological resources and are located within the “G” Special Area Designator. In addition, a drainage course, Johnson Canyon, runs from the easterly boundary to the northwesterly boundary of the site. The site contains existing open space easements established for biological mitigation for a previous project, TPM 21140. The easements will remain with the Project and proposed easements for the Project will complete the on-site mitigation package.

The Project site is located in the northern and central portion of the Specific Plan Area (Figure 2). The Richard J. Donovan Correctional Facility is located directly to the north of the Project. A use permit has been granted for a salvage yard located directly to the east and north of the Project that includes scrap operation, vehicle storage and recycling activities. A use permit has been granted for auto storage to the south of the eastern portion of the Project and the property is currently being considered for redevelopment. Property to the south is undeveloped and has been approved for 19

industrial lots. The Otay 250 project, located directly to the west, was approved as a residential mixed-use development and also remains unbuilt. The Project surrounds APN 646-080-35, which is owned by the County and not part of the Project, identified as NAP in Figure 3 and Figure 4.

Table B-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	No Jurisdiction	S90 – Holding Area	N/A	Donovan State Prison
East	Specific Plan Area	S88 – Specific Plan (Heavy Industrial)	Alta Road	Auto Storage
South	Specific Plan Area	S88 – Specific Plan (Tech Business Park)	Lone Star Road	Vacant / Auto Storage
West	Specific Plan Area	S88 – Specific Plan (Resi/Com Mixed Use and Conservation Open Space)	West of Vann Center Drive	Vacant

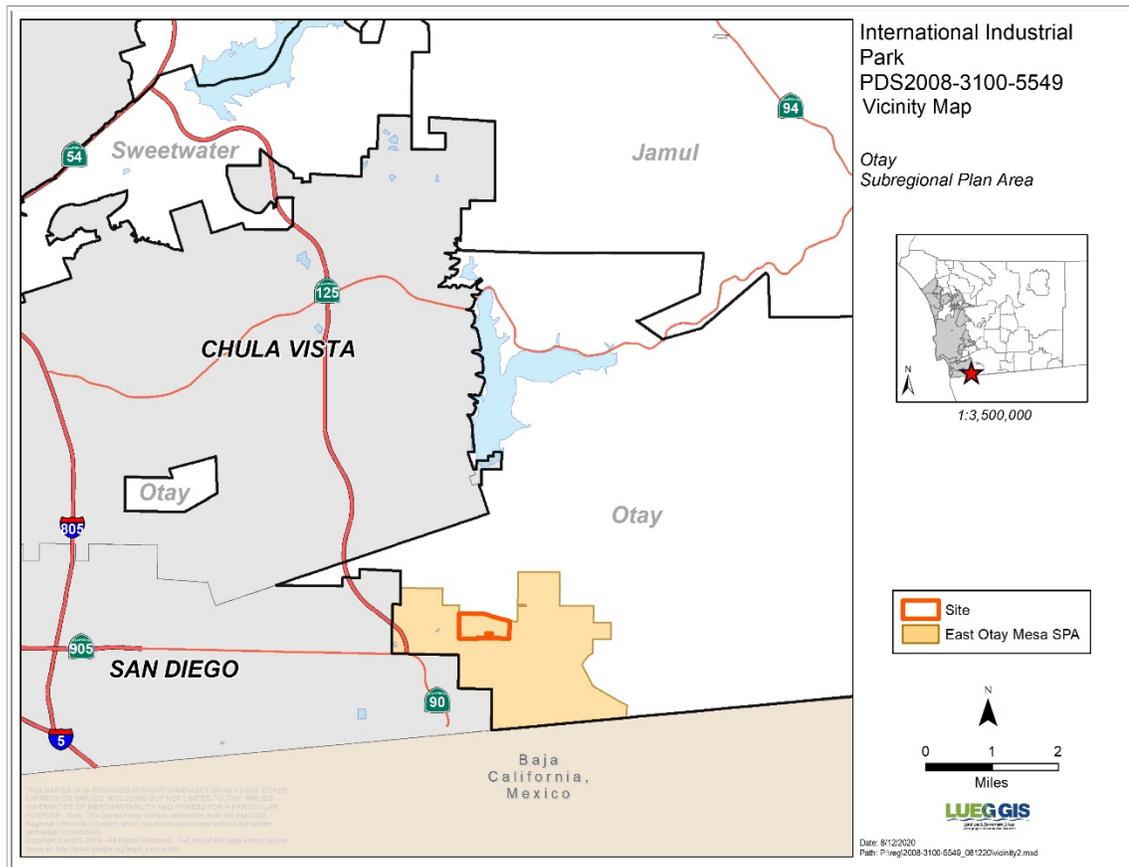


Figure 1: Regional Location Map

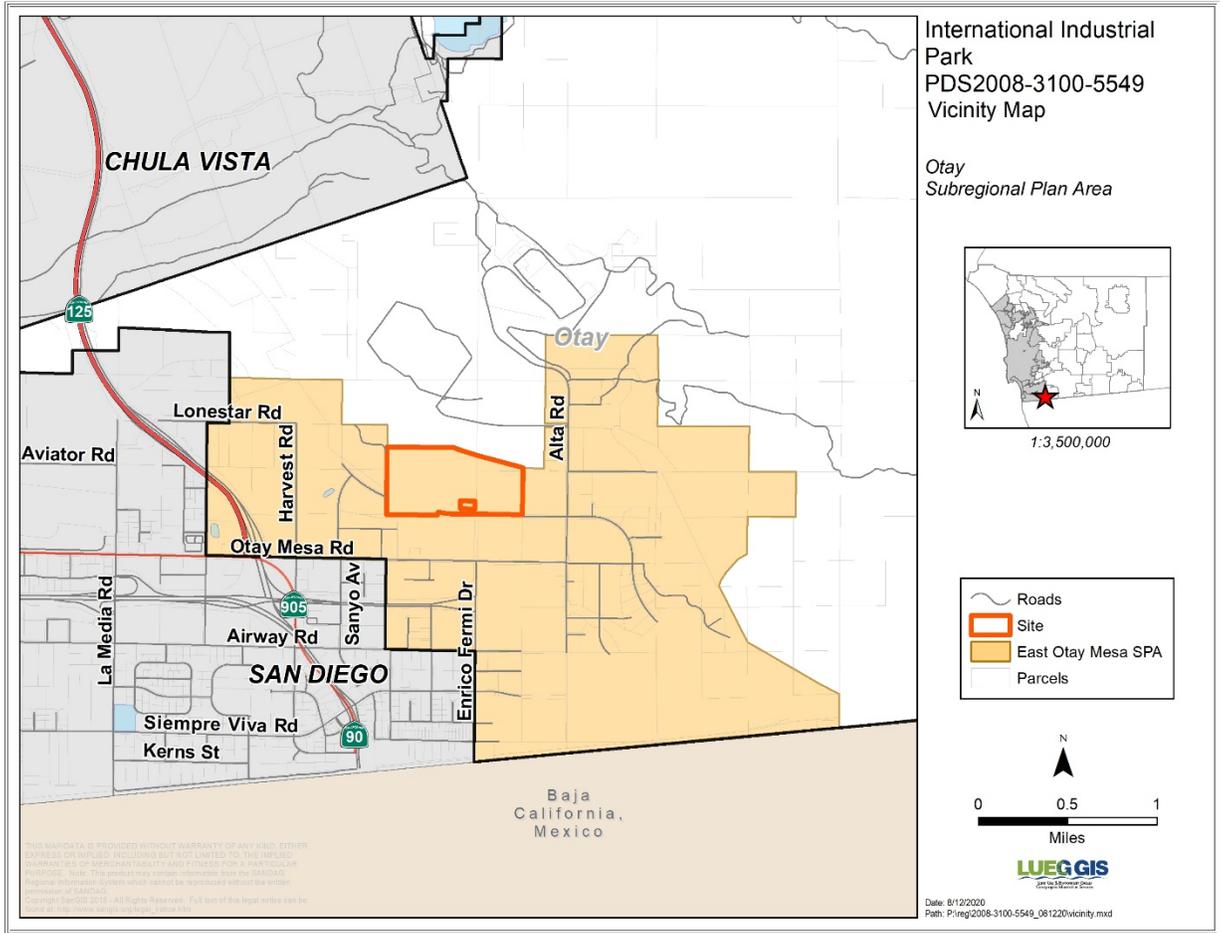


Figure 2: East Otay Mesa Business Park Specific Plan Area

## 2. Project Site

The Project site consists of three parcels, totaling 168.47 acres of undeveloped land described as having gently- to moderately-sloping terrain, with elevation ranges from 465 to 670 feet above mean sea level. Towards the middle of the site, terrain becomes steeper, sloping into Johnson Canyon, which bisects the site. Historically, the Project site was used for agriculture but is now vacant and undeveloped.

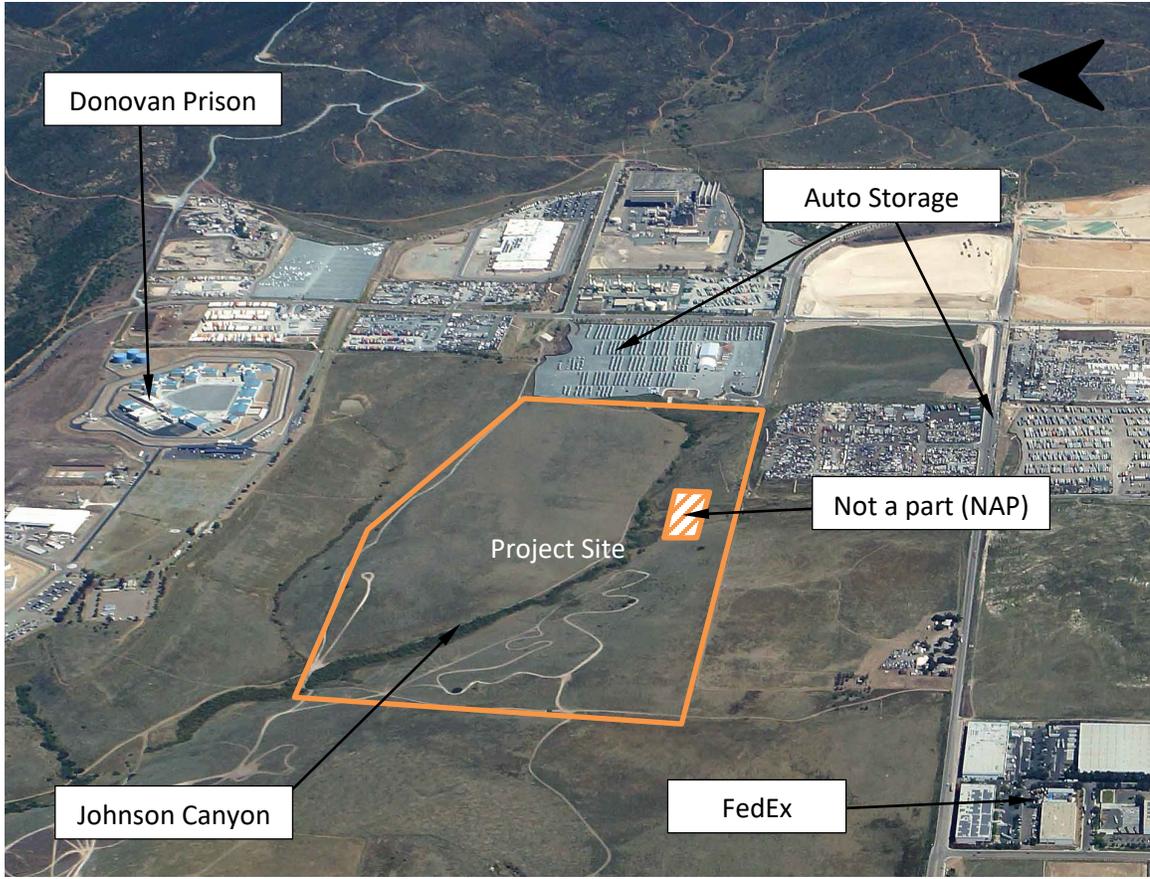


Figure 3: View looking east over East Otay Mesa

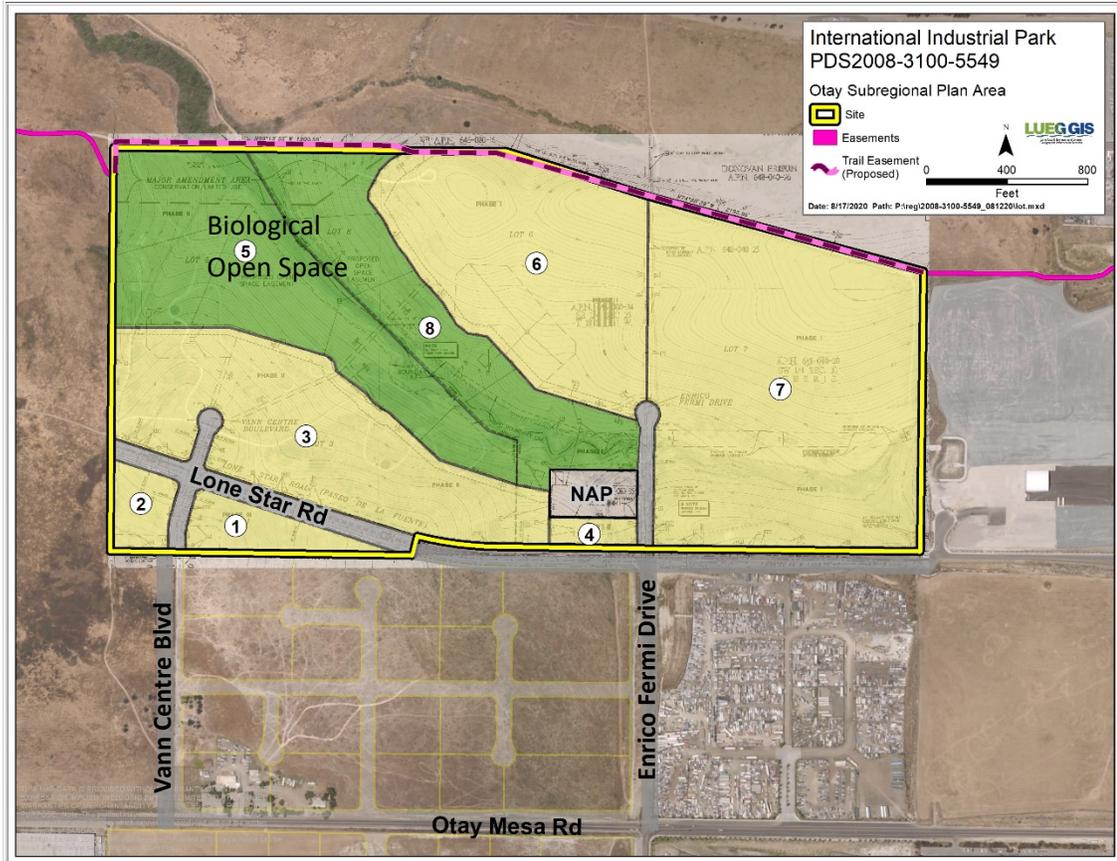


Figure 4: Project Lots and Circulation Plan (NAP is a County parcel)

## E. PROJECT DESCRIPTION

The applicant requests a Tentative Map to subdivide 168.47 acres of vacant land into eight (8) lots, six developable lots and two biological preserved lots. The six developable lots range in size from approximately 1.5 acres to 48.49 acres. Future uses could range from technology business parks to storage yards and additional discretionary applications are required when uses are determined in the future. Lots five and eight are designated for open space which will be preserved by open space easements. A trail is proposed along the Project's northern boundary and connects to existing trail easements to the east and west of the Project.

The site is subject to the Village General Plan Regional Category, Specific Plan Area General Plan Land Use Designation, and S88 (Specific Plan) Zoning Regulations. The East Otay Mesa Specific Plan designates the majority of the site as Technology Business Park; the northwest corner of the site is Conservation / Limited Use. The site is also subject to the "B" (Community Design Review Area) and "C" (Airport Land Use Compatibility Plan Area) Special Area Designators. In addition, a portion of the Project site is subject to the "G" (Sensitive Resource) Special Area Designator for biological resources.

### **Access and Improvements**

Access to the Project is through the road network within the East Otay Mesa Specific Plan. The Project includes improvements to Lonestar Road, one quarter mile west of Alta Road extending approximately 300 feet west beyond Vann Centre Boulevard. A raised and planted median will be improved along a

portion of Lone Star Road, consistent with the Specific Plan's design standards. Access to the site will be provided by two internal cul-de-sac roads and will connect to Lone Star Road (Paseo De La Fuente), Enrico Fermi Drive and Vann Centre Boulevard. These internal roads will be public and constructed to public road standards.

**Trail Alignment**

The East Otay Mesa Specific Plan includes a trail segment traversing the northern portion of the Project site. The alignment of the proposed trail easement is consistent with the Specific Plan (see Figure 1). The trail is limited to non-motorized uses and is located along the northern boundary of the Project site and will connect to existing trail easements located to the east and west of the property. The trail has been aligned to limit impacts to biological resources, particularly the Major and Minor Amendment areas. A portion of the trail is located off-site and within the Richard J. Donovan Correctional Facility property. This segment is also co-located with an existing Otay Water District easement. The County has coordinated with the State and Water District to ensure Project conditions will allow for the trail easement to be granted to the County.

**Municipal Services**

The Project has demonstrated that all necessary services and facilities are available as required by the General Plan and Board of Supervisors Policy I-84 (Project Facility Availability Forms for Public Sewer, Water, School, and Fire Services). Project Facility Availability Forms have been provided for all services and are included in Attachment E, Service Availability Forms. The Project will be served by the following Districts:

- Sewer: San Diego County Sanitation
- Water: Otay Water District
- Fire: County Fire Authority (CSA 135)
- School: San Ysidro School District & Sweetwater Union High School District

**F. ANALYSIS AND DISCUSSION**

The Project has been reviewed for conformance with all relevant ordinances and guidelines, including the San Diego County General Plan, the East Otay Mesa Specific Plan, County Zoning Ordinance, the County Subdivision Ordinance, and CEQA Guidelines. A discussion of the Project's consistency with applicable codes, policies, and ordinances is described below.

**1. Key Requirements for Requested Actions:**

- a. Is the Project consistent with the vision, goals, and policies of the General Plan?
- b. Does the Project comply with the policies set forth under the East Otay Mesa Specific Plan?
- c. Is the Project consistent with the East Otay Mesa Specific Plan Design Guidelines?
- d. Is the Project consistent with the County's Zoning Ordinance?
- e. Is the Project consistent with the County's Subdivision Ordinance?
- f. Is the Project consistent with other applicable County regulations?
- g. Does the Project comply with CEQA?

**2. Project Analysis**

**a. General Plan Consistency**

The Project is subject to Specific Plan Area (SPA) General Plan Land Use Designation and only proposes to subdivide land. No uses are proposed at this time and future uses will be subject to additional discretionary review. The proposed Project is consistent with the following relevant General Plan goals, policies and actions as described in Table F-1.

*Table F-1: General Plan Conformance*

<b>General Plan Policy</b>	<b>Explanation of Project Conformance</b>
<p><b>LU-4.7 Airport Land Use Compatibility Plan (ALUCP).</b> Coordinate with the Airport Land Use Commission (ALUC) and support review of Airport Land Use Compatibility Plans (ALUCP) for development within Airport Influence Areas.</p>	<p>The Project, located within the Brown Field Airport Influence Area, has been reviewed by staff and has been determined not to conflict with the ALUCP as it includes only the subdivision of land and proposed grading. Subsequent projects involving uses and/or structures will require FAA and ALUCP reviews to determine compatibility.</p>
<p><b>LU-6.7 Open Space Network.</b> Require projects with open space to design contiguous open space areas that protect wildlife habitat and corridors; preserve scenic vistas and areas; and connect with existing or planned recreational opportunities.</p>	<p>The Project includes a subdivision of land resulting in eight lots, two of which will be preserved within open space easements. The easements are located in the northwest corner of the Project site within and adjacent to the MSCP Major Amendment Area which will limit impacts to biological resources.</p>
<p><b>LU-11.2 Compatibility with Community Character.</b> Require that commercial, office, and industrial development be located, scaled, and designed to be compatible with the unique character of the community.</p>	<p>The Project includes eight new lots, six of which are located within the Business Technology Park of the East Otay Mesa Specific Plan. The subdivision will allow future development of commercial and industrial uses. In addition, Site Plans will be required to confirm future project compatibility with community character. Therefore, the Project is compatible.</p>

**b. East Otay Mesa Business Park Specific Plan Consistency**

The Project is consistent with the following relevant East Otay Mesa Business Park Specific Plan goals, policies, and actions as described in Table F-2.

Table F-2: East Otay Mesa Business Park Specific Plan Conformance

Specific Plan Policy	Explanation of Project Conformance
<p><b>Policy LU-12.</b> Protect and conserve steep slopes and biologically sensitive areas in the Specific Plan Area.</p>	<p>A portion of the Project site is located within the Conservation/Limited Use designation and is subject to the “G” Special Area Designator, which is limited to the northwestern portion of the site located within the Major Amendment area and proposed open space easement. The Project proposes two open space easements to conserve the environmentally sensitive areas within the Project site, as well as serve as off-site mitigation for TPM 21140.</p>
<p><b>Policy C-3:</b> Promote the development of local road network to adequately serve the planned land uses in the East Otay Mesa Specific Plan Area.</p>	<p>The Project is required to make improvements to Lonestar Road per Specific Plan standards. The project will also construct new public roads (Vann Centre and Enrico Fermi).</p>
<p><b>Policy C-11:</b> Promote pedestrian circulation in East Otay Mesa.</p>	<p>In accordance with the Specific Plan standards for pedestrian circulation, the project will be required to provide a 4-foot pedestrian sidewalk, with a 3-foot landscaped parkway for both sides of all public roads. The project will also provide a new 10’ decomposed granite (DG) pathway from Vann Centre Boulevard, connecting west to the adjacent pathway which fronts an open space parcel.</p>
<p><b>Policy C-17:</b> Facilitate the implementation of the Otay River Valley Regional Park and trails.</p>	<p>The Project provides a trail easement which connects to existing trail easements to the east and west of the property. The alignment of this trail easement has been coordinated between PDS, Parks and Recreation, Otay Water District and the State of California.</p>

**c. Tentative Map**

The Project proposes a Tentative Map to subdivide the 168.47-acre site into eight lots. The proposed lot sizes range from 1.5 acres to 48.5 acres. The minimum lot size requirements are 30,000 square feet for Tech Business Park and 1 acre for Conservation / Limited Use, therefore the Project is consistent with minimum lot size requirements and is consistent with the General Plan, East Otay Mesa Specific Plan and Zoning Ordinance. However, Lot 1 does not meet the maximum 3:1 depth to width ratio (Subdivision Ordinance Section 81.401(i)). Pursuant to Subdivision Ordinance 81.308(a)(1), the applicant has submitted a waiver to these regulations, included in Attachment C. Due to the site configuration, the orientation of Lone Star Road (a General Plan Mobility Element road) and Vann Centre Boulevard (a Specific Plan road), and the large size of Lot 1, staff supports the applicants request. If the Planning Commission accepts the applicant’s waiver request, the Project will be consistent with the County’s Subdivision Ordinance.

### d. Biological Resources

The Project site is located in both Major and Minor Amendment Areas of the South County segment of the Multiple Species Conservation Program (MSCP). Amendment Areas are lands where the locations of preservation and development were not resolved at the time the South County MSCP Subarea Plan was adopted. The Minor and Major Amendment Areas may include key core habitat areas and proposed projects in Minor Amendment Areas must meet criteria and achieve the goals for linkages and corridors and provide mitigation consistent with the Biological Mitigation Ordinance (BMO). Minor Amendments require approval of the United States Fish & Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW). The portion of the site located within the Major Amendment Area is also subject to the “G” Special Area Designator which requires that a Resource Conservation Plan be approved as part of the Tentative Map.

The Project site supports 157.6 acres of non-native grassland (Tier III), 5.4 acres of tamarisk scrub (Tier I), and 7.8 acres of disturbed land (Tier IV). The Project includes on-site open space within Lots 5 and 8 which will lessen impacts on-site. The Project will impact 127.9 acres of non-native grassland and 0.76 acres of tamarisk scrub on the project site and could impact 2.5 acres of non-native grassland offsite. The Project will mitigate its impacts to biological resources through the conservation of 17.62 acres of non-native grassland within the on-site open space, ongoing management and maintenance of the on-site open space through a Resource Management Plan (RMP) and a payment of \$1,567,421.68 to the Otay Mesa Grassland Mitigation Fund. The payment amount was determined to be equivalent to the cost of 101.86 acres of upland (Tier III) mitigation credits. Based on the mitigation provided, the USFWS and CDFW provided concurrence on a Minor Amendment in a letter dated April 28, 2020, with the incorporation of four conditions. These conditions include ensuring term management of the non-native grassland within the open space easement, requiring that certain graded fill slopes be revegetated with grassland species and be placed within an open space easement, requiring that all vegetation clearing and grading occur outside of the bird breeding season (February 1st – August 31st), and implementing passive relocation measures if owls are present on the site at the time of clearing and grading. These conditions have been incorporated into the Project conditions.

Portions of the site subject to the “G” special area designator (Sensitive Resource Area Regulations) are located entirely within the MSCP Major Amendment Area. The “G” special area designator requires that a Site Plan and a Resource Conservation Plan be prepared for this portion of the site. No development is proposed on areas subject to the “G” special area designator, so a Site Plan is not required. The area subject to the “G” special area designator will be placed in an open space easement and the project will be required to prepare a Resource Management Plan which meets the Resource Conservation Plan requirement.

### e. Traffic

The Project is not subject to vehicle miles traveled (VMT) because the EIR was circulated for public review before the adoption of the VMT guidelines on July 1, 2020. A Traffic Study was prepared for the Project because the EIR relied on a level of service analysis to determine whether there were any significant impacts. The Traffic Study determined the Project will not result in impacts to surrounding roads and intersections. The Project will be conditioned to

improve Lonestar Road along its southern boundary to public road standards, as required by the Specific Plan. Future discretionary applications will be subject to additional traffic analysis.

**f. Air Quality and Greenhouse Gas (GHG)**

The Project relies on the Final Environmental Impact Report (Log No. 93-19-6) for the East Otay Mesa Specific Plan, which considered air quality and GHG emissions. Although the Project does not require further analysis for air quality and GHG under CEQA, an air quality and GHG analysis was conducted. Although no construction is proposed for the Project at this time, this study included a hypothetical industrial park development scenario. Project emissions were found to be less than significant, except for volatile organic compounds during architectural coatings for Phase 1. Development of lots in the future will require additional discretionary review, during which development specific impacts would be determined and mitigated, if necessary.

**g. Grading**

The Project includes on- and off-site grading, totaling a cut of approximately 2,208,000 cubic yards (CYs) and fill of approximately 1,767,000 CYs. Of the total cut, there is a reduction of 176,000 CYs due to losses from hauling, wind and water erosion, embankment subsidence, and other factors that change the material density. The total net export for grading is 265,000 CYs. The Project will include off-site grading to the east of the site, as well as rough grading for a County lot belonging to the County Fire Authority (APN 646-080-35). The analysis of both on- and off-site grading was evaluated in the drainage study and stormwater quality management plan.

**G. COUNTY REGULATIONS**

**1. East Otay Mesa Business Park Specific Plan Regulatory Provisions**

The proposed Project complies with all applicable development regulations of the East Otay Mesa Business Park Specific Planning Area uses (S88).

*Table G-1: East Otay Mesa Site Planning Standards*

<b>REGULATIONS</b>	<b>CURRENT Tech Business Park</b>	<b>CURRENT Conservation / Limited Use</b>	<b>CONSISTENT?</b>
Use Regulation:	S88	S88	Yes
Animal Regulation:	-	-	Not applicable
Density:	-	-	Not applicable
Lot Size:	30,000	1Ac	Lots are between 1.5 to 48.48 acres
Building Type:	W	B	Not applicable
Height:	150 ft	25 ft	Not applicable
Lot Coverage:	0.40	0.25	Not applicable
Setback:	C/V	C	Not applicable
Open Space:	-	-	Yes
Special Area Regulations:	B; C	C; G	Yes

Projects subject to Special Area Regulations “B” (Community Design Review Area) are required to process Site Plans, unless a Major Use Permit is required. Projects subject to Special Area Regulations “C” (Airport Land Use Compatibility Plan Area) are subject to Federal Aviation Authority and Airport Land Use Compatibility Plan Area reviews. As the Project only proposes the subdivision of land, it is not subject to Special Area Regulations “B” or “C” at this time. Development of lots in the future will be subject to Special Area Regulations “B” and “C.” The northwestern portion of the Project site is subject to the “G” (Sensitive Resource) Special Area Designator for sensitive biological resources. The “G” designator requires that a Site Plan and a Resource Conservation Plan be prepared for this portion of the site. No development is proposed on areas subject to the “G” special area designator, so a Site Plan is not required. The area subject to the “G” special area designator will be placed in an open space easement and the Project will be required to prepare a Resource Management Plan which meets the Resource Conservation Plan requirement.

**2. Subdivision Ordinance Consistency**

The Project has been reviewed for consistency with the requirements for major subdivisions in terms of design, dedication and access, and improvements. With the exception of Lot 1, the Project is consistent with the requirements for major subdivisions in terms of design (Section 81.401), dedication and access (Section 81.402) and improvements (Sections 81.403 and 81.404). The Project includes requirements and conditions of approval necessary to ensure the Project is implemented in a manner consistent with the Subdivision Map Act and the Subdivision Ordinance. A waiver request to Section 81.401 (i) for Lot 1 has been included in Attachment C.

**3. California Environmental Quality Act (CEQA) Compliance**

The Project has been reviewed for compliance with CEQA. An addendum dated September 18, 2020 (Log No. PDS2008-3910-9319006FF), has been included with the previously certified Environmental Impact Report (EIR) dated July 27, 1994, and is on file with Planning & Development Services. Staff has determined that the Project, as designed, will not cause any significant impacts to the environment which require mitigation measures that were not previously analyzed in the certified EIR. There are no substantial changes to the Project, changes in circumstances, or new information that would result in new significant environmental effects or a substantial increase in the severity of previously identified effects from what was analyzed in the certified EIR.

**4. Applicable County Regulations**

*Table G-2: Applicable County Regulations*

County Regulation Policy	Explanation of Project Conformance
a. Resource Protection Ordinance (RPO)	Even though wetlands and/or wetland buffer areas have been identified on the Project, the Project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the Project will not place any non-permitted uses within wetlands; b) the Project will not allow grading, filling, construction, or placement of structures within identified wetlands; and c) the Project will not allow any non-permitted uses within wetland buffer areas. Therefore, it has been found that the Project

	complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.
b. County Consolidated Fire Code	A Fire Protection Plan has been prepared for the Project and was reviewed and approved by the County Fire Authority. The Fire Protection Plan identifies fuel modification zones, impacts to existing emergency services, access, onsite fire water system, and emergency travel time. The on-site fire water system will be supplied by the Otay Water District and 50-foot fuel modification zones are required to buffer development lots from the adjacent open space parcels. A service availability letter has been obtained from the County Fire Authority. The nearest station is City of San Diego, Station 43 with an estimated response time of 5 minutes.
c. Noise Ordinance	The Project does not include residential uses and would not produce additional traffic noise exceeding County Noise Element requirements, and so would comply with the Noise Ordinance. Future discretionary applications would be subject to review for conformance with the Noise Ordinance.
d. Light Pollution Code	Future Site Plans will identify any proposed lighting associated with the proposed use and will be reviewed for conformance with the County's Light Pollution Code.
e. Watershed Protection Ordinance (WPO)	A Stormwater Quality Management Plan (SWQMP) was prepared for the Project in compliance with the WPO. Each lot of the six developable lots will include detention basins to capture and treat stormwater. The Project is conditioned to maintain all storm water facilities.
f. Park Lands Dedication Ordinance (PLDO)	The Project does not propose residential development and is not subject to the PLDO.
g. Multiple Species Conservation Program (MSCP)	The Project site is located in both Major and Minor Amendment Areas of the South County segment of the MSCP. A Biological Resources Letter Report and Addendum, a Conceptual Upland Habitat Biological Resources Management Plan, and a Conceptual Wetland Habitat Mitigation Plan have been prepared for the Project. The Project will mitigate its impacts to biological resources through the conservation of 17.62 acres of non-native grassland within the on-site open space, ongoing management and maintenance of the on-site open space through a Resource Management Plan (RMP) and a payment of \$1,567,421.68 to the Otay Mesa Grassland Mitigation Fund. The Project has been conditioned to comply with the mitigation requirements of the Biological Mitigation Ordinance. USFWS and CDFW provided concurrence on a Minor Amendment in a letter dated April 28, 2020. A copy of the letter is provided in Attachment D.

**H. PUBLIC INPUT**

The Project was noticed to surrounding property owners upon application submittal. No written comments were received as a result of the public notices sent at the time of application. Staff has no record of public comment throughout the duration of the Project. Staff has coordinated with USFWS and CDFW; these agencies provided concurrence on a Minor Amendment in a letter dated April 28, 2020. A copy of the letter is provided in Attachment D.

**I. COMMUNITY PLANNING GROUP (CPG)**

The Project is not located in an area represented by a Community Planning Group (CPG) or Sponsor Group (CSG). Therefore, neither a recommendation from a CPG nor a CSG were received. The Project will be presented to the East Otay Mesa Property Owners Association for consideration on September 10, 2020. Their recommendation for the Project will be made available to the Planning Commission as part of the Project's presentation during the Planning Commission hearing.

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***Report Prepared By:***

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***Report Approved By:***

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**AUTHORIZED REPRESENTATIVE:** \_\_\_\_\_



MARK WARDLAW, DIRECTOR

**ATTACHMENTS:**

- Attachment A – Environmental Findings
- Attachment B – Tentative Map Resolution PDS2008-TM-5549
- Attachment C – Planning Documentation
- Attachment D – Environmental Documentation
- Attachment E – Service Availability Forms
- Attachment F – Ownership Disclosure

**Attachment A –  
ENVIRONMENTAL FINDINGS**

## ENVIRONMENTAL FINDINGS

International Industrial Park  
PDS2008-3100-5549, PDS2008-3910-9319006FF

September 18, 2020

### **I. CEQA FINDINGS**

- 1) Find that the final environmental impact report (FEIR) dated July 27, 1994 on file with Planning & Development Services (PDS) as Environmental Review Number 93-19-006 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Planning Commission has reviewed and considered the information contained therein and the Addendum thereto dated September 18, 2020 on file with PDS as Environmental Review Number PDS2008-3910-9319006FF before approving the project; and

Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified FEIR dated July 27, 1994, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist dated September 18, 2020.

### **II. OTHER ENVIRONMENTAL FINDINGS**

- 1) Find that the proposed project is consistent with the Resource Protection Ordinance (County Code, section 86.601 et seq.).
- 2) 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.).
- 3) Find that the project is consistent with the Multiple Species Conservation Plan (MSCP), the County Subarea Plan and the Biological Mitigation Ordinance (County Code, section 86.501 et seq.) as explained in the MSCP Conformance Statement dated May 22, 2020 on file with Planning & Development Services as Environmental Review Number PDS2008-3910-9319006FF.

**Attachment B –  
TENTATIVE MAP RESOLUTION PDS2008-TM-5549**

September 18, 2020

RESOLUTION OF SAN DIEGO COUNTY)  
CONDITIONALLY APPROVING )  
TENTATIVE MAP NO. PDS2008-3100-5549 )

WHEREAS, Tentative Map No. PDS2008-3100-5549 proposing the division of property located at North of Lone Star Road, between Vann Centre Blvd and Alta Road and generally described as:

A portion of Section 30, Township 18 South, Range 1 East, S.B.M, & a portion of Section 25, T18S, R1W, S.B.M.

was filed with the County of San Diego pursuant to the Subdivision Map Act and San Diego County Subdivision Ordinance on February 1, 2008; and

WHEREAS, on September 18, 2020, the Planning Commission of the County of San Diego pursuant to [Section 81.306 of the San Diego County Subdivision Ordinance](#) held a duly advertised public hearing on said Tentative Map and received for its consideration, documentation, written and oral testimony, recommendations from all affected public agencies, and heard from all interested parties present at said hearing; and

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

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

**MAP EXPIRATION:** The approval of this Tentative Map Expires Thirty-Six (36) Months after the date of the approval of this Resolution at 4:00 P.M. Unless, prior to that date, an application for a Time Extension has been filed as provided by [Section 81.313 of the County Subdivision Ordinance](#).

**PRELIMINARY GRADING PLAN:** The approval of this Tentative Map here by adopts the Preliminary Grading and Improvement Plan dated April 9, 2020 consisting of nine sheets pursuant to [Section 81.305 of the County Subdivision Ordinance](#). In accordance with the [Section 87.207 of the County Grading Ordinance](#), Environmental Mitigation Measures or other conditions of approval required and identified on this plan, shall be completed or implemented on the final engineering plan before any improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any Substantial deviation therefrom the Preliminary Grading and Improvement Plan may cause the need for further environmental review. Additionally, approval of the preliminary

plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to [County of San Diego Grading Ordinance \(Sec 87.701 et. al.\)](#)

**APPROVAL OF MAP:** THE FOLLOWING SPECIFIC CONDITIONS SHALL BE COMPLIED WITH BEFORE A FINAL MAP IS APPROVED BY THE BOARD OF SUPERVISORS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY (AND, WHERE SPECIFICALLY, INDICATED, SHALL ALSO BE COMPLIED WITH PRIOR TO APPROVAL OF ANY PLANS, AND ISSUANCE OF ANY GRADING OR OTHER PERMITS AS SPECIFIED):

**1-29.** The "[Standard Conditions \(1-29\) for Tentative Subdivision Maps](#)" approved by the [Board of Supervisors on June 16, 2000](#), and filed with the Clerk, as Resolution No. 00-199 (Attached Herein as Exhibit A), shall be made conditions of this Tentative Map approval. Only the following exceptions to the Standard Conditions set forth in this Resolution or shown on the Tentative Map will be authorized. The sole exceptions to the aforementioned are:

A. County Subdivision Ordinance:

(1) Standard Condition 10.a: Said condition states that all fixtures shall use a low pressure sodium (LPS) vapor light source. This waiver/modification allows the use of LED light fixtures per County of San Diego Street Lighting Specifications dated April 2019.

(2) Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.

(3) Standard Condition 22: Said conditions apply to a private subsurface sewage disposal system. The project proposes a public sewer system.

(4) Standard Condition 27: Said condition states that the Final Map may not be filed as units or groups of units. The Final Map for this Tentative Map is proposed to be filed in three units.

**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).

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

**UNIT 1: PRIOR TO APPROVAL OF FINAL MAP**

The Final Map for this Tentative Map is to be filed in units. The order of the filing of Final Maps shall be sequential. The first Final Map to be filed shall be Unit 1, followed by Units

2, and 3. In addition, conditions that apply to all units (Units 1, 2, and 3) are listed in a separate section at the end, following the conditions for Unit 3.

**30. 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.

**31. GEN#2–FILING OF NOD**

**INTENT:** In order to comply with CEQA and State law, the permit NOD shall be filed at the County Recorder's Office. **DESCRIPTION OF REQUIREMENT:** The applicant shall take the original NOD and required fees to the San Diego County Recorder's Office and file the document within five (5) days of permit approval and return a copy of the filed document to PDS. **DOCUMENTATION:** The filed NOD form. **TIMING:** Within the first five (5) days of the appeal period, the applicant/owner shall take the original NOD form and required filing fees to the San Diego County Recorder's Office and file the document. **MONITORING:** The PDS Zoning Counter shall verify that the NOD was filed and that a copy of the document is on file at PDS.

**32. PLN#1–PLAN CONFORMANCE**

**INTENT:** In order to implement the required mitigation measures for the project, the required Grading and Improvement Plans shall conform to the approved Conceptual Grading and Development Plan pursuant to Section 87.207 of the County Grading Ordinance. **DESCRIPTION OF REQUIREMENT:** The Grading and Improvement Plans shall conform to the approved Conceptual Grading and Development Plan, which includes all of the following mitigation measures: operation hours, avoidance areas, archaeological monitoring. All conditions, requirements, mitigation measures and information stated on the sheets of the plans shall be made conditions of the permit's issuance and shall be implemented pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) of this Permit. No deviation of the requirements can be made without modification of this permit. **DOCUMENTATION:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the notes and items shall be placed on the plans as required. **MONITORING:** The [DPW, ESU, DPR, TC, or PDS, BD for Minor Grading] shall verify that the grading and/or improvement plan

requirements have been implemented on the final grading and/or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

### 33. ROADS#1–PUBLIC ROAD IMPROVEMENTS

**INTENT:** In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.404](#), the Community Trails Master Plan, and the East Otay Mesa Specific Plan, ***Enrico Fermi Drive (SA 1105)*** and ***Lone Star Road (SC 2340)*** shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. Improve or agree to improve and provide security for onsite ***Enrico Fermi Drive (SA 1105)***, from Lone Star Road (SC 2340) northerly to the terminus at Lot 6 and 7, along the north side in accordance with Public Road Standards for an Industrial/Commercial Collector Road to a graded width of eighty-eight feet (88') with sixty-eight feet (68') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and detached sidewalk with face of curb at thirty-four feet (34') from centerline. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). Provide transition for all widenings, tapers, and traffic striping to match existing pavement. If a Design Exception Request is processed to the satisfaction of DPW and PDS, then the improvement widths may be reduced. All of the above shall be to the satisfaction of the Director of Public Work/PDS.
- b. Improve or agree to improve and provide security for the northern half of ***Lone Star Road (SC 2340)*** from the eastern project boundary to the western limit of Unit 1, along the project frontage in accordance with Public Road Standards and the East Otay Mesa Specific Plan for 4.1A Major Road with Raised Median and Bike Lane to a graded width of forty-nine feet (49') with thirty-two feet (32') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and detached sidewalk with face of curb at thirty-nine feet (39') from centerline. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). ***Lone Star Road (SC 2340)*** shall be planted with large-sized evergreen/or deciduous trees spaced every 30 feet and located 10 feet from the face of the curb. Provide transition for all widenings, tapers, and traffic striping to match existing pavement. If ***Lone Star Road (SC 2340)*** is fully improved on the south side along APN 646-080-11 and 648-040-14, construct a fourteen-foot (14') wide raised median from the eastern project boundary to the western limit of Unit 1, with face of median curb at seven feet (7') from centerline. Median shall be paved with Sandstone colored concrete (Davis Sandstone or equivalent) and stamped with a Dry Creek Bed Pattern or similar. If a Design Exception Request is processed to the satisfaction of DPW and PDS and the median is replaced with striping, then that portion of this condition can be determined satisfied.

All of the above shall be to the satisfaction of the Director of Public Works and Planning & Development Services.

**NOTE:** *If this road segment is previously constructed by Unit #2 or #3 and is in operation, this condition will be deemed satisfied.*

- c. **Enrico Fermi Drive (SA 1105)** shall terminate with a cul-de-sac graded to a radius of sixty feet (60') and surfaced to a radius of fifty feet (50') with asphalt concrete pavement over approved base with Portland cement concrete curb gutter and sidewalk/asphalt concrete dike with face of curb/dike at fifty feet (50') from the radius point.
- d. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the [Land Development Improvement Plan Checking Manual](#) and the Community Trails Master Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities.  
**DOCUMENTATION:** The applicant shall complete the following:

- e. Process and obtain approval of Improvement Plans to improve **Enrico Fermi Drive (SA 1105)**, and **Lone Star Road (SC 2340)**.
- f. Provide Secured Agreement and post security in accordance with [Subdivision Ordinance Sec. 81.408](#).
- g. Upon approval of the plans, pay all applicable inspection fees/deposits with [DPW, PDC].
- h. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

**TIMING:** Prior to the recordation of the Final Map for Unit 1 the plans, agreements, and securities shall be approved. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

**34. 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), Table 5, 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 shall provide a certified signed statement: “I, \_\_\_\_\_ (C \_\_\_ or LS \_\_\_) certify that there is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Lone Star Road (SC 2340)** from the public road, **Enrico Fermi Drive (SA 1105)** measured in accordance with the methodology described in Section 6.1.(E), Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. 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 shall provide a certified signed statement: “I, \_\_\_\_\_ (C \_\_\_ or LS \_\_\_) certify that there is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Enrico Fermi Drive (SA 1105)** from the public road, **Lone Star Road (SC 2340)** measured in accordance with the methodology described in Section 6.1.(E), Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. 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 that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

**DOCUMENTATION:** The applicant shall have a Registered Civil Engineer, or a Licensed Land Surveyor provide a signed statement as detailed above, and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the approval of the Final Map for Unit 1, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

**35. ROADS#3–ROAD DEDICATION (ONSITE)**

**INTENT:** In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.402](#) and the East Otay Mesa Specific Plan, road right of way shall be dedicated to the County. **DESCRIPTION OF REQUIREMENT:**

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a total right-of-way width of eighty-eight feet (88') along the centerline of **Enrico Fermi Drive (SA 1105)**, from Lone Star Road (SC 2340) northerly to the terminus at Lot 6 and 7, in accordance with Public Road Standards for an Industrial/Commercial Collector Road, with thirty foot (30') radius corner rounding at the Lone Star Road (SC 2340) intersection, together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Planning and Development Services and DPW. If a Design Exception Request is processed to the satisfaction of DPW and PDS, then the right-of-way width may be reduced.
- b. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a one-half right-of-way width of forty-nine feet (49') from the ultimate centerline of **Lone Star Road (SC 2340)** from the eastern project boundary to the western limit of Unit 1, along the project frontage in accordance with Public Road Standards and the East Otay Mesa Specific Plan for 4.1A Major Road with Raised Median and Bike Lane together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of PDS and DPW.
- c. Dedicate onsite a two foot (2') wide landscape easement along **Enrico Fermi Drive (SA 1105)** and **Lone Star Road (SC 2340)** within the landscaped building setback and adjacent to the parkway in order to provide adequate space for street trees in accordance with the [East Otay Mesa Business Park Specific Plan](#).
- d. The dedication shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the Director of PDS.

**DOCUMENTATION:** The applicant shall dedicate the easement on the map and show it as Accepted. **TIMING:** Prior to the recordation of the Final Map for Unit 1 the onsite dedication shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the map and Accepted by the County.

### 36. ROADS#4–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 in and to ***Lone Star Road (SC 2340)*** along the project frontage except for the opening for Enrico Fermi Drive (SA 1105) as shown on the approved Tentative Map.
- b. Relinquish access rights in and to ***Enrico Fermi Drive (SA 1105)*** along the project frontage except for the driveway access openings as shown on the approved Tentative Map.
- c. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall show the Relinquishment on the Final Map for Unit 1. **TIMING:** Concurrently with the approval of the Final Map for Unit 1, the access shall be relinquished. **MONITORING:** The applicant shall show the relinquishment of access rights on the Final Map for Unit 1 and forward a copy to [PDS, LDR] for preapproval. The [PDS, LDR] shall review the Final Map for Unit 1 for compliance with this condition.

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

**INTENT:** In order to protect sensitive biological resources, pursuant to the County's Guidelines for Determining Significance for Biological Resources, a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego and the California Department of Fish & Wildlife by separate document, an open space easement, or grant to the California Department of Fish & Wildlife a conservation easement, as shown on the approved Tentative Map. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exception(s) to this prohibition are:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPR and DPW.
3. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the County of San Diego DEH.

**DOCUMENTATION:** The applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with the Final Map review. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. **MONITORING:** For recordation by separate document, the [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PPD] and [DPR GPM] for preapproval. The [PDS, PPD] shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PPD] for satisfaction of the condition.

**38. BIO#2–LBZ EASEMENT [PDS, FEEX 2]**

**INTENT:** In order to protect sensitive biological resources, pursuant to the County's Guidelines for Determining Significance for Biological Resources, a Limited Building Zone (LBZ) 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 LBZ Easement as shown on the Tentative Map. 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:

1. Decking, fences, and similar facilities.
2. 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 show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map review. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be recorded. **MONITORING:** For recordation by separate document, the [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PPD] and [DPR GPM] for preapproval. The [PDS, PPD] shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PPD] for satisfaction of the condition.

**39. BIO#3–MONETARY CONTRIBUTION [PDS, FEE X2]**

**INTENT:** In order to mitigate for the impacts to non-native grassland, which is a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO), a monetary contribution shall be provided. **DESCRIPTION OF REQUIREMENT:** The applicant shall provide a monetary contribution of \$1,567,421.68 to the Otay Mesa Grassland Mitigation Fund; Fund #6649, based on the cost of 101.86 acres of upland habitat credit at the Crestridge Conservation

Bank. **DOCUMENTATION:** The applicant shall provide the monetary contribution and provide the evidence to the [PDS, PPD] for review and approval. It is recommended that the applicant submit the mitigation proposal to the [PDS, PPD], for a pre-approval. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **MONITORING:** The [PDS, PPD] shall review the evidence of monetary contribution and confirm that the monetary contribution has been made.

**40. 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 Tentative Map for PDS2008-3100-5549. 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: PDS2008-3100-5549

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

**41. BIO#5–OPEN SPACE FENCING [PDS, FEE]**

**INTENT:** In order to protect the proposed open space easement from entry, and disturbance, permanent fencing or walls shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space fencing or walls shall be placed along the biological open space boundary as indicated on the approved Tentative Map for PDS2008-3100-5549. The fencing/walls design shall consist of heavy gauge three strand barbless wire fencing. **DOCUMENTATION:** The applicant shall install the fencing or walls as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the fencing or walls shall be placed. **MONITORING:** The [PDS, PPD] shall review the photos and statement for compliance with this condition.

**42. BIO#6–NON-NATIVE GRASSLAND REVEGETATION PLAN**

**INTENT:** In order to mitigate for the impacts to non-native grassland, which is a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO), revegetation shall occur. **DESCRIPTION OF REQUIREMENT:** A Revegetation Plan, shall be prepared, which describes the 9.86 acres of non-native grassland revegetation occurring along the slopes of Johnson Canyon. The revegetation plan shall conform to the Conceptual TM 5549 Non-native Grassland Revegetation Plan dated May 21, 2020, and the most current version of the [County of San Diego Report Format and Content Requirements for Revegetation Plans](#).

The Revegetation Plan shall include the following:

- a. The monitoring plan shall be for a length of five years and have an 80 percent success criterion.
- b. A preservation plan over the land to be revegetated shall be included in the Revegetation Plan. The preservation plan shall include evidence of dedication of an open space easement to the County of San Diego or evidence of protection in perpetuity by some other means to the satisfaction of the Director of PDS.
- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- d. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.
- e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

**DOCUMENTATION:** The applicant shall prepare the Revegetation Plan, submit it to the [PDS, ZONING] and pay all the applicable review fees and deposits.

**TIMING:** Prior to the approval of any plan and issuance of any permit, the Revegetation Plan shall be approved. **MONITORING:** The [PDS, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition Bio#7 shall be made to enter into a Secured Agreement for the implementation of the Plan.

**43. BIO#7–SECURED AGREEMENT**

**INTENT:** In order to assure project completion and success of the Revegetation Plan in condition Bio#6, a surety shall be provided, and an agreement shall be executed. **DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan and,
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000.
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Revegetation Plan implementation provided the installed vegetation is in a healthy condition and meets the 80 percent success criteria. Eighty- percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Revegetation Plan.

**DOCUMENTATION:** The applicant shall execute a Secured Agreement provided with the Revegetation Plan Final Decision and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash deposit, and the securities shall be submitted to the [PDS, LA] for final review and approval. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, and after the approval of the Revegetation Plan, the agreement shall be executed and the securities provided for the revegetation plan implementation. **MONITORING:** The [PDS, LA] shall review the Agreement cash deposit and securities provided are in compliance with this condition, and the Revegetation Plan Final Decision. The [PDS, LA] shall sign the Agreement for the Director of PDS and ensure the cash deposit is collected. Upon acceptance of the Agreement, securities and cash deposit, the [PDS, LA], shall provide a confirmation letter-acknowledging acceptance of securities.

#### 44. **BIO#8–WETLAND MITIGATION REVEGETATION PLAN**

**INTENT:** In order to mitigate for the impacts to waters of the U.S. (WUS) and waters of the State (WS) under the jurisdiction of the U.S. Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), CDFW, and the County, which are sensitive biological resources pursuant to the Biological Mitigation Ordinance (BMO), revegetation shall occur. **DESCRIPTION OF REQUIREMENT:** A Revegetation Plan, shall be prepared, which mitigates impacts to waters of the U.S. (WUS), waters of the State (WS), and RPO wetlands. The revegetation shall occur in the upper end of Johnson Canyon. The revegetation plan shall conform to the Conceptual TM 5549 and TPM 21140 Wetland Habitat Mitigation Plan dated March 2, 2020, and the most current version of the [County of San Diego Report Format and Content Requirements for Revegetation Plans](#).

The Revegetation Plan shall include the following:

- a. The monitoring plan shall be for a length of five years and have an 80 percent success criterion.
- b. A preservation plan over the land to be revegetated shall be included in the Revegetation Plan. The preservation plan shall include evidence of dedication of an open space easement to the County of San Diego or

- evidence of protection in perpetuity by some other means to the satisfaction of the Director of PDS.
- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
  - d. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.
  - e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

**DOCUMENTATION:** The applicant shall prepare the Revegetation Plan, submit it to the [PDS, ZONING] and pay all the applicable review fees and deposits.

**TIMING:** Prior to the approval of any plan and issuance of any permit, the Revegetation Plan shall be approved. **MONITORING:** The [PDS, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition Bio#9 shall be made to enter into a Secured Agreement for the implementation of the Plan.

#### 45. **BIO#9-SECURED AGREEMENT**

**INTENT:** In order to assure project completion and success of the Revegetation Plan in condition Bio#8, a surety shall be provided and an agreement shall be executed. **DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan and,
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000.
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Revegetation Plan implementation provided the installed vegetation is in a healthy condition and meets the 80 percent success criteria. Eighty- percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Revegetation Plan.

**DOCUMENTATION:** The applicant shall execute a Secured Agreement provided with the Revegetation Plan Final Decision and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash

deposit, and the securities shall be submitted to the [PDS, LA] for final review and approval. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, and after the approval of the Revegetation Plan, the agreement shall be executed and the securities provided for the revegetation plan implementation. **MONITORING:** The [PDS, LA] shall review the Agreement cash deposit and securities provided are in compliance with this condition, and the Revegetation Plan Final Decision. The [PDS, LA] shall sign the Agreement for the Director of PDS and ensure the cash deposit is collected. Upon acceptance of the Agreement, securities and cash deposit, the [PDS, LA], shall provide a confirmation letter-acknowledging acceptance of securities.

#### 46. **BIO#10–UPLAND HABITAT RESOURCE MANAGEMENT PLAN**

**INTENT:** In order to provide for the long-term management of the proposed five-acre open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of PDS, an RMP. The RMP shall be for the perpetual management of non-native grassland. The RMP shall be consistent with the conceptual/draft RMP/HMP dated May 21, 2020 on file with PDS as Environmental Review Number PDS2020-ER-93-19-006ZZ0. The plan shall be prepared and approved pursuant to the most current version of the [County of San Diego Biological Report Format and Content Requirements](#). The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner and/or manager, to the satisfaction of the Director of DPR.

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

**DOCUMENTATION:** The applicant shall prepare the RMP and submit it to the [PDS, ZONING] and pay all applicable review fees. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the RMP shall be approved. **MONITORING:** The [PDS, PPD] shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

#### 47. **BIO#11–WETLAND RESOURCE MANAGEMENT PLAN**

**INTENT:** In order to provide for the long-term management of the wetland mitigation area, a Resource Management Plan (RMP) shall be prepared and

implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of PDS, an RMP. The RMP shall be for the perpetual management of the wetland mitigation area. The RMP shall be consistent with the Conceptual Wetland Habitat Resource Management Plan for the TM 5549 and TPM 21140 Projects dated March 7, 2019 on file with PDS as Environmental Review Number PDS2020-ER-93-19-006ZZ0. The plan shall be prepared and approved pursuant to the most current version of the [County of San Diego Biological Report Format and Content Requirements](#). The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner and/or manager, to the satisfaction of the Director of DPR.

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

**DOCUMENTATION:** The applicant shall prepare the RMP and submit it to the *[PDS, ZONING]* and pay all applicable review fees. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the RMP shall be approved. **MONITORING:** The *[PDS, PPD]* shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

**48. BIO#12–WETLAND PERMITS: [PDS, FEE X2]**

**INTENT:** In order to comply with the State and Federal Regulations for jurisdictional features, 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 the approval of the map and prior to the approval of any plan and issuance of any permit, the permits shall be obtained. **MONITORING:** The [PDS, PPD] 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.

- 49. CULT#1 - DATA RECOVERY AND INDEX SAMPLING PLAN – CA-SDI-10071**
- INTENT:** In order to mitigate for potential impacts to significant cultural resources that cannot be feasibly avoided or preserved in place, pursuant to Section 15064.5 of the California Environmental Quality Act (CEQA), which are not subject to Section 86.602.o of the Resource Protection Ordinance (RPO), a data recovery and index sampling plan shall be implemented. **DESCRIPTION OF REQUIREMENT:** Implement the research design detailed in the archaeological extended study *Cultural Resources Survey and Test Report for the TM 5549 Project* (Appendix H) prepared by Dennis Gallegos (October 2012). The implementation of the research design constitutes mitigation for the proposed destruction of portions of CA-SDI-10071. The data recovery program shall include the following:
- A. Phase I and Phase II:** The Data Recovery and Index Sampling Plan shall comply with the research design and performance standards that are in Appendix H of the cultural study titled, *Cultural Resources Survey and Test Report for the TM 5549 Project* prepared by Dennis Gallegos (October 2012).
  - B. Phase I & Phase II:** For artifacts found during the Phase I and Phase II data recovery, conduct an artifact analysis, which includes the following: lithics, ceramics, faunal, floral, and assemblage analysis as referenced in the Data Recovery Work Plan (Appendix H). All identified features shall be 50 to 100 percent exposed and analyzed. Column samples shall be excavated for the collection of soil samples for pollen and phytolith analysis and flotation shall be conducted for the collection of plant seeds. Specialized studies shall be conducted after the initial sorting and cataloguing of cultural materials and may include lithic, groundstone, ceramic, shell obsidian hydration and sourcing, and radiocarbon dating.

Historical artifacts shall be identified and analyzed using historical archaeological analytical techniques such as artifact function patterning, bottled products pattern analysis and ceramic economic indexing. Additional historic research shall be conducted as necessary to aid in analyzing and explaining the significance of patterns.

- C. Artifact Conveyance:** All Native American cultural materials recovered during the survey, significance testing, pre-grade, and data recovery phases, shall be 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.

All historic archaeological materials recovered during the survey, significance testing, and data recovery phases, shall be curated at a San Diego facility that meets federal standards per 36 CFR Part 79. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.

**DOCUMENTATION:** Upon completion of the Phase I and Phase II data recovery referenced above, the applicant shall submit a letter report to the [PDS, PPD] identifying that data recovery field work has been completed for review and approval. **TIMING:** Prior to the approval of any plan, issuance of any permit and prior to approval of any map, the field activities associated with the data recovery program shall be completed. **MONITORING:** The [PDS, PPD] shall review the letter report for compliance with this condition.

**50. CULT#2 - PRE-GRADE AND DATA RECOVERY – CA-SDI-10070**

**INTENT:** In order to mitigate for potential impacts to buried resources associated with CA-SDI-10070, a pre-grade data recovery program shall be implemented.

**DESCRIPTION OF REQUIREMENT:** Implement the research design detailed in the archaeological extended study (Section 9.0 – List of Mitigation Measures and Design Features) prepared by Dennis Gallegos (October 2012). The implementation of the pre-grade and data recovery program constitutes mitigation for impacts to buried resources associated with CA-SDI-10070. The pre-grade and data recovery program shall include the following:

- a. **Phase I:** Implement a combination of controlled 1x1 meter excavation units and backhoe excavation followed by the screening of soils. Upon completion of Phase I, a full technical or letter report shall be prepared (dependent upon

- findings) evaluating the issues of site integrity, data redundancy, spatial and temporal patterning, features, and other relevant topics in order to assess the adequacy of the initial pre-grade work. The report shall make a recommendation regarding the need for and scope of a second phase of field investigations. If no artifacts or features are identified, then a Phase II Pre-grade Program will not be required.
- b. **Phase II:** A Phase II Pre-Grade Program shall be implemented if intact deposits, features, or areas are found that will contribute to the research questions identified in the cultural study prepared by Dennis Gallegos (October 2012).
  - c. **Artifact Analysis:** For artifacts found during the Phase I and Phase II data recovery, conduct an artifact analysis, which includes the following: lithics, ceramics, faunal, floral, and assemblage analysis as referenced in the Data Recovery Work Plan (Appendix H). All identified features shall be 50 to 100 percent exposed and analyzed. Column samples shall be excavated for the collection of soil samples for pollen and phytolith analysis and flotation shall be conducted for the collection of plant seeds. Specialized studies shall be conducted after the initial sorting and cataloguing of cultural materials and may include lithic, groundstone, ceramic, shell obsidian hydration and sourcing, and radiocarbon dating.

Historical artifacts shall be identified and analyzed using historical archaeological analytical techniques such as artifact function patterning, bottled products pattern analysis and ceramic economic indexing. Additional historic research shall be conducted as necessary to aid in analyzing and explaining the significance of patterns.

- d. **Artifact Conveyance:** All Native American cultural materials recovered during the survey, significance testing, pre-grade, and data recovery phases, shall be 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.

All historic archaeological materials recovered during the survey, significance testing, and data recovery phases, shall be curated at a San Diego facility that meets federal standards per 36 CFR Part 79. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.

**DOCUMENTATION:** Upon completion of the pre-grade and data recovery phase referenced above, the applicant shall submit a final report to [PDS, PPD]. The final report shall include a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid. **TIMING:** Prior to the approval of any plan, issuance of any permit and prior to approval of the final map, the pre-grade and data recovery program shall be completed. **MONITORING:** The [PDS, PPD] shall review the final pre-grade and data recovery program report for compliance with this condition.

#### 51. **CULT#3 - 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 Kumeyaay 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.
- b. The Project Archeologist shall provide evidence that a Kumeyaay Native American has been contracted to perform Native American Monitoring for the project.

- c. 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.

## 52. FIRE#1 – FIRE PROTECTION PLAN

**INTENT:** The map shall comply with the fire requirements from the fire protection plan as shown on the map and the grading plan pursuant to the 2020 San Diego County Consolidated Fire Code. **DESCRIPTION OF REQUIREMENT:** The following requirements shall be included on the map: all structures shall meet the ignition resistant building requirements, adequate access to each lot, the required limited building zones, and all other requirements as required in the April 20, 2012 Fire Protection Plan with the June 23, 2020 Addendum. **DOCUMENTATION:** The applicant shall include the fire requirements on the map and grading plan and obtain a letter of approval from the San Diego Fire Authority. **TIMING:** Prior to recordation of the final map, the applicant shall obtain a letter from the San Diego Fire Authority stating that the above requirements have been satisfied. **MONITORING:** The fire requirements shall be checked by the building inspector prior to occupancy of each building and annual inspections may occur (fuel modification) by the Fire District.

## 53. LNDSCP#1–LANDSCAPE DOCUMENTATION PACKAGE

**INTENT:** In order to provide adequate Landscaping that addresses screening and streetscapes, and to comply with the East Otay Mesa Business Park Specific Plan (EOMBSP), 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 most current version of the COSD Water Conservation in Landscaping Ordinance (10675), the COSD Grading Ordinance, and the requirements of the East Otay Mesa Business Park Specific Plan. 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 including all parkway planting as required by the Public Landscaping section (2.3.7) within Chapter 2 of the EOMBSP and any proposed plant materials to be installed or planted therein. The applicant shall also obtain an Encroachment Maintenance and Removal

- Agreement for any and all proposed landscaping within the public right-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. All Streetscape and Major Intersection plantings shall be per Appendix 1, Streetscape Plant List within the EOMBSP. Clearance Zones and the use of root barriers (per Section's 2.3.9 and 2.3.10 of the EOMBSP) shall also be established as identified within the Public Landscaping Section.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings. All applicable Site Planning Standards (Table 3.2-1) and Landscaping Standards (Table 3.2-2) as required within Chapter 3 of the EOMBSP, including Building Setback Landscaping for all Circulation Element and Specific Plan roads shall be addressed within the Landscape Documentation Package.
  - c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
  - 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, pathways, and walkways shall be shown on the plans, including height from grade and type of material. Along the north side of Lone Star Road, from the boundary with the Otay 250 project, east to Vann Centre Boulevard, a 10-foot decomposed granite pathway shall be provided as identified in Section 2.3.7 (Gateway Roads, Major) of the EOMBSP. Parkway planting shall be provided on the north side of this pathway. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the County's Light Pollution Code.
  - g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
  - h. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: A mandatory dedication of the 2' Landscape Easement along Lone Star Road, Vann Centre Blvd., and Enrico Fermi Drive shall include the County's right to convey the easements to any future Landscape Maintenance District formed within the Specific Plan area. Confirmation of the easements being dedicated to the County shall be provided prior to final approval of the Landscape Documentation Package for each phase.

- j. Project landscaping shall not include species known to invade San Diego natural habitat, or species ranked as 'High' in the California Invasive Plant Council Inventory (<https://www.cal-ipc.org/plants/inventory/>).
- k. All planting adjacent to the Open Space Easement Lot, the Major Amendment Area, the proposed Open Space Easement, and the Resource Protection Ordinance boundary line shall be typical to that habitat type and not include any ornamental plantings.
- l. All storm water basins, including the toe of slopes shall be equipped with soil moisture probes/sensors as required by Section 86.709 (i) of the Water Conservation in Landscaping Ordinance. Coordinate with standing water elevation for biofiltration basins with civil engineer.
- m. All trees shall be irrigated independently of other surrounding vegetation per Section 86.709 (h) of the Water Conservation in Landscaping Ordinance.
- n. All planting shall be compliant with the Defensible Space and Vegetation Management sections of the most current version of the projects' Fire Protection Plan and those same sections within the 2020 Consolidated Fire Code. Show location and dimensions of all applicable Fuel Modification Zones.
- o. Water budget calculations shall be compliant with Section 86.712 (Maximum Applied Water Allowance) and 86.713 (Estimated Total Water Use) of the Water Conservation in Landscaping Ordinance (10675) and the Water Efficient Landscape Worksheet.
- p. All landscaping within storm water basins and adjacent to area storm drains shall not contain any invasive or fire prone vegetation.
- q. All manufactured slopes shall be planted per the requirements of the County's Grading Ordinance in addition to the minimum standards within Table 3.2-2 of the EOMBPSP.
- r. All storm water basins shall contain a minimum of 3" of non-floating mulch.
- s. Provide construction details of median tree planting basins, tree grates, irrigation, and concrete color and texture per the requirements within Section 2.3.7 (Public Landscaping) of the EOMBPSP. Provide specifications and notes as needed, including soil mix.

**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.

**54. NOISE#1 – TEMPORARY CONSTRUCTION NOISE: [DPW, PDCI].**

**INTENT:** In order to minimize temporary construction noise for grading operations associated with the project subdivision and to comply with County Noise Ordinance 36.409. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following temporary construction noise control measures:

- 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. Ensure that when feasible, electrical power shall be used to run air compressors and similar power tools.
- e. Minimize the use of back up alarm.
- f. Equipment staging areas should be placed at locations away from noise sensitive receivers.
- g. Noise attenuation techniques shall be employed as needed to ensure that noise levels remain below 75 dBA Leq at existing noise sensitive land uses. This step shall apply to all construction activity on and off the proposed project site.
- h. If clearing, grubbing, and grading activities are proposed during the period of February 1 to August 31 of any year, and the Biological Monitor has determined that there are sensitive bird nests that may be affected by the construction activity noise levels, the following recommendations would apply:
  - a. If the construction noise levels at the nest sites during the breeding season are anticipated to exceed the 60 dBA Leq or ambient condition, whichever is higher, noise attenuation measures including, but not limited to, noise barriers and noise reducing features on construction equipment shall be implemented as necessary to maintain construction noise at acceptable levels at nest sites.

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

## 55. TRAILS#1–TRAIL EASEMENT

**INTENT:** In order to promote orderly development by providing a trail connection pursuant to the County of San Diego General Plan, Community Master Trails Plan, East Otay Mesa Specific Plan, and to comply with the County Subdivision Ordinance Sections 81.401(n) and 81.402.v, the applicant shall identify the current alignment of existing water pipes owned by the Otay Water District within the proposed trail easement alignment. **DESCRIPTION OF REQUIREMENT:** The

applicant shall identify the existing location of water pipes located within Otay Water Districts thirty-foot (30') easement (86-092509) and the twenty-foot (20') easement (171343) to the west. **DOCUMENTATION:** The applicant shall show the location of the existing water lines on the non-title sheet of the map clearly identified as "approximate location of existing (insert facility description here)". **TIMING:** Prior to the satisfaction of Trail Conditions 2, 3 and 4, the applicant shall submit the location of these facilities to the Department of Planning and Development Services, Otay Water District, and the State of California (Donovan State Prison) for approval. **MONITORING:** [PDS, LDR] shall route the Final Map to [DPR, TC] and [PDS, TC] for preapproval and acceptance prior to map recordation. [PDS, LDR] shall satisfy the condition after recordation.

**56. TRAILS#2–TRAIL EASEMENT (Applicant)**

**INTENT:** In order to promote orderly development by providing a trail connection pursuant to the County of San Diego General Plan, Community Master Trails Plan, East Otay Mesa Specific Plan, and to comply with the County Subdivision Ordinance Sections 81.401(n) and 81.402.v, the applicant shall dedicate a public non-motorized multi-use trail easement. **DESCRIPTION OF REQUIREMENT:** The applicant shall dedicate to the County of San Diego, a ten-foot (10') to twenty-foot (20') non-motorized multi-use trail easement extending from the project's northeastern boundary approximately 2,700 feet west, terminates at the boundary with APN 646-080-16, and allows for the construction of a buildable trail. The trail easement should not be wider than ten-feet (10') where possible. Where physical characteristics require a wider trail easement, the easement shall not exceed twenty feet (20') and the applicant will obtain concurrence from PDS and DPR. **DOCUMENTATION:** The applicant shall dedicate by separate document the easement and show and tie the on-site portions of the easement on the title sheet and appropriate mapping sheet(s) of the Final Map. **TIMING:** Prior to the approval of the map the applicant shall submit the trail easement dedication to the Department of General Services (DGS), Real Estate Services Division for approval. **MONITORING:** [PDS, LDR] shall route the Final Map to [DPR, TC ] and [PDS, TC] for preapproval and acceptance of the dedication prior to map recordation. [PDS, LDR] shall satisfy the condition after recordation.

**57. TRAILS#3–TRAIL EASEMENT (State)**

**INTENT:** In order to promote orderly development by providing a trail connection pursuant to the County of San Diego General Plan, Community Master Trails Plan, East Otay Mesa Specific Plan, and to comply with the County Subdivision Ordinance Sections 81.401(n) and 81.402.v, the State of California shall dedicate a public non-motorized multi-use trail easement. **DESCRIPTION OF REQUIREMENT:** The proposed trail alignment sits within property owned by the State of California and is within an existing Otay Water District easement (86-092509). The applicant shall coordinate with the State of California and Donovan State Prison to dedicate to the County of San Diego, a ten-foot (10') to twenty-foot (20') non-motorized multi-use trail easement approximately 1,900 feet in length, is

located entirely within the State's property, and allows for the construction of a buildable trail. The trail easement should not be wider than ten-feet (10') where possible and be located as far from Otay Water District facilities as is reasonably possible. Where physical characteristics require a wider trail easement, the easement shall not exceed twenty feet (20') and the applicant will obtain concurrence from PDS, DPR, the State and Otay Water District. In certain circumstances, this may require the trail easement to be located further north, but directly adjacent to Otay Water District easement (86-092509). **DOCUMENTATION:** The State of California shall dedicate by separate document the easement and **the applicant shall** show and tie the off-site portions of the easement on the appropriate mapping **sheet(s)** of the Final Map. The applicant shall provide **written** evidence that the Otay Water District does not oppose the proposed easement. **TIMING:** Prior to the approval of the map the State of California shall submit the trail easement dedication to the Department of General Services (DGS), Real Estate Services Division for approval. **MONITORING:** *[PDS, LDR]* shall route the **document** to *[DPR, TC]*, *[PDS, TC]* and the Otay Water District for preapproval and acceptance of the dedication prior to map recordation. *[PDS, LDR]* shall satisfy the condition after recordation.

**58. TRAILS#4–TRAIL EASEMENT (Applicant)**

**INTENT:** In order to promote orderly development by providing a trail connection pursuant to the County of San Diego General Plan, Community Master Trails Plan, East Otay Mesa Specific Plan, and to comply with the County Subdivision Ordinance Sections 81.401(n) and 81.402.v, the State of California shall dedicate a public non-motorized multi-use trail easement. **DESCRIPTION OF REQUIREMENT:** The proposed trail alignment sits within an existing Otay Water District easement (171343). The applicant shall dedicate to the County of San Diego, a ten-foot (10') to twenty-foot (20') non-motorized multi-use trail easement extending from the project's northwestern boundary approximately 150 feet south, terminates at the boundary with APN 646-080-26, and allows for the construction of a buildable trail. The trail easement should not be wider than ten-feet (10') where possible and be located as far from Otay Water District facilities as is reasonably possible. Where physical characteristics require a wider trail easement, the easement shall not exceed twenty feet (20') and the applicant will obtain **written** concurrence from PDS, DPR and Otay Water District prior to recordation. **DOCUMENTATION:** The applicant shall dedicate by separate document the easement and show and tie the on-site portions of the easement on the title sheet and appropriate mapping **sheet(s)** of the Final Map. **TIMING:** Prior to the approval of the **map** the applicant shall submit the trail easement dedication to the Department of General Services (DGS), Real Estate Services Division for approval. **MONITORING:** *[PDS, LDR]* shall route the **document** to *[DPR, TC]*, *[PDS, TC]* and the Otay Water District for preapproval and acceptance of the dedication prior to map recordation. *[PDS, LDR]* shall satisfy the condition after recordation.

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

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

**59. ROADS#5–PUBLIC ROAD IMPROVEMENTS**

**INTENT:** In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.404](#), the Community Trails Master Plan, and the East Otay Mesa Specific Plan **Lone Star Road (SC 2340)**, and **Vann Centre Boulevard**, and shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. Improve or agree to improve and provide security for offsite **Enrico Fermi Drive (1105)**, from Lone Star Road (SC 2340) southerly to Otay Mesa Road along the east side in accordance with Public Road Standards and the East Otay Mesa Specific Plan for a 4.1A Major Road with Raised Median and Bike Lane to a graded width of forty-nine feet (49') with thirty-nine feet (39') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and detached sidewalk with face of curb at thirty-nine feet (39') from centerline. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). **Enrico Fermi Drive (1105)** shall be planted with large-sized evergreen/or deciduous trees spaced every 30 feet and located 10 feet from the face of the curb. Provide transition for all widenings, tapers, and traffic striping to match existing pavement. If **Enrico Fermi Drive (1105)** is fully improved on the east side along APN 648-040-14, construct a fourteen-foot (14') wide raised median from Lone Star Road (SC 2340) to Otay Mesa Road, with face of median curb at seven feet (7') from centerline. Median shall be paved with Sandstone colored concrete (Davis Sandstone or equivalent) and stamped with a Dry Creek Bed Pattern or similar. If a Design Exception Request is processed to the satisfaction of DPW and PDS and the median is replaced with striping, then that portion of this condition can be determined satisfied. All of the above shall be to the satisfaction of the Director of Public Works and Planning & Development Services.

**NOTE:** *If this road segment is already constructed and is in operation, this condition will be deemed satisfied.*

- b. Improve or agree to improve and provide security for **Lone Star Road (SC 2340)** on the project side from Enrico Fermi Drive (SA 1105) to the western project boundary, along the north side in accordance with Public Road Standards and the East Otay Mesa Specific Plan for 4.1A Major Road with Raised Median and Bike Lane to a graded width of forty-nine feet (49') with thirty-two feet (32') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and detached sidewalk with face of curb at thirty-nine feet (39') from centerline. The width of detached sidewalk

shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). **Lone Star Road (SC 2340)** shall be planted with large-sized evergreen/or deciduous trees spaced every 30 feet and located 10 feet from the face of the curb. Provide transition for all widenings, tapers, and traffic striping to match existing pavement. If **Lone Star Road (SC 2340)** is fully improved on the south side along Unit 3, construct a fourteen-foot (14') wide raised median along the limits of Unit 3, with face of median curb at seven feet (7') from centerline, with left turn lane openings at the intersection with Vann Centre Boulevard. Median shall be paved with Sandstone colored concrete (Davis Sandstone or equivalent) and stamped with a Dry Creek Bed Pattern or similar. If a Design Exception Request is processed to the satisfaction of DPW and PDS and the median is replaced with striping, then that portion of this condition can be determined satisfied. All of the above shall be to the satisfaction of the Director of Public Works and Planning & Development Services.

**NOTE:** *If this road segment is already constructed and is in operation, this condition will be deemed satisfied.*

- c. Improve or agree to improve and provide security for **Vann Center Boulevard**, from Lone Star Road (SC 2340) northerly to the terminus at Lot 3, in accordance with Public Road Standards for an Industrial/Commercial Collector Road to a graded width of eighty-eight feet (88') with sixty-eight feet (68') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and detached sidewalk with face of curb at thirty-four feet (34') from centerline. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). Provide transition for all widenings, tapers, and traffic striping to match existing pavement. If a Design Exception Request is processed to the satisfaction of DPW and PDS, then the improvement widths may be reduced. All of the above shall be to the satisfaction of the Director of Public Work/PDS.
- d. **Vann Center Boulevard** shall terminate with a cul-de-sac graded to a radius of sixty feet (60') and surfaced to a radius of fifty feet (50') with asphalt concrete pavement over approved base with Portland cement concrete curb gutter and sidewalk/asphalt concrete dike with face of curb/dike at fifty feet (50') from the radius point.
- e. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the [Land Development Improvement Plan Checking Manual](#) and the Community Trails Master Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities.

**DOCUMENTATION:** The applicant shall complete the following:

- f. Process and obtain approval of Improvement Plans to improve **Lone Star Road (SC 2340)** and **Vann Centre Boulevard**.
- g. Provide Secured Agreement and post security in accordance with [Subdivision Ordinance Sec. 81.408](#).
- h. Upon approval of the plans, pay all applicable inspection fees/deposits with [DPW, PDC].
- i. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

**TIMING:** Prior to the recordation of the Final Map for Unit 2 the plans, agreements, and securities shall be approved. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

## 60. ROADS#6–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), Table 5, 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 shall provide a certified signed statement: "I, \_\_\_\_\_ (C \_\_\_\_ or LS \_\_\_\_ ) certify that there is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Lone Star Road (SC 2340)** from the public road, **Vann Centre Boulevard** measured in accordance with the methodology described in Section 6.1.(E), Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. 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 shall provide a certified signed statement: “I, \_\_\_\_\_ (C \_\_\_\_ or LS \_\_\_\_ ) certify that there is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Vann Centre Boulevard** from the public road, **Lone Star Road (SC 2340)** measured in accordance with the methodology described in Section 6.1.(E), Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. 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 that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

**DOCUMENTATION:** The applicant shall have a Registered Civil Engineer, or a Licensed Land Surveyor provide a signed statement as detailed above, and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the approval of the Final Map for Unit 2, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

#### 61. **ROADS#7–ROAD DEDICATION (ONSITE)**

**INTENT:** In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.402](#) and the East Otay Mesa Specific Plan, road right of way shall be dedicated to the County. **DESCRIPTION OF REQUIREMENT:**

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a one-half right-of-way width of forty-nine feet (49’) from the ultimate centerline of **Lone Star Road (SC 2340)** from the western limit of Unit 1 to the western project boundary, along the north side in accordance with Public Road Standards and the East Otay Mesa Specific Plan for 4.1A Major Road with Raised Median and Bike Lane together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of PDS and DPW.
- b. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a total right-of-way width of eighty-eight feet (88’) along the centerline of **Vann Centre Boulevard**, from Lone Star Road (SC 2340) northerly to the terminus at Lot 3, in accordance with Public Road Standards for an Industrial/Commercial Collector Road, with thirty foot (30’)

radius corner rounding at the Lone Star Road (SC 2340) intersection, together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Planning and Development Services and DPW. If a Design Exception Request is processed to the satisfaction of DPW and PDS, then the right-of-way widths may be reduced.

- c. Dedicate onsite a two foot (2') wide landscape easement along **Vann Centre Boulevard** and **Lone Star Road (SC 2340)** within the landscaped building setback and adjacent to the parkway in order to provide adequate space for street trees in accordance with the [East Otay Mesa Business Park Specific Plan](#).
- d. The dedication shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the Director of PDS.

**DOCUMENTATION:** The applicant shall dedicate the easement on the map and show it as Accepted. **TIMING:** Prior to the recordation of the Final Map for Unit 2 the onsite dedication shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the map and Accepted by the County.

## 62. ROADS#8–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 in and to **Lone Star Road (SC 2340)** along the project frontage except for the opening for Vann Centre Boulevard as shown on the approved Tentative Map.
- b. Relinquish access rights in and to **Vann Centre Boulevard** along the project frontage except for the driveway access openings as shown on the approved Tentative Map.
- c. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall show the Relinquishment on the Final Map for Unit 2. **TIMING:** Concurrently with the approval of the Final Map for Unit 2, the access shall be relinquished. **MONITORING:** The applicant shall show the relinquishment of access rights on the Final Map for Unit 2 and forward a copy to [PDS, LDR] for preapproval. The [PDS, LDR] shall review the Final Map for Unit 2 for compliance with this condition.

**63. ROADS#9–ONE FOOT ACCESS DEDICATION**

**INTENT:** In order to ensure that the subdivision's accesses comply with the [County Subdivision Ordinance Section 81.402 \(h\)](#), the subdivider shall dedicate and relinquish access rights to public roads. **DESCRIPTION OF REQUIREMENT:**

- a. Show a one foot dedication to the County of San Diego for road purposes and access restriction easement extending across **Lone Star Road (SC 2340)** at its point of termination at the subdivision boundary.

**DOCUMENTATION:** The applicant shall show the easement on the Final Map for Unit 2. **TIMING:** Prior to recordation of the Final Map for Unit 2, the easement shall be depicted on the Final Map. **MONITORING:** The [PDS, LDR] shall review the Final Map to ensure that one foot dedication and access restriction easement are indicated pursuant to this condition.

**64. ROADS#10–OFFSITE ROAD MONUMENTATION**

**INTENT:** In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.406](#), the centerline shall be shown on the map. **DESCRIPTION OF REQUIREMENT:** The centerline of **Enrico Fermi Drive (SA 1105)** to be surveyed and monumented. Monumentation shall consist of street survey monuments, per Drawing M-10 Regional Standard Drawings when the road, as improved, is at ultimate line and grade and 2" x 24" pipe when the road is not at ultimate line and grade. The Director of DPW will assign a road survey number to the offsite public roads being created. If the offsite road is not shown on the Map, the developer shall file with the County Recorder a Record of Survey after approval of the Director of DPW showing the centerline Monumentation set with ties to adjacent property. **DOCUMENTATION:** The applicant shall perform the required surveying work indicated above. **TIMING:** Prior to the recordation of the Final Map for Unit 2 the surveying monumenting shall be completed. **MONITORING:** The [PDS, LDR] shall verify that the surveying has been completed pursuant to this condition.

**UNIT 3: PRIOR TO APPROVAL OF FINAL MAP**

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

**65. ROADS#11–PUBLIC ROAD IMPROVEMENTS**

**INTENT:** In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.404](#), the Community Trails Master Plan, and the East Otay Mesa Specific Plan **Lone Star Road (SC 2340)** and **Vann Centre Boulevard** shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. Improve or agree to improve and provide security for offsite **Enrico Fermi Drive (1105)**, from Lone Star Road (SC 2340) southerly to Otay Mesa Road along the east side in accordance with Public Road Standards and the East Otay Mesa Specific Plan for a 4.1A Major Road with Raised Median and Bike Lane to a graded width of forty-nine feet (49') with thirty-nine feet (39') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and detached sidewalk with face of curb at thirty-nine feet (39') from centerline. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). **Enrico Fermi Drive (1105)** shall be planted with large-sized evergreen/or deciduous trees spaced every 30 feet and located 10 feet from the face of the curb. Provide transition for all widenings, tapers, and traffic striping to match existing pavement. If **Enrico Fermi Drive (1105)** is fully improved on the west side along APN 648-040-14, construct a fourteen-foot (14') wide raised median from Lone Star Road (SC 2340) to Otay Mesa Road, with face of median curb at seven feet (7') from centerline. Median shall be paved with Sandstone colored concrete (Davis Sandstone or equivalent) and stamped with a Dry Creek Bed Pattern or similar. If a Design Exception Request is processed to the satisfaction of DPW and PDS and the median is replaced with striping, then that portion of this condition can be determined satisfied. All of the above shall be to the satisfaction of the Director of Public Works and Planning & Development Services.

**NOTE:** *If this road segment is already constructed and is in operation, this condition will be deemed satisfied.*

- b. Improve or agree to improve and provide security for **Lone Star Road (SC 2340)** on the south side from the southerly project boundary northwesterly to the westerly project boundary, along the project frontage in accordance with Public Road Standards and the East Otay Mesa Specific Plan for 4.1A Major Road with Raised Median and Bike Lane to a graded width of forty-nine feet (49') with thirty-two feet (32') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and detached sidewalk with face of curb at thirty-nine feet (39') from centerline. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). **Lone Star Road (SC 2340)** shall be planted with large-sized evergreen/or deciduous trees spaced every 30 feet and located 10 feet from the face of the curb. Provide transition for all widenings, tapers, and traffic striping to match existing pavement. If **Lone Star Road (SC 2340)** is fully improved on the north side along Unit 2, provide a fourteen-foot (14') wide raised median from the southerly project boundary northwesterly to the westerly project boundary, with face of median curb at seven feet (7') from centerline, with left turn lane openings at the intersection with Vann Centre Boulevard. Median shall be paved with Sandstone colored concrete (Davis Sandstone or equivalent) and stamped with a Dry Creek Bed Pattern or similar. If the median is replaced with striping, as agreed upon by the Director of DPW,

then that portion of this condition can be determined satisfied. All of the above shall be to the satisfaction of the Director of Public Work/PDS.

- c. Improve or agree to improve and provide security for **Lone Star Road (SC 2340)** along the north side from Enrico Fermi Drive (SA 1105) to the limit of Unit 3 to provide a connection to the improvements on the south side of **Lone Star Road (SC 2340)** in accordance with Public Road Standards and the East Otay Mesa Specific Plan for 4.1A Major Road with Raised Median and Bike Lane to a graded width of forty-nine feet (49') with thirty-two feet (32') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and detached sidewalk with face of curb at thirty-nine feet (39') from centerline. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). **Lone Star Road (SC 2340)** shall be planted with large-sized evergreen/or deciduous trees spaced every 30 feet and located 10 feet from the face of the curb. Provide transition for all widenings, tapers, and traffic striping to match existing pavement. All of the above shall be to the satisfaction of the Director of Public Work/PDS.

**NOTE:** *If this road segment is already constructed and is in operation, this condition will be deemed satisfied.*

- d. Improve or agree to improve and provide security for **Vann Centre Boulevard**, from Lone Star Road (SC 2340) southerly to the project boundary, in accordance with Public Road Standards for an Industrial/Commercial/Mixed Use Collector with Bike Lane to a graded width of eighty-eight feet (88') with sixty-eight feet (68') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and detached sidewalk with face of curb at thirty-four feet (34') from centerline. The width of detached sidewalk shall be four feet (4') and the distance between face of curb and edge of sidewalk shall be three feet (3'). Provide transition for all widenings, tapers, and traffic striping to match existing pavement. All of the above shall be to the satisfaction of the Director of Public Work/PDS.
- e. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the [Land Development Improvement Plan Checking Manual](#) and the Community Trails Master Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities.  
**DOCUMENTATION:** The applicant shall complete the following:

- f. Process and obtain approval of Improvement Plans to improve **Lone Star Road (SC 2340)** and **Vann Centre Boulevard**.
- g. Provide Secured Agreement and post security in accordance with [Subdivision Ordinance Sec. 81.408](#).
- h. Upon approval of the plans, pay all applicable inspection fees/deposits with [DPW, PDC].
- i. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

**TIMING:** Prior to the recordation of the Final Map for Unit 3 the plans, agreements, and securities shall be approved. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

#### 66. ROADS#12–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), Table 5, 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 shall provide a certified signed statement: “I, \_\_\_\_\_(C\_\_\_\_or LS\_\_\_\_) certify that there is \_\_\_\_\_feet of unobstructed intersectional sight distance in both directions along **Lone Star Road (SC 2340)** from the public road, **Vann Centre Boulevard** measured in accordance with the methodology described in Section 6.1.(E), Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. 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 shall provide a certified signed statement: “I, \_\_\_\_\_(C\_\_\_\_or LS\_\_\_\_) certify that there is \_\_\_\_\_feet of unobstructed intersectional sight distance in the southerly direction along **Vann Centre Boulevard** from the public road, **Lone Star Road**

(**SC 2340**) measured in accordance with the methodology described in Section 6.1.(E), Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. 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 that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

**DOCUMENTATION:** The applicant shall have a Registered Civil Engineer, or a Licensed Land Surveyor provide a signed statement as detailed above, and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the approval of the Final Map for Unit 3, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

#### 67. **ROADS#13–ROAD DEDICATION (ONSITE)**

**INTENT:** In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.402](#) and the East Otay Mesa Specific Plan, road right of way shall be dedicated to the County. **DESCRIPTION OF REQUIREMENT:**

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a total right-of-way width of eighty-eight feet (88’) along the centerline of **Vann Centre Boulevard**, from Lone Star Road (SC 2340) southerly to the project boundary, in accordance with Public Road Standards for an Industrial/Commercial/Mixed Use Collector Road with Bike Lane, with thirty foot (30’) radius corner rounding at the Lone Star Road (SC 2340) intersection, together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Planning and Development Services and DPW.
- b. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a one-half right-of-way width of forty-nine feet (49’) from the ultimate centerline of **Lone Star Road (SC 2340)** on the south side from the southerly project boundary northwesterly to the westerly project boundary, along the project frontage in accordance with Public Road Standards and the East Otay Mesa Specific Plan for 4.1A Major Road with Raised Median and Bike Lane together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of PDS and DPW.
- c. Dedicate onsite a two foot (2’) wide landscape easement along **Vann Centre Boulevard** and **Lone Star Road (SC 2340)** within the landscaped building setback and adjacent to the parkway in order to provide adequate space for

street trees in accordance with the [East Otay Mesa Business Park Specific Plan](#).

- d. The dedication shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the Director of PDS.

**DOCUMENTATION:** The applicant shall dedicate the easement on the map and show it as Accepted. **TIMING:** Prior to the recordation of the Final Map for Unit 3 the onsite dedication shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the map and Accepted by the County.

#### 68. ROADS#14–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 in and to **Lone Star Road (SC 2340)** along the project frontage except for the opening for Vann Centre Boulevard as shown on the approved Tentative Map.
- b. Relinquish access rights in and to **Vann Centre Boulevard** along the project frontage except for the driveway access openings as shown on the approved Tentative Map.
- c. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall show the Relinquishment on the Final Map for Unit 3. **TIMING:** Concurrently with the approval of the Final Map for Unit 3, the access shall be relinquished. **MONITORING:** The applicant shall show the relinquishment of access rights on the Final Map for Unit 3 and forward a copy to [PDS, LDR] for preapproval. The [PDS, LDR] shall review the Final Map for Unit 3 for compliance with this condition.

#### 69. ROADS#15–ONE FOOT ACCESS DEDICATION

**INTENT:** In order to ensure that the subdivision's accesses comply with the [County Subdivision Ordinance Section 81.402 \(h\)](#), the subdivider shall dedicate and relinquish access rights to public roads. **DESCRIPTION OF REQUIREMENT:**

- a. Show a one foot dedication to the County for road purposes and access restriction easement extending across **Vann Centre Boulevard** at its point of termination at the subdivision boundary.

**DOCUMENTATION:** The applicant shall show the easement on the Final Map for Unit 3. **TIMING:** Prior to recordation of the Final Map for Unit 3, the easement shall be depicted on the Final Map. **MONITORING:** The [PDS, LDR] shall review the Final Map to ensure that one foot dedication and access restriction easement are indicated pursuant to this condition.

#### 70. **ROADS#16–OFFSITE ROAD MONUMENTATION**

**INTENT:** In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.406](#), the centerline shall be shown on the map. **DESCRIPTION OF REQUIREMENT:** The centerline of *Enrico Fermi Drive (SA 1105)* to be surveyed and monumented. Monumentation shall consist of street survey monuments, per Drawing M-10 Regional Standard Drawings when the road, as improved, is at ultimate line and grade and 2" x 24" pipe when the road is not at ultimate line and grade. The Director of DPW will assign a road survey number to the offsite public roads being created. If the offsite road is not shown on the Map, the developer shall file with the County Recorder a Record of Survey after approval of the Director of DPW showing the centerline Monumentation set with ties to adjacent property. **DOCUMENTATION:** The applicant shall perform the required surveying work indicated above. **TIMING:** Prior to the recordation of the Final Map for Unit 3 the surveying monumenting shall be completed. **MONITORING:** The [PDS, LDR] shall verify that the surveying has been completed pursuant to this condition.

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

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

#### 71. **ROADS#17–PAVEMENT CUT POLICY**

**INTENT:** In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project pavement treatment, and to comply with [County Policy RO-7](#) adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **DESCRIPTION OF REQUIREMENT:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **DOCUMENTATION:** The applicant shall sign a statement that they are aware of the County of San Diego Pavement Cut Policy and submit it to the [PDS, LDR] for review. **TIMING:** Prior to the approval of improvement plans or the approval of the Final Map for any Unit, the Acknowledgement of Department of Public Works Pavement Cut Policy shall be submitted for approval. **MONITORING:** The [PDS, LDR] shall review the acknowledgement letter.

**72. ROADS#18–TRAFFIC CONTROL PLAN**

**INTENT:** In order to mitigate below levels of significance for temporary traffic impacts, a Traffic Control Plan (TCP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Have A Registered Civil Engineer or licensed Traffic Control Contractor prepare a TCP to the satisfaction of Director of DPW. **DOCUMENTATION:** The applicant shall have the TCP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Traffic]. **TIMING:** Prior to recordation of the Final Map for any Unit, a TCP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the TCP for compliance with this condition.

**73. ROADS#19–HAUL ROUTE PLAN**

**INTENT:** In order to ensure the roads are not damaged by heavy loads that loaded trucks place on the construction route or subsequent operations, a Haul Route Plan (HRP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** A HRP shall be prepared that addresses the following, but is not limited to: haul routes, truck types and capacity, number of trips per day, estimated quantity of import & export, destination, duration of the haul, and hours of operation.

- a. The implementation of the HRP shall be a condition of any grading, construction, or excavation permit issued by the County. The applicant is responsible for the road maintenance (sweeping as necessary) and repair of any damage caused to the on-site and offsite County maintained roads that serve the property either during construction or subsequent operations.
- b. The applicant will repair those portions of the roads that are damaged by the heavy loaded trucks. An agreement shall be executed, to require (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for road maintenance and repair of any damage caused by the project to the County maintained roads that serve the project during construction phase on the route identified; and (3) All the roads as identified on the haul route plan shall be returned to the existing condition or better.
- c. Prior to import/export, all affected property owners in the residential neighborhood shall be notified; no equipment or material storage on public roads will be allowed, and sweeping to be performed at the end of each week or more depending on the frequency of hauling.

**DOCUMENTATION:** The applicant shall have the HRP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Road Maintenance]. The applicant shall also execute a secured agreement for any potential damages caused by heavy trucks on the construction route. The agreement and securities shall be approved to the satisfaction of the [DPW, Road Maintenance]. **TIMING:** Prior to recordation of

the Final Map for any Unit an HRP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the HRP for compliance with this condition.

**74. ROADS#20-GRADING MATERIAL DIVERSION (DPW RECYCLING)**

**INTENT:** This program is intended to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. This includes grading, clearing and brushing material for grading projects over 5,000 cubic yards. **DESCRIPTION OF REQUIREMENT:** To divert (recycle, reuse, repurpose) 100% of excavated soils, trees, stumps, rocks, and associated vegetation and soils from the following types of projects: non-residential excavation and grading projects; and, residential projects that require Major Grading permits. No Major Grading (projects >5,000 cu.yds) permit shall be issued nor shall grading plans be approved unless a Debris Management Plan (DMP) has been submitted to a Compliance Official.

*If grading project is not a single lot, Conditions of Approval are required on a lot-by-lot basis for subdivisions or pad-by-pad basis for multiple building pads.*

**Exemption:**

- a. Excavated soil and land-clearing debris that is contaminated by disease or pests are not required to be reused on- or off-site, provided that: (I) the County Agricultural Commissioner has made a determination of disease or pest contamination and permittee follows commissioner's direction for recycling or disposal of the material, (ii) the materials are generated in a known pest and/or disease quarantine zone identified by the California Department of Food and Agriculture, or (iii) the materials are otherwise not required to be reused under the CalGreen Code.

**DOCUMENTATION:**

**1. PRIOR TO GRADING:**

A Debris Management Plan (DMP) is required prior to approval of the grading plan and issuance of the grading permit.

**2. DURING GRADING PROJECT:**

For all grading projects >5,000 cubic yards, a Daily Log of all grading, land clearing, and brushing material that is exported or reused/repurposed must be retained onsite. The Daily Log must include all export receipts from an inert processing facility, green material processing operation, a C&D processing facility, or other vendor or disposal or transfer station facility that accepted grading material from the approved grading project. If material was reused onsite, other forms of documentation (such as photos) will be accepted in lieu of receipts. The Daily Log can be inspected at any time during regular business hours.

### 3. AT THE END OF GRADING PROJECT:

(To be completed prior to project close out)

An end of the grading project, prior to the release of Rough Inspection, Final Debris Management Report must be submitted. This report shall include three items:

- a. Signed Self-Certification Letter (see template)
- b. Debris Management Report (see template)
- c. Export, recycling, reuse, or disposal documentation (i.e. facility receipts, export tickets, photo evidence of onsite reuse).

#### DOCUMENTATION DETAILS:

##### DEBRIS MANAGEMENT PLAN (DMP)

- a. The type of project.
- b. The total cubic yardage of the project.
- c. The estimated weight of grading or land clearing debris by material type, that the project is expected to generate.
- d. The estimated maximum weight of grading or land clearing debris that can feasibly be diverted via reuse, salvage, or recycling.
- e. The estimated weight of grading or land clearing debris that is planned to be disposed of in a landfill.
- f. The name of facility (or facilities) which debris will be exported.

##### DAILY LOG

- a. Identify the project location
- b. Log date that material was transported off the site
- c. Log type of grading or clearing material
- d. Weight of the material or its approximate tonnage or cubic yards
- e. Name of the party transporting the materials
- f. Name of the receiving facility or exporter, and whether the material was disposed of in a landfill, salvaged for future use off-site, or recycled.
- g. Each log entry shall correspond with a receipt issued by the party that transported the material off-site or by facility that accepted the materials. If the materials were hauled by the grading contractor, export receipts shall be compiled within 90 days of the date of the log entry.
- h. The Daily Log shall include separate entries for each occurrence of materials reused on-site.
- i. The Daily Log and all receipts shall be maintained at the project site and made available to any County inspector responsible to ensure compliance with this requirement

##### DEBRIS MANAGEMENT REPORT (DMR)

- a. Project name
- b. List total cubic yardage of material (by type) recycled or disposed for project
- c. Provide backup receipts for export facilities, haulers, or reuse on site.

Exceptions of those projects not meeting with requirements would be reported to DPW Recycling.

Templates for all forms required are available at:  
[https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD\\_Grading.html](https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD_Grading.html)

For additional questions, please call (858) 694-2463 or email  
 CDRecycling@sdcounty.ca.gov

#### 75. DRNG#1–LINES OF INUNDATION

**INTENT:** In order to comply with [Grading Ordinance No. 10179, Section 87.803 \(38\)](#) and prevent future development in flood-prone areas the Lines of Inundation shall be shown on the map. **DESCRIPTION OF REQUIREMENT:** Lines of inundation to the limits of the 100-year flood along the watercourse, which flows through the property, shall be shown and labeled "Subject to Inundation By The 100-Year Flood" on the Final Map. Each parcel shall have a flood free building site to the satisfaction of the Director of PDS. If any of the parcels are found to be devoid of a buildable, flood free site for an industrial use, the subdivider shall take appropriate action so that each parcel does have a buildable flood free site. This pertains to watersheds having area of one hundred (100) or more acres. **DOCUMENTATION:** The applicant shall indicate the lines of inundation on the non-title sheet of the Final Map for any unit as indicated above. **TIMING:** Prior to the approval of the Final Map for any unit, the inundation lines shall be indicated and labeled on the map. **MONITORING:** The [PDS, LDR] shall verify that the inundation lines have been indicated pursuant to this condition.

#### 76. DRNG#2–FLOODPLAIN COMPLIANCE

**INTENT:** As required by the Code of Federal Regulations (CFR) and to protect persons and property from harm in an area of special flood hazard in the unincorporated County by ensuring compliance with the more restrictive of the [Flood Damage Prevention Ordinance \(FDPO\), Section 811.101, et seq. of the San Diego County Code, of Regulatory Ordinances \(County Code\)](#) or the [National Flood Insurance Program requirements set forth at 44 Code of Federal Regulations, \(CFR\) Section 60.1 et seq.](#) References to the 44 CFR Section 60.1 et seq. are for convenience only and are not intended to limit the applicability of other federal laws or regulations that comprise the National Flood Insurance Program. **DOCUMENTATION:** The applicant shall complete the following:

**DESCRIPTION OF REQUIREMENT:** The project site is located within an AE Flood Zone as indicated on FEMA Flood Insurance Rate Map (FIRM) map panel #2183 of 2375 (Map No. 06073C2183). FEMA mapped AE Zones are required to be developed and used in accordance with restrictions set forth in the County's Flood Damage Prevention Ordinance for "special flood hazard areas." These requirements were developed to allow for continued County participation in the National Flood Insurance Program (NFIP) in accordance with 44 CFR 60.1 et seq. Consistent with these requirements, the following must be complied with:

1. Determine, to the satisfaction of the County Flood Plain Administrator through hydraulic analyses acceptable to Public Works Flood Control performed by a licensed engineer in accordance with standard engineering practice, the base flood elevation (BFE) and flood plain boundary during the occurrence of the base flood of the Johnson Canyon Creek both before and after all proposed work. Demonstrate compliance with all NFIP and FDPO requirements to the satisfaction of the County Flood Plain Administrator and Public Works Flood Control. If it is demonstrated that the post project BFEs differ from the pre by more than 0.5', or that the post floodplain delineation differs from the FEMA effective mapping, a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) from FEMA will be required in accordance with the FDPO. NOTE: If after hydraulic analysis and grading plan review it is determined that changes to lot design or pad elevations are needed or the design will impact off-site properties and/or necessitate obtaining off-site easements or waivers for drainage or grading purposes then the applicant may be required to revise their project and go through the discretionary approval process again.
2. Demonstrate to the satisfaction of the County Flood Plain Administrator through acceptable hydrologic and hydraulic analyses, acceptable to DPW Flood Control and performed by a California licensed engineer in accordance with standard engineering practice, that all proposed structures will be reasonably safe from flooding of the one percent annual chance event as calculated following the methodology described in the County Hydrology Manual.
3. All structures to be constructed, substantially improved or placed within the subdivision shall comply with the more restrictive of the County's Flood Damage Prevention Ordinance or the criteria set forth in 44 CFR 60.1 *et seq.*
4. Show and label existing drainage easements on the plans.
5. Elevation Certificates for structures located in the Special Flood Hazard Area (SFHA).

**TIMING:** Elevation Certificates required prior to Certificate of Occupancy, all other items required prior to the approval of any Final Map for any unit or any grading and/or improvement plans (whichever comes first). **MONITORING:** The [PDS, LDR, DPW, FCE] shall review the hydraulic analysis, and associated plans and maps for compliance with this condition.

#### 77. **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:** To the satisfaction of the Director of PDS, complete the following:

- 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 the deposit and applicable review fees. **TIMING:** Prior to the recordation of the Final Map for any unit execution of the agreements and securities shall be completed. **MONITORING:** The [PDS, LDR] shall review the agreements/mechanisms for consistency with the condition and County Standards.

## 78. 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 pursuant to [Subdivision Ordinance 81.408](#), 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 provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR]. **TIMING:** Prior to recordation of the Final Map for all phases, and the approval of any plan and the issuance of any permit, the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the agreement and the securities provided adequately satisfy 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.

**The following Grading and/or Improvement Plan Notes shall be placed on the Preliminary Grading Plan and made conditions of the issuance of said permits. An email or disc will be provided with an electronic copy of the grading plan language.**

**79. 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 measures:

- a. The project shall require the construction contractor to provide a construction fleet that uses heavy-duty diesel-powered equipment equipped with Tier 3 or better diesel engines. An exemption from these requirements may be granted by the County in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the County, the applicant shall be required to demonstrate that three construction fleet owners/operators in the San Diego Region were contacted and that those owners/operators confirmed Tier 3 equipment could not be located within the San Diego region.
- 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. Electrical hookups shall be provided on site for the use of hand tools such as saws, drills, and compressors used for building construction to reduce the need for electric generators and other fuel-powered equipment. The use of electrical construction equipment shall be employed, where feasible.
- e. 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.
- f. Haul truck staging areas shall be provided for loading and unloading soil and materials, and shall be located away from sensitive receptors at the furthest feasible distance (at least 1,000 feet).
- g. A Construction Traffic Control Plan shall be developed to ensure construction traffic and equipment use is minimized to the extent practicable. The Construction Traffic Control Plan shall include measures to reduce the amount of large pieces of equipment operating simultaneously during peak construction

periods, scheduling of vendor and haul truck trips to occur during non-peak hours, establish dedicated construction parking areas to encourage carpooling and efficiently accommodate construction vehicles, identify alternative routes to reduce traffic congestion during peak activities and increase construction employee carpooling.

**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.

#### 80. **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.

#### 81. **AQ#3-CONTRUSTION RELATIONS OFFICER**

**INTENT:** In order to provide public notification and contact for project related construction activities. **DESCRIPTION OF REQUIREMENT:** Prior to construction activities, the project applicant shall employ a construction relations officer who will address Community concerns regarding on-site construction activity. The applicant shall provide public notification in the form of a visible sign containing the contact information of the construction relations officer who will document complaints and concerns regarding on-site construction activity. The sign shall be placed in easily accessible locations along Otay Mesa Road and noted on grading and improvement plans. **DOCUMENTATION:** The applicant shall comply with the requirements of this condition. **TIMING:** Prior to issuance of the grading or improvement permits and throughout the duration of the grading and construction. **MONITORING:** The [DPW, PDCI] shall make sure the contractor complies with the requirements of this condition and shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

#### 82. **FIRE-GR#1 – GRADING PLAN**

**INTENT:** The grading plan shall include notes with the fire requirements in order to comply with the 2020 San Diego County Consolidated Fire Code. **DESCRIPTION OF REQUIREMENT:** The following requirements shall be included on the map: **DOCUMENTATION:** The grading notes on grading plan shall include all the fire requirements: all structures shall meet the ignition resistant building requirements, adequate access to each lot, the required limited building zones, and all other requirements as required in the April 20, 2012 Fire Protection Plan with the June 23, 2020 Addendum. **TIMING:** Prior to issuance of the grading plan, it shall be confirmed that the grading notes are included to demonstrate compliance with all the fire requirements. **MONITORING:** The fire requirements

shall be checked by the building inspector prior to occupancy of each structure and annual inspections may occur (fuel modification) by the Fire District.

**83. PALEO#1 - PALEO GRADING MONITORING**

**INTENT:** In order to mitigate for potential impacts to paleontological resources, a monitoring program during grading, trenching or other excavation into undisturbed rock layers beneath the soil horizons and a fossil recovery program, if significant paleontological resources are encountered, shall be implemented pursuant to the [County of San Diego Guidelines for Determining Significance for Paleontological Resources](#). **DESCRIPTION OF REQUIREMENT:** A Qualified Paleontologist shall be contracted to perform paleontological resource monitoring and a fossil recovery program if significant paleontological resources are encountered during all grading, trenching, or other excavation into undisturbed rock layers beneath the soil horizons. The monitoring program shall include the following:

- a. A Qualified Paleontologist ("Project Paleontologist") shall perform the monitoring duties pursuant to the most current version of the [County of San Diego Guidelines for Determining Significance for Paleontological Resources](#), and this permit. The contract or letter of acceptance provided to the County shall include an agreement that the grading/ trenching/excavation monitoring will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the Project Paleontologist 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.
- b. The cost of the monitoring shall be added to the grading bonds or bonded separately.

**DOCUMENTATION:** The applicant shall provide a copy of the Grading Monitoring Contract or letter of acceptance, cost estimate, and [MOU](#) to the [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:** The [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, LDR], 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.

**84. PLAN CONDITIONS NOTES: [DPW, PDS].**

**INTENT:** In order to implement the required mitigation measures for which was the basis for approval of this project pursuant to the County Subdivision Ordinance Section 81.303, County Subdivision Ordinance Section 81.604, the condition notes shall be implemented on the grading and improvement plans and made conditions of the permit issuance. **DESCRIPTION OF REQUIREMENT:**

**GRADING PERMIT:** (Prior to approval of any grading and/or improvement plans, and issuance of any grading or construction permits).

Prior to construction, a Conditional Letter of Map Revision (CLOMR) is required to be processed through the County and FEMA for this project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The CLOMR does not revise an effective FEMA Flood Insurance Rate Map (FIRM), it indicates whether the project, if built as proposed, would be recognized by FEMA. A Letter of Map Revision (LOMR) issued by FEMA is required at record plan / as-build stage and is FEMA's modification to an effective FIRM.

Changes to effective maps shall be made in writing by the County Flood Plan Administrator / Director of Public Works, official designated by County Chief Executive Officer (CEO).

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

**85. BIO#13—TEMPORARY FENCING [PDS, FEE]**

**INTENT:** In order to prevent inadvertent disturbance to areas outside the limits of grading, 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 to areas 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, PPD] 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, PPD] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.

**86. BIO#14—RESOURCE AVOIDANCE [PDS, FEE X2]**

**INTENT:** In order to avoid impacts to migratory birds and raptors, including northern harriers, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), 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 within 300 feet of migratory bird and raptor nesting habitat, 300 feet of occupied owl burrows, and 900 feet of northern harrier nesting habitat during the breeding season within RRA as indicated on these plans. The breeding season is defined as occurring between February 1 and August 31. The Director of PDS [PDS, PPD] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that migratory birds or 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, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PPD] is received. The [PDS, PPD] shall review the concurrence letter.

**87. BIO#15-BURROWING OWL MONITORING [PDS, FEE X3]**

**INTENT:** In order to prevent inadvertent disturbance to burrowing owl, a pre-construction burrowing owl survey shall be conducted within the project area. **DESCRIPTION OF REQUIREMENT:** A County-approved biologist shall perform burrowing owl surveys within 72 hours of the start of any grading, clearing, and/or grubbing within and adjacent to the development area and the vicinity of any revegetation and restoration activities, including relocation sites. No disturbance may occur until concurrence on the survey result is received from the respective resource agencies (i.e. County, USFWS, and CDFW). If any active burrows are found, clearing shall not proceed until after consultation with County and Wildlife Agency staff, and implementation of any protective measures required. The burrowing owl pre-construction survey shall conform to the most current version of the [County of San Diego Report Format and Content Requirements: Biological Resources, including Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County](#). **DOCUMENTATION:** The Biological Monitor shall prepare written documentation that certifies that the burrowing owl survey has been completed and that burrowing owls have been avoided. **TIMING:** Prior to any clearing, grubbing, grading, or any land disturbances, this condition shall be completed and approved. **MONITORING:** The [DPW, PDCI] shall not allow any grading, unless a concurrence from the [PDS, PPD] is received. The [PDS, PPD] shall review the concurrence letter.

**88. PALEO-GR#1 - PALEONTOLOGICAL MONITORING**

**INTENT:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to PDS2008-3100-5549 (TM), a Paleontological Resources Grading

Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Paleontologist shall monitor during the original cutting of previously undisturbed deposits for the project, both on and off site, the Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#). **DOCUMENTATION:** The applicant shall have the contracted Project Paleontologist attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall attend the preconstruction conference and confirm the attendance of the approved Project Paleontologist.

**PRE-CONSTRUCTION GRADING AND/OR IMPROVEMENTS:** (Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)

**89. 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 Kumeyaay 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 Kumeyaay 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 Kumeyaay 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 Kumeyaay 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.

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

**90. 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 Kumeyaay 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 Kumeyaay 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 Kumeyaay Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.
- b. **Inadvertent Discoveries.** In the event that previously unidentified potentially significant cultural resources are discovered:
  1. The Project Archaeologist or the Kumeyaay 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 Kumeyaay 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 Kumeyaay 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 Kumeyaay 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 Kumeyaay 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 Kumeyaay Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.
- e. **Monthly Reporting.** The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

**DOCUMENTATION:** The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDC] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDC] shall contact the [PDS, PPD] if the Project Archeologist or applicant fails to comply with this condition.

**91. PALEO-GR#2 - PALEONTOLOGICAL MONITORING**

**INTENT:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to PDS2008-3100-5549 (TM), and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Grading Monitoring Program shall be implemented.

**DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall monitor during the original cutting of previously undisturbed deposits for the project, both on and off site. The Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with the following requirements during grading:

- a. If paleontological resources are encountered during grading/excavation, the following shall be completed:
  1. The Paleontological Resources Monitor shall have the authority to direct, divert, or halt any grading/excavation activity until such time that the sensitivity of the resource can be determined and the appropriate salvage implemented.
  2. The Monitor shall immediately contact the Project Paleontologist.
  3. The Project Paleontologist shall contact the Planning & Development Services immediately.
  4. The Project Paleontologist shall determine if the discovered resource is significant. If it is not significant, grading and/or excavation may resume.
- b. If the paleontological resource is significant or potentially significant, the Project Paleontologist or Paleontological Resources Monitor, under the supervision of the Project Paleontologist, shall complete the following tasks in the field:
  1. Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits;
  2. Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting; and
  3. Transport the collected specimens to a laboratory for processing (cleaning, curation, cataloging, etc.).

**DOCUMENTATION:** The applicant shall implement the grading monitoring program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Paleontologist is on-site performing the

monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Paleontologist or applicant fails to comply with this condition.

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

**92. 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. Archaeological Monitoring - 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 Monitoring - 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.

**C. Data Recovery Final Report.** A final data recovery report for the completion of the data recovery program as detailed in the archaeological extended study *Cultural Resources Survey and Test Report for the TM 5549 Project* (Appendix H) prepared by Dennis Gallegos (October 2012) shall be submitted for review and approval. The final study shall provide the results, analysis, and conclusions of the data recovery program for CA-SDI-10071.

**DOCUMENTATION:** The applicant shall submit the Archaeological Monitoring Report and the Final Data Recovery Report to [PDS, PPD] for review and approval. Once approved, a final copy of the reports 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), these reports shall be completed. **MONITORING:** [PDS, PPD] shall review the reports and/or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

**93. PALEO-GR#3 - PALEONTOLOGICAL MONITORING**

**INTENT:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2008-3100-5549 (TM), and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall prepare one of the following letters upon completion of the grading activities that require monitoring:

- a. If no paleontological resources were discovered, submit a “No Fossils Found” letter from the grading contractor to the [PDS, PPD] stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources.
- b. If Paleontological Resources were encountered during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

**DOCUMENTATION:** The applicant shall submit the letter report to the [PDS, PPD] for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading Final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the letter report shall be completed. **MONITORING:** The [PDS, PPD] shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

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

**94. BIO#16–OPEN SPACE SIGNAGE & FENCING [PDS, FEE]**

**INTENT:** In order to protect the onsite open space for PDS2008-3100-5549, fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences or walls, and open space signs shall be placed along the open space boundary as shown on these plans and the approved Conceptual Grading and Development Plan for PDS2008-3100-5549.

- 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: PDS2008-3100-5549

**DOCUMENTATION:** The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [PDS, PPD].  
**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, PPD] shall review the photos and statement for compliance with this condition.

**95. BIO#17–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 non-native grassland and jurisdictional features, and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exception(s) to this prohibition are:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPR and DPW. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the County of San Diego DEH.

**DOCUMENTATION:** The applicant shall provide a letter statement to the [PDS, PPD] 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.

**96. 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) 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.

**97. PALEO-GR#4 - PALEONTOLOGICAL MONITORING**

**INTENT:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2008-3100-5549 (TM), and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program if resources were encountered during grading. The report shall include the following:

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

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

**DOCUMENTATION:** The applicant shall submit the letter report to the [PDS, PPD] for review and approval. **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 final report shall be completed. **MONITORING:** The [PDS, PPD] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

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

**98. AQ#4—CONSTRUCTION ARCHITECTURAL COATINGS**

**INTENT:** In order to reduce emissions of volatile organic compounds (VOC).

**DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measure:

- a. The project shall use architectural coatings with a VOC content of 100 grams per liter (g/l) or less for exterior coatings and 50 g/l or less for interior coatings.

**DOCUMENTATION:** The applicant shall comply with the Air Quality requirements of this condition. **TIMING:** The following action shall occur throughout the duration of the construction activities involving the application of architectural coatings.

**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.

**99. CAP#1-California Air Pollution Control Officers Association Control Measure Compliance**

**INTENT:** In order to implement a sustainable project design that would minimize energy consumption and greenhouse gas emissions. **DESCRIPTION OF**

**REQUIREMENT:** As identified in the project's Greenhouse Gas Emissions Assessment, the project would implement project design features consistent with the control measures identified by the California Air Pollution Control Officers Association (CAPCOA):

**Building Envelope**

- a. The project will install modestly enhanced window insulation (0.4 U-factor, 0.32 SHGC)
- b. The project will install greatly enhanced cool roofs (CRRC Rate 0.35 aged solar reflectance, 0.75 thermal emittance)

#### **Indoor Space Efficiencies**

- c. The project will install enhanced heating/cooling duct insulation (R-8)
- d. The project will install improved efficiency HVAC (EER 14/78% AFUE or 8 HSPF)
- e. The project will install very high efficiency water heaters (0.92 Energy Factor)
- f. The project will design the building so that all peripheral rooms within the building have at least one window or skylight
- g. The project will install very high efficiency indoor lights (100% of in-unit fixtures are high efficiency)
- h. The project will install Star Commercial Refrigerators (new)

#### **Miscellaneous Building Efficiencies**

- i. The project will install solar ready roofs (sturdy roofs with electrical hookups)

#### **Irrigation and Landscaping**

- j. Only low water using plants would be included on-site as demonstrated by the project's landscaping plan
- k. The project will install weather-based irrigation control systems combined with drip irrigation (demonstrate 20 percent reduction in water use)

#### **Potable Water**

- l. The project will install water efficient toilets/urinals (1.5 gpm)
- m. The project will install water efficient faucets (1.28 gpm)

#### **Transportation Alternatives**

- n. The project will provide bicycle path linkages between project site and other land uses

**DOCUMENTATION:** The applicant shall comply with the requirements of this condition. **TIMING:** Prior to approval of any building plan or the issuance of any building permit, these design measures shall be implemented on the building plans and landscape plans. **MONITORING:** The [PDS, BPPR] shall make sure that the sustainable design measures are implemented on all building plans for the project.

### **100. CAP#2-County Climate Action Plan Satisfaction**

**INTENT:** The project shall include the following features. **DESCRIPTION OF REQUIREMENT:** The project shall implement or install the following measures or features.

- a. **Measure 6:** Reduce Outdoor Water Use. The project would submit a Landscape Document Package that is compliant with the County's Water Conservation in Landscaping Ordinance that demonstrates a 40 percent reduction in current MAWA for outdoor use.

No other measures identified in the CAP Checklist would apply to the project.

**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.

#### 101. 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.

#### 102. LNDSCP#2–CERTIFICATION OF INSTALLATION

**INTENT:** In order to provide adequate Landscaping that complies with the East Otay Mesa Business Park Specific Plan, and to comply with the COSD Water Efficient Landscape Design Manual, the COSD Water Conservation in Landscaping Ordinance (10675), the COSD Grading ordinance, and the requirements of the East Otay Mesa Business Park Specific Plan, 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.

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

1. The Tentative Map is consistent with all elements of the San Diego County General Plan and with the Specific Plan Area Land Use Designation of the East Otay Mesa Specific Plan within the Otay Subregional Plan because it proposes a subdivision of land and future development will be subject to comply with the provisions of the State Subdivision Map Act and the Subdivision Ordinance of the San Diego County Code;
2. The Tentative Map is consistent with The Zoning Ordinance because it proposes eight new lots that meet the minimum lot size requirements, ranging from 1.5 acres to 48.5 acres in the Technology Business Park and Conservation/Limited Use designations;
3. The design and improvements of the proposed subdivision are consistent with all elements of the San Diego County General Plan and with the Otay Subregional Plan, and comply with the provisions of the State Subdivision Act and the Subdivision Ordinance of the San Diego County Code;
4. The site is physically suitable for the subdivision because the open space easement lots are located in an existing open space area, and the lots located in the Technology Business Park area are appropriately sized to support commercial and industrial development;
5. The site is physically suitable for the proposed subdivision because all public facilities are available to serve the subdivision. The project has received service availability forms for water, sewer, schools and fire.
6. The design of the subdivision and the type of improvements will not cause public health problems because adequate water supply and sewage disposal services have been found to be available or can be provided concurrent with need;
7. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings of CEQA Section 15162 & 15164 addendum, dated September 18, 2020, to a previously certified Environmental Impact Report dated July 27, 1994;
8. The design of the subdivision or the type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision, as defined under Section 66474 of the Government Code, State of California; and

The division and development of the property in the manner set forth on the approved Tentative Map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;

9. The discharge of sewage waste from the subdivision into the San Diego County Sanitation sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6;
10. Because adequate facilities and services have been assured and adequate environmental review and documentation have been prepared, the regional housing opportunities afforded by the subdivision outweigh the impacts upon the public service needs of County residents and fiscal and environmental resources; and
11. Determinations and findings pursuant to the California Environmental Quality Act, the Resource Protection Ordinance, and the Watershed Protection, Stormwater Management, and Discharge Control Ordinance have been made by the Planning Commission.

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

**County Subdivision Ordinance to permit:**

1. County Subdivision Ordinance Section 81.401(i) requires that lot shall be designed so the lot is at least 90 feet deep and the average lot depth, excluding any areas encumbered by any open space, drainage, flood control or right-of-way easement, shall not be greater than three times the average lot width. Lot 1 has a ratio of 3.34:1, which is greater than that which is allowed. Due to the large size of the lot and access from Vann Center Boulevard, staff supports the applicants request for a waiver pursuant to Subdivision Ordinance Section 81.308(a)(1).

**MAP PROCESSING REQUIREMENTS:** The final map shall comply with the following processing requirements pursuant to the [Sections 81.501 through 81.517 of the Subdivision Ordinance](#) and the [Subdivision Final Map Processing Manual](#).

- The Final map shall show an accurate and detailed vicinity map.
- The Basis of Bearings for the Final Map shall comply with [Section 81.507 of the Subdivision Ordinance](#).
- Prior to the approval of the Final Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Final Map report from a qualified title insurance company.

- The following notes shall appear on the Final Map:
- All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision required by [Section 81.401\(m\) of the Subdivision Ordinance](#).
  - At the time of recordation of the Final Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.
  - The public and private easement roads serving this project shall be named. The responsible party shall contact the Street Address Section of Planning & Development Services (858-694-3797) to discuss the road naming requirements for the development. Naming of the roads is necessary for the health and safety of present and future residents.

**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 \(RWQCB\)](#) 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.

**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), noise generating equipment and project related noise sources associated with the future use and discretionary actions shall be subject to further noise evaluation. The owner or applicant of the project shall demonstrate that the proposed project complies with the sound level limits pursuant to the Noise Ordinance Section 36.404 and the General Plan Noise Elements.

**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 exceed 200 cubic yards of excavation or eight feet (8') of cut/fill per criteria of [Section 87.201 of the County Code](#).

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

**ENCROACHMENT PERMIT REQUIRED:** An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. Linea Del Cielo (ME Route # SC 1524/S-8) is shown as a 2.2F Light Collector 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.

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

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

<b>EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS</b>			
<b>Planning &amp; Development Services (PDS)</b>			
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 days after adoption of this Resolution, these findings and conditions may be appealed in accordance with [Section 81.310 of the Subdivision Ordinance](#) and as provided in Section 66452.5 of the Government Code. An appeal shall be filed with the appellant body and/or the Board of Supervisors within TEN CALENDAR DAYS of the date of this Resolution AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT’S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. No Final Map shall be approved, no grading permit issues, and no building permits for model homes or other temporary uses as permitted by Section 6116 of the Zoning Ordinance shall be issued pursuant to said Tentative Map until after the expiration of the 10th day following adoption of this Resolution, or if an appeal is taken, until the appeal board has sustained the determination of this advisory body. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of adoption of this Resolution.

ON MOTION of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, this Resolution is passed and approved by the Planning Commission of the County of San Diego, State of California, at a regular meeting held on this \_\_\_\_\_ day of \_\_\_\_\_, in Planning & Development Services Conference Center Hearing Room, 5520 Overland Avenue, San Diego, California, by the following vote:

AYES:

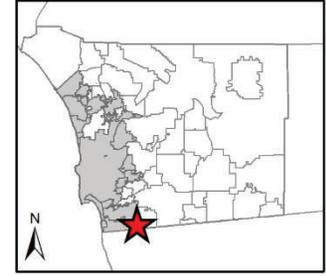
NOES:

ABSENT:

**Attachment C –  
PLANNING DOCUMENTATION**

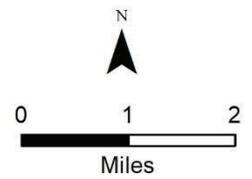
International Industrial Park  
 PDS2008-3100-5549  
 Vicinity Map

Otay  
 Subregional Plan Area

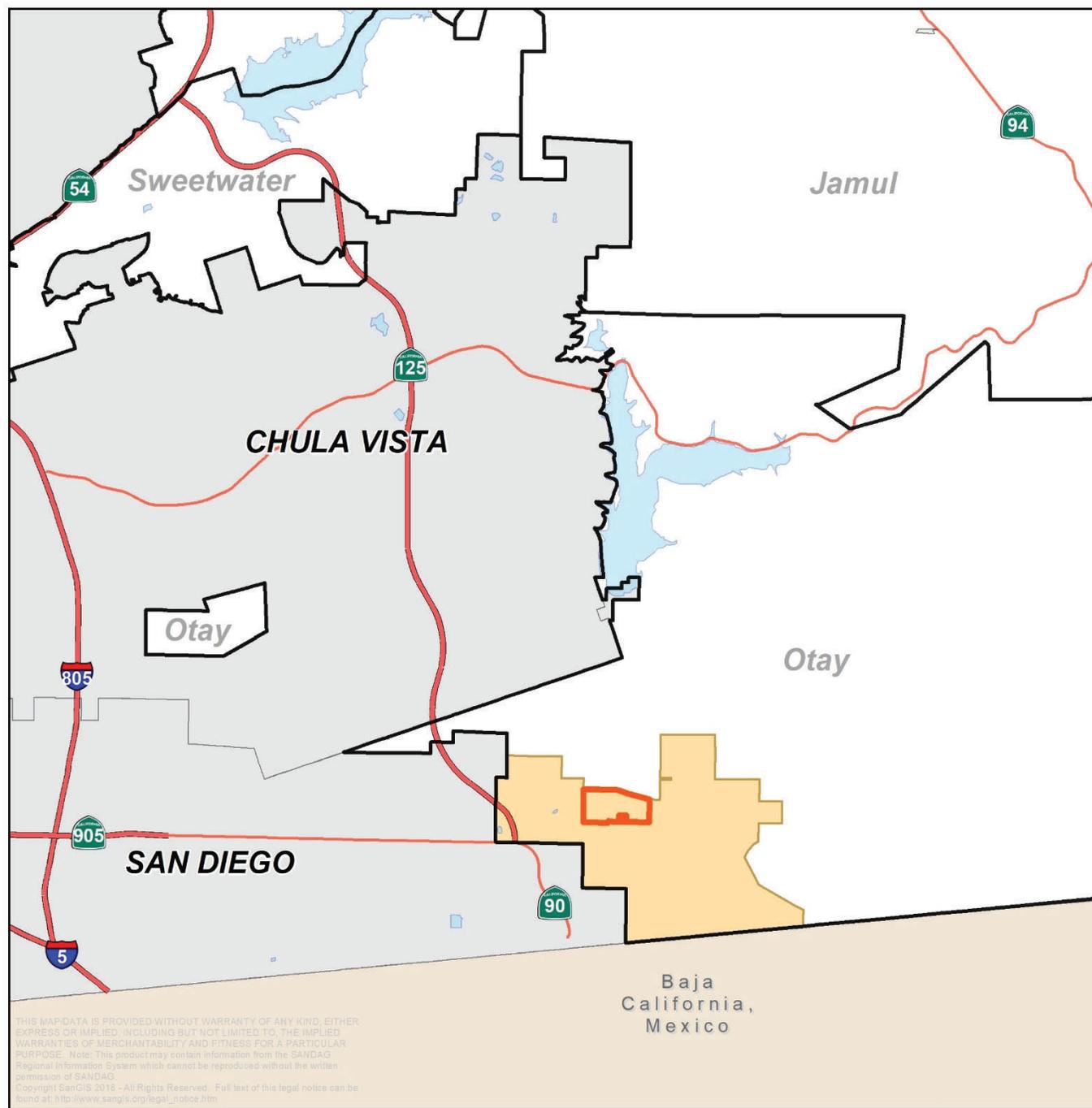


1:3,500,000

	Site
	East Otay Mesa SPA



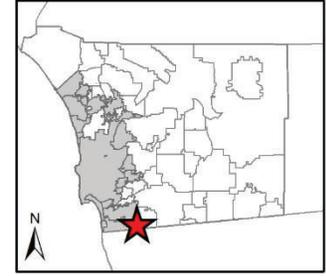
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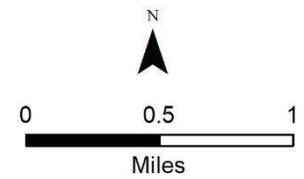
International Industrial Park  
 PDS2008-3100-5549  
 Vicinity Map

Otay  
 Subregional Plan Area

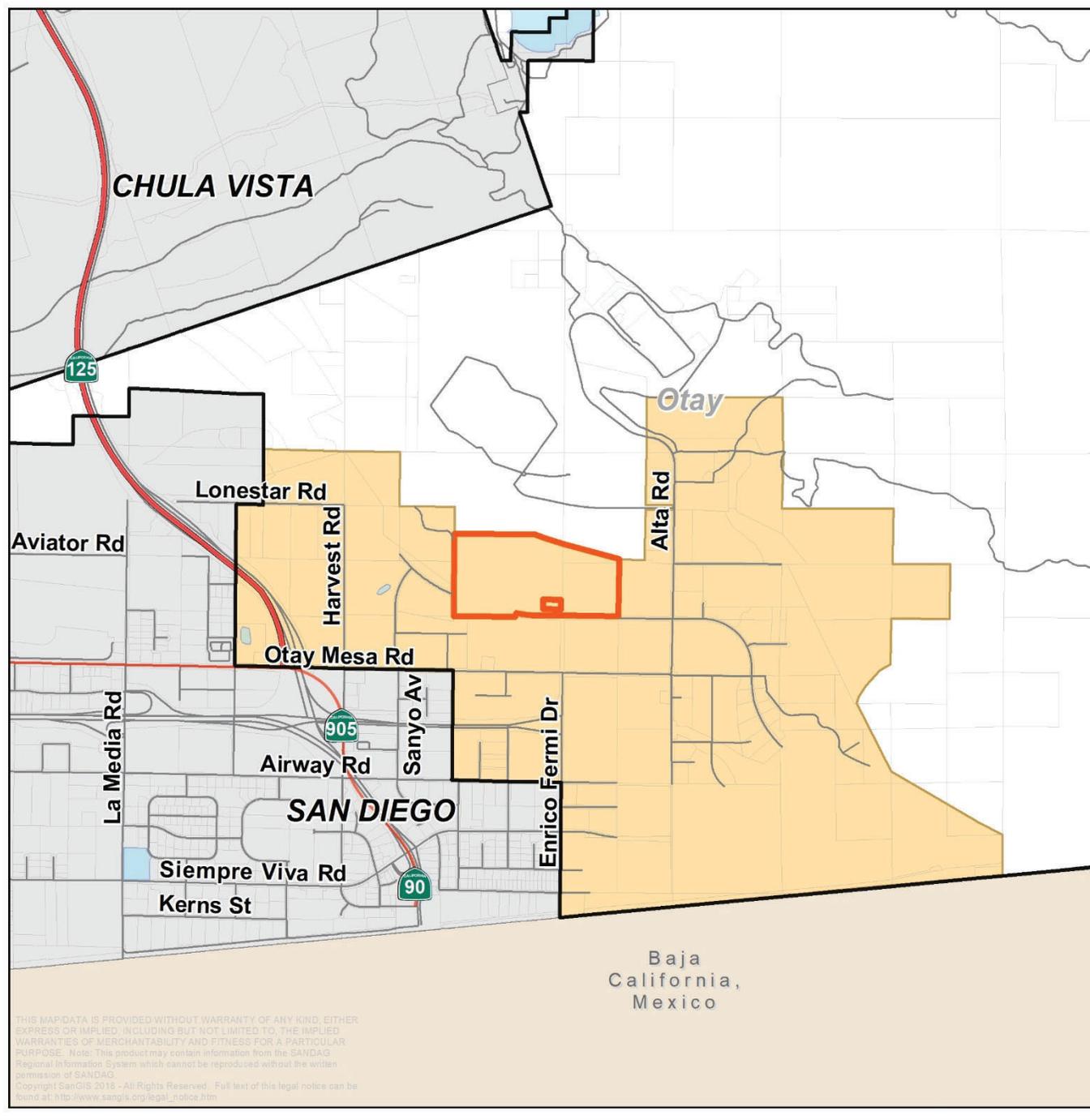


1:3,500,000

	Roads
	Site
	East Otay Mesa SPA
	Parcels



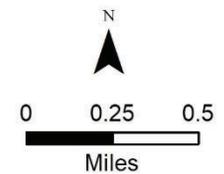
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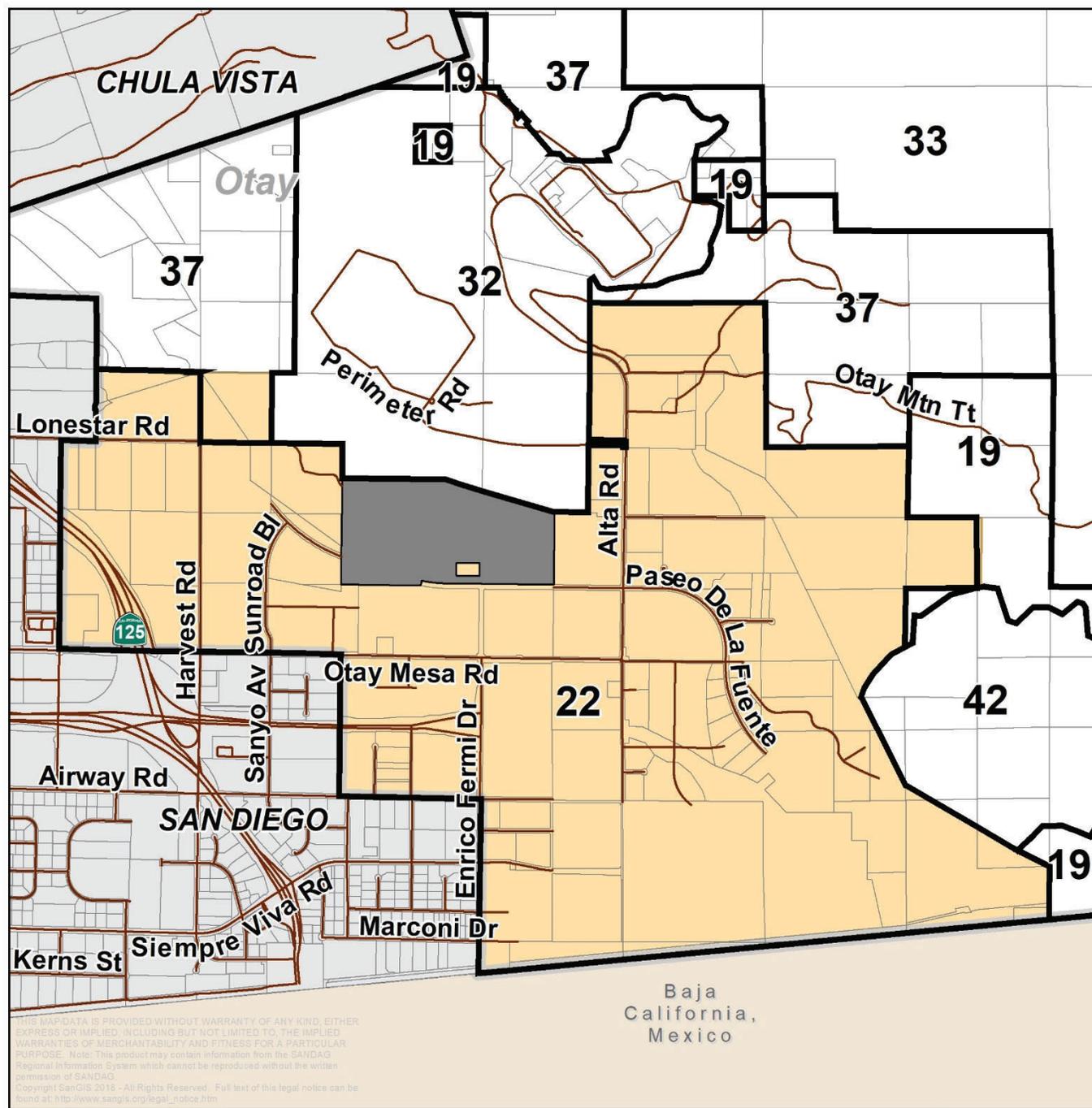
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International Industrial Park  
 PDS2008-3100-5549  
 General Plan  
 Otay  
 Subregional Plan Area

- (19) Rural Lands (RL-40)
- (22) Specific Plan Area
- (32) Public/Semi-Public Facilities
- (33) Public Agency Lands
- (37) Open Space (Conservation)
- (42) Public/Semi-Public Facilities  
(Solid Waste Facility)



Date: 8/19/2020  
 Path: P:\reg\2008-3100-5549\_081220\plan.mxd



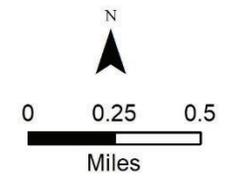
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International Industrial Park  
 PDS2008-3100-5549  
 Zoning  
 Otay  
 Subregional Plan Area

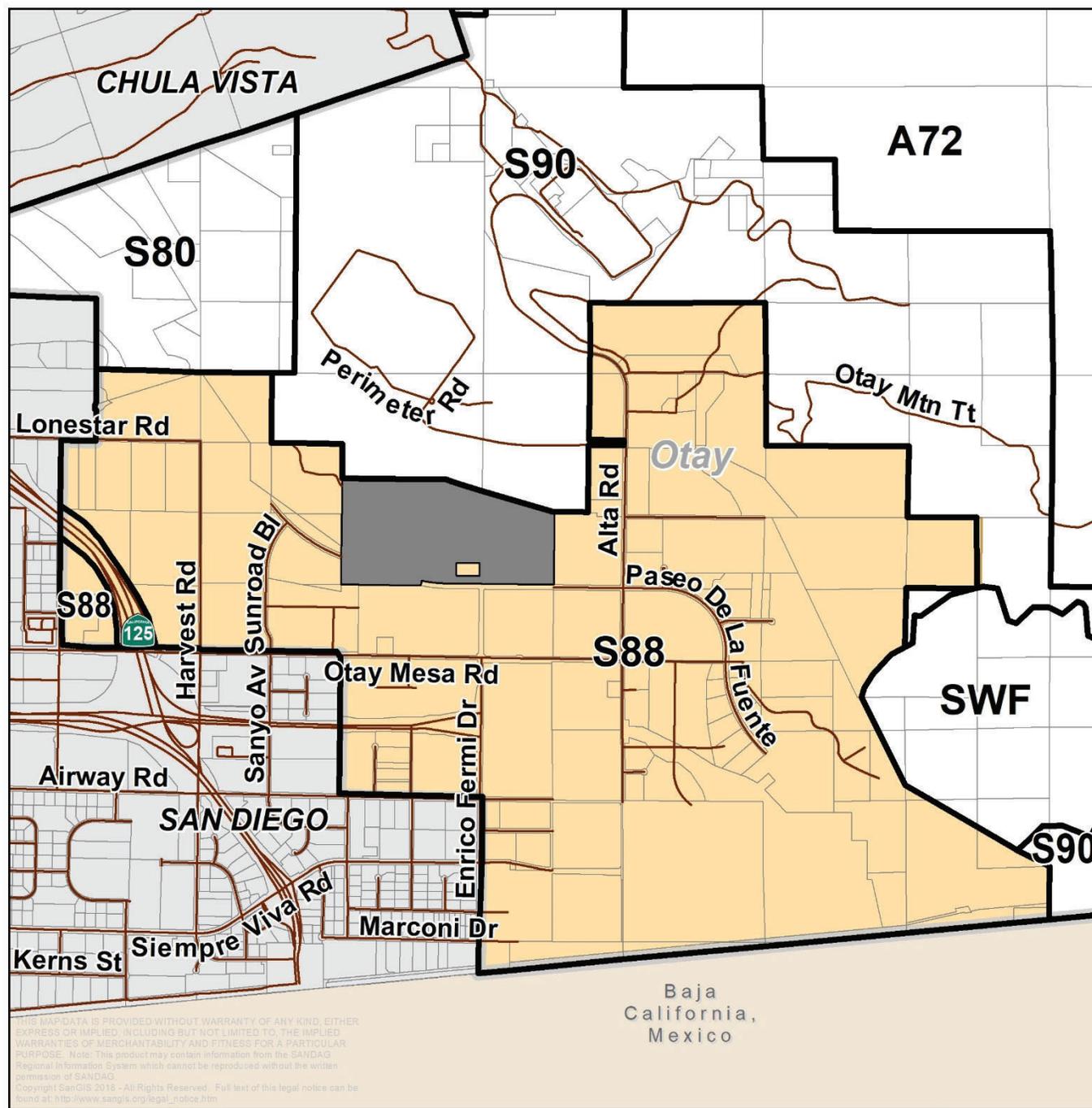
- A72 - General Agricultural
- S80 - Open Space
- S88 - Specific Planning Area
- S90 - Holding Area
- S94 - Transportation/Utility Corridor
- SWF - Solid Waste Facility

Legend:

- Roads
- Site
- Parcels
- Zoning
- East Otay Mesa SPA



Date: 8/19/2020  
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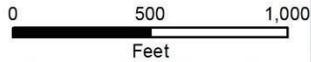
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International Industrial Park  
PDS2008-3100-5549

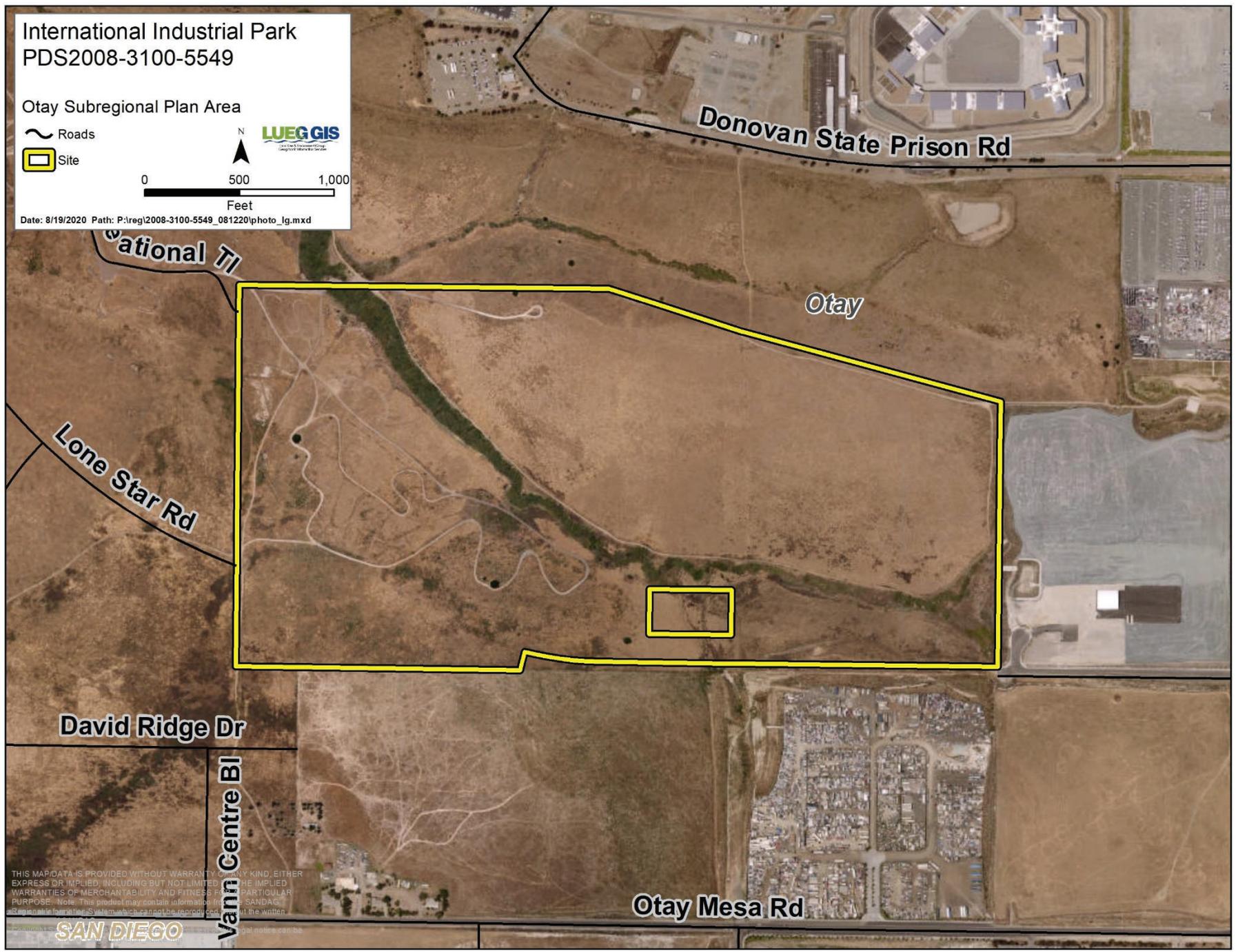
Otay Subregional Plan Area

~ Roads

□ Site



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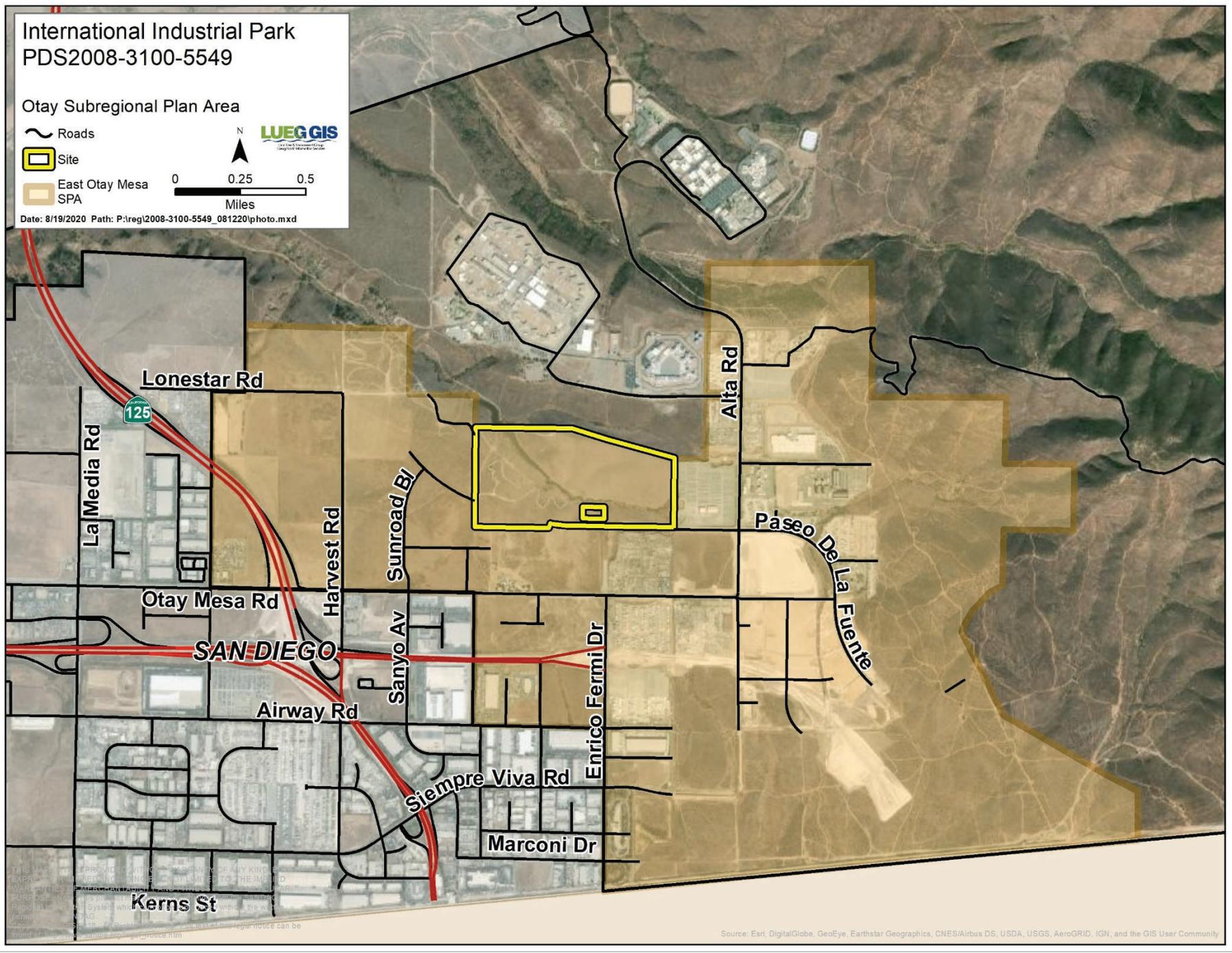
International Industrial Park  
PDS2008-3100-5549

Otay Subregional Plan Area

~ Roads  
□ Site  
East Otay Mesa SPA

LUFGIS  
Landscape Urban Form and Geospatial Information Systems  
San Diego Metropolitan Service

Date: 8/19/2020 Path: P:\reg\2008-3100-5549\_081220\photo.mxd



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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

International Industrial Park  
PDS2008-3100-5549

Otay Subregional Plan Area

~ Roads

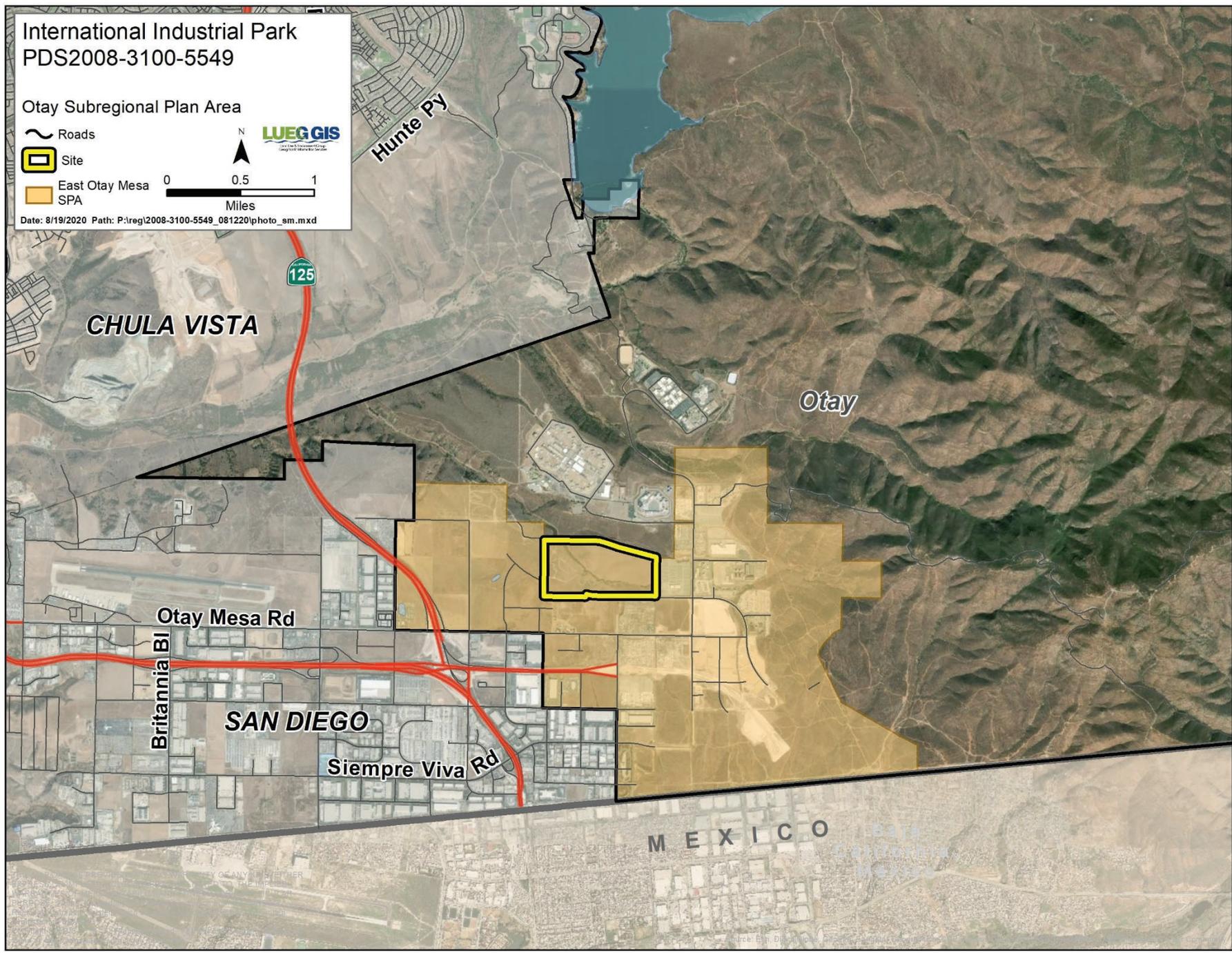
□ Site

East Otay Mesa SPA

0 0.5 1 Miles

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**LUFGIS**  
Landscape Use Forecasting  
Geographic Information System



International Industrial Park  
PDS2008-3100-5549

Otay Subregional Plan Area

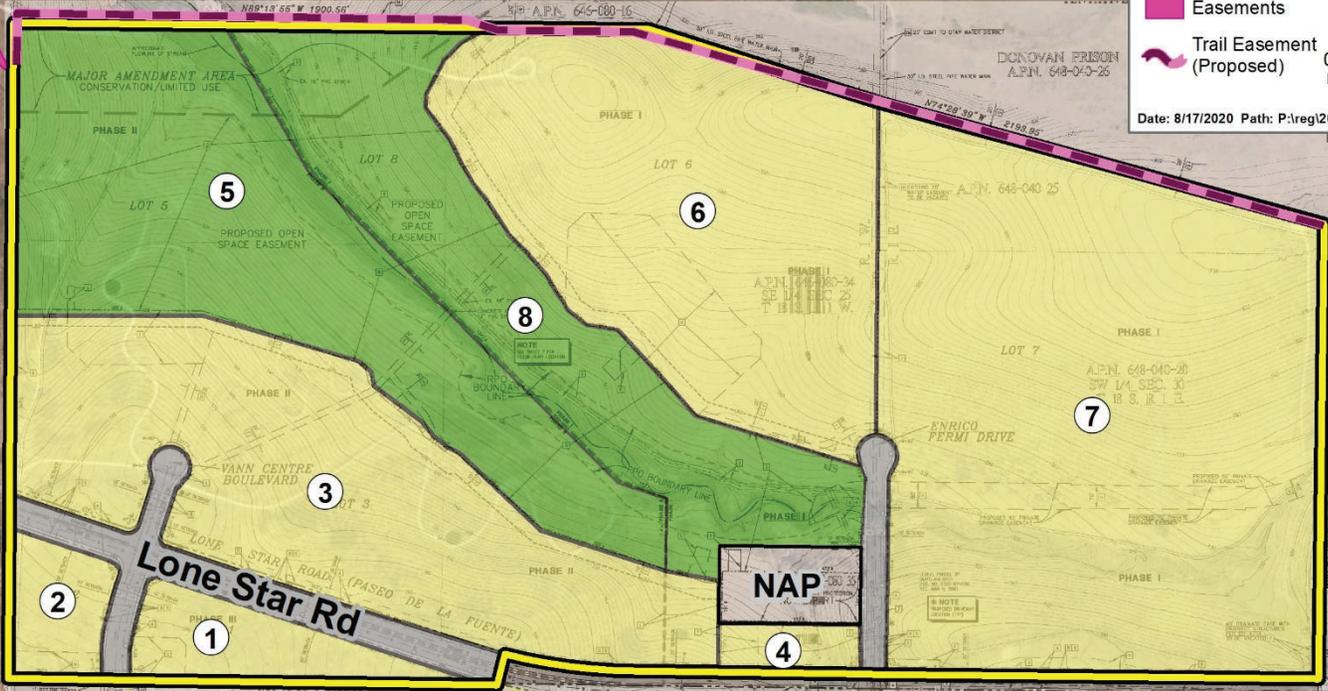
 Site

 Easements

 Trail Easement (Proposed)

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Feet

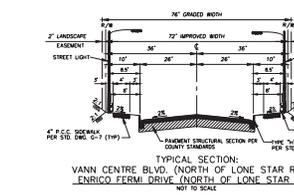
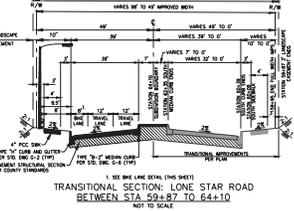
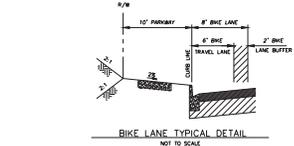
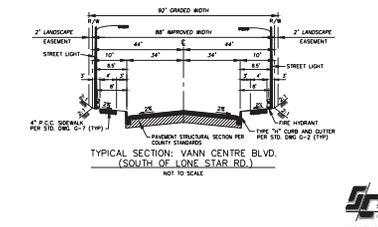
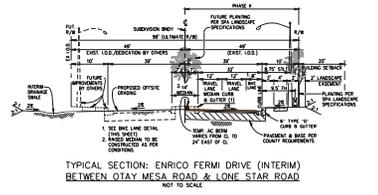
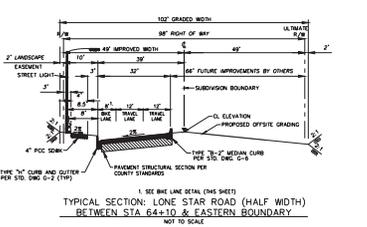
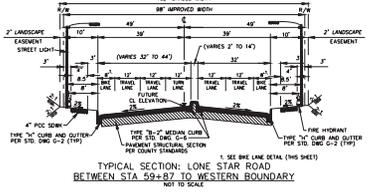
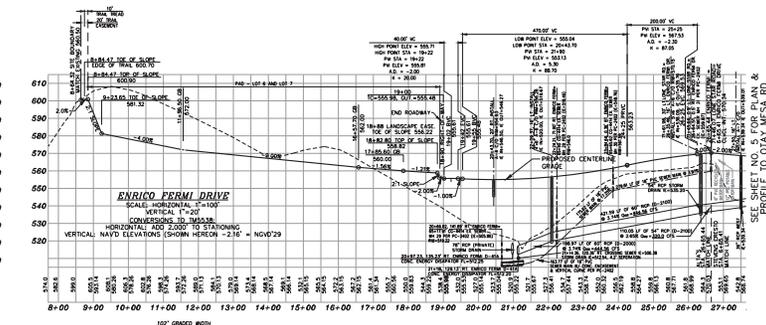
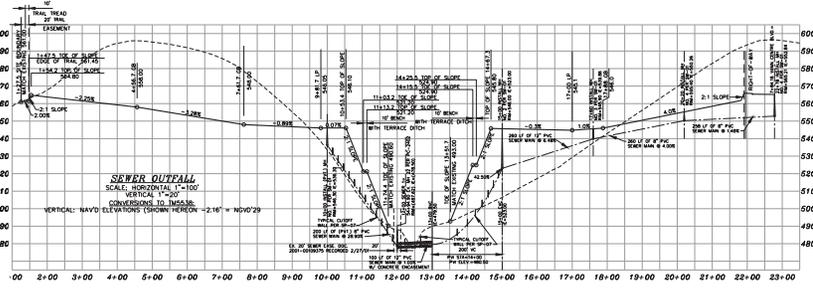
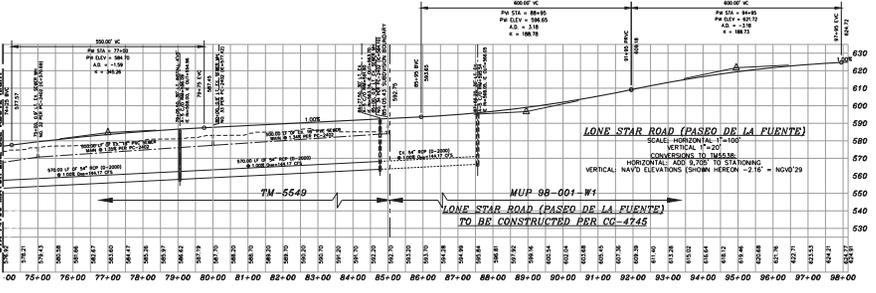
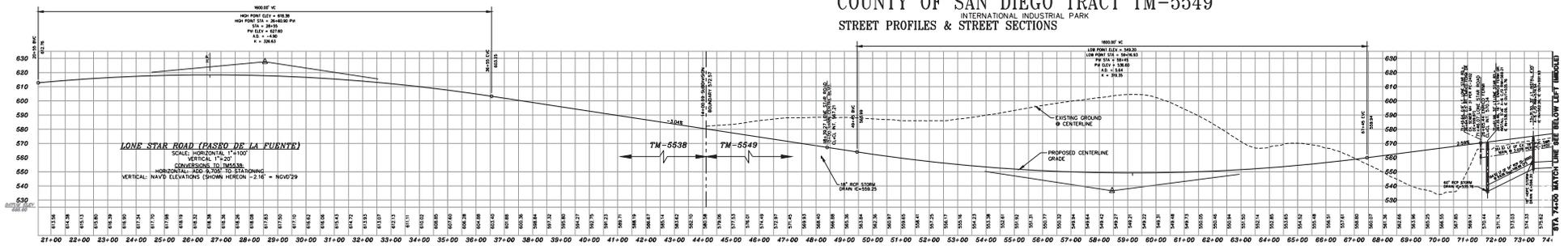
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Otay Mesa Rd

COUNTY OF SAN DIEGO TRACT TM-5549  
INTERNATIONAL INDUSTRIAL PARK  
STREET PROFILES & STREET SECTIONS



**TENTATIVE MAP 5549**  
INTERNATIONAL INDUSTRIAL PARK  
DATE: 9/3/20  
SHEET 4 OF 9  
RECORD NO. PG2008-3100-5549  
ENV. LOG NO. PG2008-3910-931008PT

2-94

# International Industrial Park, Inc.

March 17, 2020

Mr. Nick Gustafson  
Land Use / Environmental Planner 3  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

**RE: East Otay Mesa Specific Plan Amendment**

Nick:

In response to Comment 4-59 of PDS 2008-3100-5549 comment response letter, International Industrial Park, Inc. ("IIP") formally requests a waiver to Sec. 81.401. (i) of the Subdivision Ordinance requiring a maximum 3:1 lot depth to width ratio. Lot 1 of TM 5549 cannot be redesigned as it is defined by Specific Plan roads, specifically Lone Star Road, and the existing property boundary.

Thank you for your consideration,

Fiona McKenna  
(858) 362-8701

# Memorandum

Date

To : Facilities Asset Management Branch (FAMB)  
Real Estate & Land-Use Management Section (RELMS)

Subject: **REQUEST FOR CDCR CONTROLLED REAL PROPERTY USE**

The Richard J Donovan Correctional Facility (RJDCF) has received a request from SD Commercial LLC (SD) requesting access to State Prison Property on the southern boundary. SD is requesting 20-foot equestrian trail easement within the current Otay Water District 30-foot easement on the southern boundary.

By way of this memo, the RJD staff has vetted this request to ensure there is no threat to security and the requested use does not adversely impact or interfere with the RJD standard business operation or the security and safety of staff, the public and inmates. The Warden acknowledges the request and approves the project.

I have attached a copy of the proposed Equestrian trail alignment and the Otay Water District Easement from DGS. If you have any questions please contact me at via telephone at (619) 661-7852.

Thank you,



SCOTT STEADMAN  
Correctional Plant Manager II

Attachments  
Otay Water District Easement  
Equestrian trail placement  
Map showing Southern Boundary

---

Please check one:

APPROVED       DISAPPROVED

Signed by:   
PATRICK COVELLO, Warden (A)

Date: 2/11/9

W.O. NO. \_\_\_\_\_

2 - 97

1966 MAR 10 AM 11:05

RECORDING REQUESTED BY  
AND AFTER RECORDATION,  
MAIL TO:

Otay Water District  
10595 Jamacha Boulevard  
Spring Valley, California 92078

VERA L. LYLE  
COUNTY RECORDER

**NO FEE**

Documentary Transfer Tax: None.

EAS 85-005

APN 648-040-26  
APN 646-080-16

*KBS. 346.02*

**GRANT OF EASEMENT OF RIGHT-OF-WAY TO  
OTAY WATER DISTRICT**

For good and valuable consideration, receipt of which is hereby acknowledged, the undersigned STATE OF

CALIFORNIA, by and through its Director of the Dept. of General Services, as Grantor(s) hereby GRANT(S) to OTAY WATER DISTRICT, a municipal water district formed under the Municipal Water District Law of 1911, as amended, situated in the County of San Diego, State of California, as Grantee, a permanent easement of right-of-way 30/50/10 feet in width for the purpose of laying underground water pipelines and laterals, main sewer lines, sewer trunk lines, collection lines and laterals, sewer manholes and other underground and surface structures appurtenant to said water and sewer lines, including but not limited to power lines for transmission and communication purposes, pumps, regulators, valves and access roads within said easement, hereinafter referred to as "said facilities," together with the right to construct, operate, maintain, repair and replace said facilities, and the right of ingress and egress for such purposes. Said easement is described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Grantor reserves the right to use said land at Grantor's own risk for any and all purposes not conflicting, interfering or inconsistent with Grantee's use of said facilities. Grantor waives any right under Civil Code section 845, and any right to compel Grantee to grade, surface or otherwise improve or maintain said easement area as a roadway.

Grantor shall not increase or decrease or permit to be increased or decreased the ground elevations of said easement existing at the time this document is executed, nor construct or permit to be constructed any permanent building, structures, improvements or other encroachment upon said easement, without previous written consent of the Grantee. Grantor shall not cause or permit any excavation adjacent to said easement which will cause damage to or threaten the safety of any of said facilities of Grantee placed within the easement.

Grantee may remove from the easement any building, structure, improvement or other encroachments thereon conflicting, interfering or inconsistent with its use for the purposes hereby granted. Grantee shall have the right to install its own gates and locks in all fences which now cross or may hereafter cross said easement.



CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant dated 2/20/86 from STATE OF CALIFORNIA, by and through its Director of the

Department of General Services to OYAY WATER DISTRICT, a political corporation and/or governmental agency, is hereby accepted by order of the Board of Directors pursuant to the authority conferred by Resolution No. 1829, adopted on February 23, 1981, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: 3/5/86

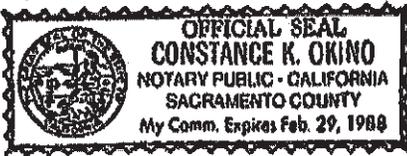
By: Mitchell Kotoff, District Secretary

STATE OF CALIFORNIA )
COUNTY OF SACRAMENTO ) ss.

On this 19th day of February, 1986, before me, the undersigned, a Notary Public in and for the State of California, personally appeared JOHN R. HEALY

personally known to be or proved to me on the basis of satisfactory evidence to be the person who executed this instrument as Senior Land Agent of the Office of Real Estate Services, Dept. of General Services of the State of California, and acknowledged to me that the State of California executed it.

WITNESS my hand and official seal.

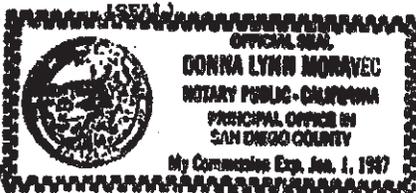


Constance K. Okino
CONSTANCE K. OKINO
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

STATE OF CALIFORNIA )
COUNTY OF SAN DIEGO ) ss.

On this 5th day of March, in the year 1986, before me, a Notary Public in and for said County and State, personally appeared Eugene E. Haden and Mitchell Kotoff

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument as President and Secretary, respectively of the Oyay Water District and acknowledged to me that the said public corporation, agency or political subdivision executed it.



Donna Lynn Moravec
Notary Public in and for said County and State

PARCEL 4

2 - 99

Parcel 4 being a 30.00 foot wide strip of land lying 30.00 feet south of the following described line:

Commencing at the terminus of Parcel 1 above; thence North  $0^{\circ}23'05''$  East along the West line of said Northeast quarter of Section 25 a distance of 680.13 feet to the TRUE POINT OF BEGINNING; thence North  $89^{\circ}21'34''$  West, 1341.13 feet to a terminus. (Containing 0.92 acres more or less)

Also a temporary construction easement 70.00 feet wide lying Northerly and adjacent to the Northerly line of said Parcel 4 above. Said temporary easement shall terminate August 1, 1986.

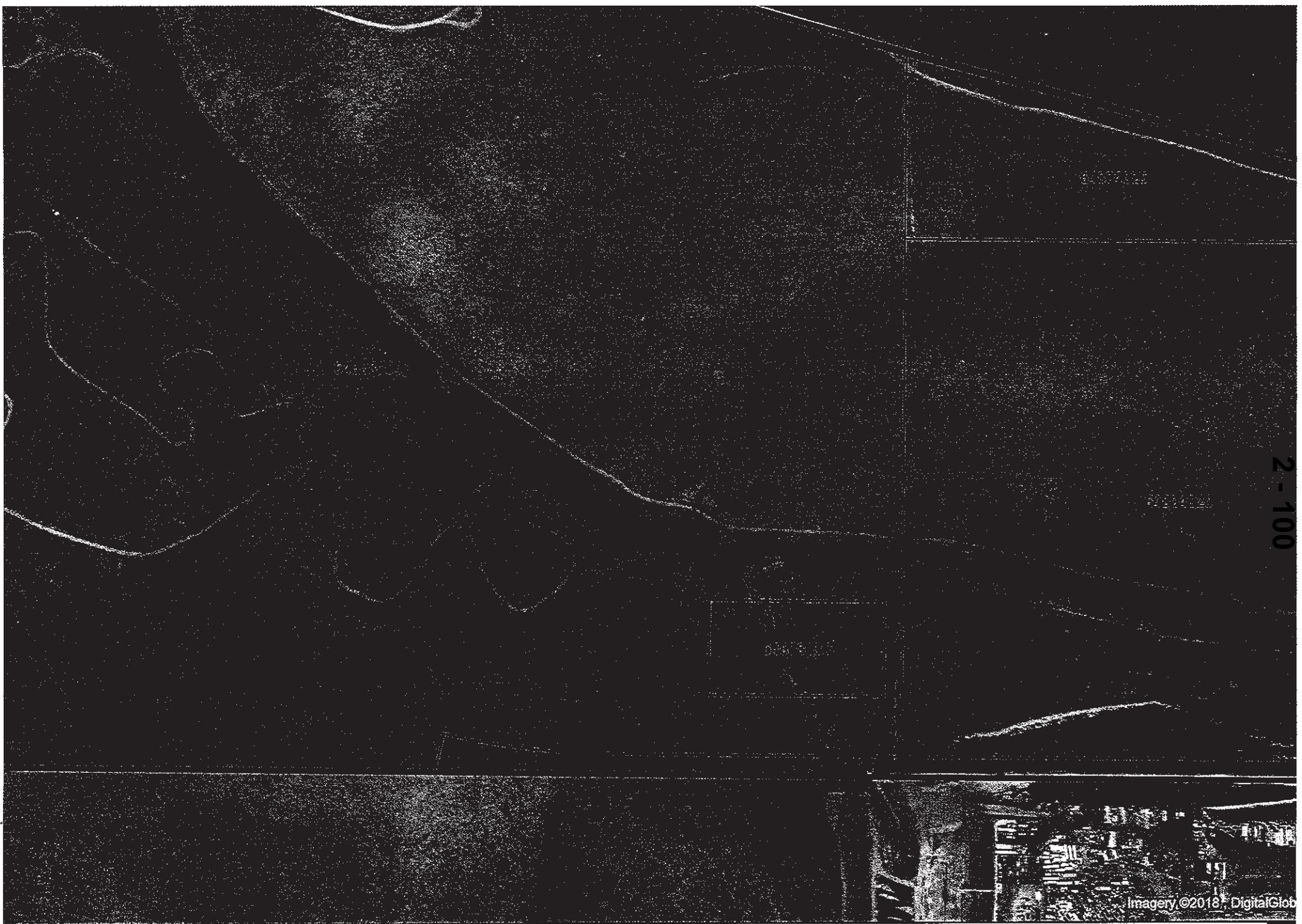
PARCEL 5

Parcel 5 being a temporary construction easement 70.00 feet wide described as follows:

The East 70.00 feet of the North 2200.00 feet of the Northeast quarter of said Section 25. Said temporary easement shall terminate August 1, 1986.

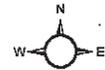
Otay Prison Site/Water/W.O. 1523/RAO

2 - 100



Imagery ©2018, DigitalGlobe

Source: Google







<input checked="" type="checkbox"/>	Co	APN	Owner	S Street Address	S City State Zip
<input checked="" type="checkbox"/>	1	SDX 646-080-16-00	STATE OF CALIFORNIA		SAN DIEGO CA 92154
<input checked="" type="checkbox"/>	2	SDX 646-080-34-00	INTERNATIONAL INDUSTRIAL PARK INC	OTAY MESA RD	SAN DIEGO CA 92154
<input checked="" type="checkbox"/>	3	SDX 646-080-26-00	SUNROAD OTAY PARTNERS L P	LONE STAR RD	SAN DIEGO CA 92154
<input checked="" type="checkbox"/>	4	SDX 646-080-27-00	SUNROAD OTAY PARTNERS L P	LONE STAR RD	SAN DIEGO CA 92154
<input type="checkbox"/>	5	SDX 646-040-25-00	COUNTY OF SAN DIEGO	OTAY LAKES RD	SAN DIEGO CA 92154
<input checked="" type="checkbox"/>	6	SDX 648-040-25-00	INTERNATIONAL INDUSTRIAL PARK INC		SAN DIEGO CA 92154
<input checked="" type="checkbox"/>	7	SDX 648-040-20-00	RANCHO VISTA DEL MAR		SAN DIEGO CA 92154

**Attachment D –  
ENVIRONMENTAL DOCUMENTATION**



# County of San Diego

**MARK WARDLAW**  
DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
(858) 505-6445 General • (858) 694-2705 Codes • (858) 565-5920 Building Services  
www.SDCPDS.org

**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

**September 18th, 2020**

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

### **FOR PURPOSES OF CONSIDERATION OF International Industrial Park PDS2008-3100-5549 Log No. PDS2008-3910-9319006FF**

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

#### 1. Background on the previously certified EIR:

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

Furthermore, the following addenda and associated determinations were reviewed:

- a. Addendum #1 dated January 13, 1999; SPA 98-002; Log No. 93-19-016; was approved by the County of San Diego Board of Supervisors on January 13, 1999 (4). This addendum allowed for the sales of gasoline in land use areas as Support Commercial.
- b. Addendum #2 dated July 1, 1999; GPA 99-CE; Log No. 93-19-006 was approved by the Board of Supervisors on December 15, 1999 (2). This addendum added Highway SR-11 to the County Circulation Element.
- c. Reliance on the existing EIR

- with no modification was approved by the Planning Commission on June 20, 2000, for the East Otay Mesa Truck Travel Plaza; P98-024; Log No. 98-19-020.
- c. Reliance on the existing EIR with no modification was approved by the Planning Commission on June 20, 2000, for the East Otay Mesa Truck Travel Plaza; P98-024; Log No. 98-19-020.
  - d. Addendum #3 dated June 21, 2000; Log No. 93-19-006; approved by the adoption of Interim Ordinance No. 9226 restricting certain uses within the East Otay Mesa Specific Plan.
  - e. Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on July 26, 2000 (4); adoption of Ordinance No. 9235 approved the first extension of Interim Ordinance No. 9226. Used Addendum #3 (dated June 21, 2000) as the environmental document.
  - f. A Supplemental EIR dated December 15, 2000 was approved by the Planning Commission on December 15, 2000, for the Sun Road Centrum project; TM 5139RPL6; Log No. 93-19-013.
  - g. Addendum #4 dated March 12, 2001 was approved by the Board of Supervisors on April 3, 2001. This project approved an agreement with PG&E Generating Company for acquisition and dedication of sewer easement. On May 1, 2001, the Board of Supervisors adopted Resolution 01-027 consenting to acquisition of easements by means of eminent domain.
  - h. Addendum #5 dated February 23, 2001 was approved by the Zoning Administrator on May 1, 2001. This addendum was for the Burke Truck Parking and Storage project; ZAP 99-029; Log No. 99-19-016.
  - i. Reliance on the existing EIR for adoption of Ordinance No. 9344 was approved by the County of San Diego Board of Supervisors on June 13, 2001 (5), amending and extending the Interim Ordinance No. 9226 as previously amended by Ordinance No. 9235. Used Addendum #3 (dated June 21, 2000) as the environmental document.
  - j. Addendum #6 dated March 28, 2002 was approved the Board of Supervisors on June 12, 2002 (4), for the Amendment to the East Otay Mesa Specific Plan. The purpose of the amendment was to update the land use plan and permit processing requirements and split the Specific Plan Area into Subareas 1 and 2. SPA 00-005; GPA 02-CE1; Log No. 93-19-006A. Documents associated with this project are on the "East Otay Mesa Specific Plan" CD.
  - k. Reliance on the existing EIR with no modification was approved by the County of San Diego Director of Planning and Land Use on December 4, 2002, for the PG&E Subdivision, TPM 20570Rp13, Log No. 00-19-027. The project split a 79-acre parcel into 3 parcels having 22.67, 46.02, and 13.10 acres, respectively. Parcel 2 (46.02 acres) was the location for the Otay Mesa Generating Project certified by the California Energy Commission on April 23, 2001.

- I. Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on July 9, 2003, for East Otay Auto Storage, POO-012, Log No. 00-19-007. The project was for an insurance auto auction and storage yard.
- m. Addendum #7 dated March 4, 2003 was approved by the Planning Commission on April 11, 2003 for the Revised Tentative Map for the Sunroad Tech Centre project, TM 5139RPL6R2, ER 98-19-013A. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6) and the Supplemental EIR for the Sunroad Tech Centre Tentative Map, TM 5139RPL6, Log No. 93-19-013.
- n. Reliance on the existing EIR with no modification was approved by the Director of Planning and Land Use on October 2, 2003 for TPM 20701, ER #93-19-006A, Burke. The project is a minor subdivision of 39.31 gross acres into four parcels of 9.48,9.37,8.80 and 11.66 acres each.
- o. Reliance on the existing EIR with no modification was approved by the County of San Diego Director of Public Works on January 28, 2004, for East Otay Mesa Parcel B Grading Plan, L14456. The grading plan was for the grading of a 20.68 acre pad for future development.
- p. Reliance on the existing EIR with no modification was approved by the County of San Diego Director of Planning and Land Use on April 16, 2004 for Otay Mesa Property, LP/D&D Landholdings Boundary Adjustment/Certificate of Compliance BC 02-0150, Log No. 02-19-020. The Boundary Adjustment changed the boundaries of four existing parcels (APNs 648-040-21, 22 and 648-050-15,16) to create more marketable parcels for future development pursuant to the East Otay Mesa Specific Plan.
- q. Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on February 2,2005 (4) for an amendment to the East Otay Mesa Specific Plan (SPA 04-002), Log No. 93-19-0060, approved by Resolution No. 05-11. The Environmental Review Update Checklist Form was dated November 24, 2004. The Specific Plan Amendment revised the public landscaping requirements for Subarea 1 to improve safety.
- r. Addendum #8 dated May 20, 2005 was approved by the Planning Commission on June 24, 2005 for Otay Mesa Auto Transfer, Major Use Permit P03-001, ER 93-19-006C. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- s. Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on November 2, 2005 (3) for an Amendment to the East Otay Mesa Specific Plan (SPA 05-005, Log No. 93-19-006U), approved by Resolution No. 05-216. The Environmental Review Update Checklist Form was

dated August 8, 2005. The Specific Plan Amendment revised the parking requirements in Subarea 1 to conform to the standards in place for Subarea 2.

- t. Reliance on the existing EIR with no modification was approved by the Director of Planning and Land Use on December 2, 2005 for a boundary adjustment and certificate of compliance for the Pilot Travel Center (BC 05-0118, Log No. 93-19-006V).
- u. Addendum #9 dated January 31, 2006 was approved by the Planning Commission on March 10, 2006 for the Dillard and Judd Roll County Tentative Map, TM 5394RPL3, ER 93-19-006P. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- v. Addendum #10 dated March 27, 2006 was approved by the Planning Commission on April 21, 2006 for the Airway Business Center Tentative Map, TM 5304RP, ER 93-19-006A. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- w. Reliance on the existing EIR with no modification was approved by the Director of Planning and Land Use on April 12, 2006 for an Administrative Permit for clearing for the TPO LLC property (AD 04-025, Log No. 04-19-010).
- x. Reliance on the existing EIR with no modification was approved by the Director of Public Works on April 21, 2006 for Improvement Plans for Paseo de La Fuente (CG 4530); for 20.68 acres of grading for future development of the Border Patrol Site (L14456); and, for 73.5 acres of grading for future development of the Travel Plaza Site (L14632).
- y. Reliance on the existing EIR with no modification was approved by the Director of Public Works on May 19, 2006 for 13.5 acres of grading for future development of the Power Plant Laydown Site (L14208).
- z. Reliance on the existing EIR with no modification was approved by the Director of Public Works on June 30, 2006 for 13.45 acres of grading for future development of the Vulcan Site (L14625).
- aa. Addendum #11 dated August 7, 2006 was approved by the Director of Planning and Land Use on August 29, 2006 for the Otay Logistics Industrial Park (Trammell Crow) Site Plan, S05-018, ER 93-19-006S. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- bb. Addendum #12 dated November 17, 2006 was approved by the Director of Planning and Land Use on November 17, 2006 for the Pilot Travel Center Site Plan, S05-021, ER 93-19-006T. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- cc. Addendum #13 dated November 8, 2006 was approved by the Director of Planning and Land Use on December 1, 2006 for the Calpine Minor Subdivision, TPM 21012,

ER 00-19-27B. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).

- dd. Addendum #14 dated June 15, 2007 was approved by the Board of Supervisors on August 1, 2007 (1) for the East Otay Mesa Update, SPA 06-003, GPA 06-013, ER 93-19-006Y. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- ee. Addendum #15 dated March 10, 2008 was approved by the Planning Commission on June 13, 2008 for the Travel Plaza, P 98-024W1, LOG NO. 93-19-006N. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- ff. Reliance on the existing EIR with no modification was approved by the Board of Supervisors on April 8, 2009(1) for an Amendment to the East Otay Mesa Specific Plan (SPA 06-005), approved by Resolution No. 09-055. The amendment was for minor modifications to the East Otay Mesa Business Park Specific Plan Subarea 1 to correct minor issues related to landscaping requirements for public roads, modify the land use plan for the Heavy Industrial area, define development standards for correctional facilities in the Heavy Industrial, and miscellaneous corrections
- gg. Addendum #16 dated June 1, 2010 was approved by the County of San Diego Board of Supervisors on September 15, 2010 for an Amendment to the East Otay Mesa Specific Plan (SPA 10-001), approved by Resolution No. 10-168. The Environmental Review Update Checklist Form was dated June 1, 2010. The Specific Plan Amendment combined Subareas 1 and 2 and revised and clarified certain development standards and requirements.
- hh. A Supplemental EIR (SEIR) for Otay Crossings Commerce Park, Tentative Map 5405, a 59-lot industrial subdivision, was certified by the Planning Commission on October 7, 2011. The certified EIR found significant effects to Biology, Cultural Resources, Paleontological Resources, Public Services and Utilities, and Noise. These effects were determined to be mitigated to a level below significance. Impacts to Transportation/Circulation and Air Quality could not be fully mitigated.

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

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

- ii. A Supplemental EIR (SEIR) for California Crossings, Major Use Permit 3300 06-102, Tentative Parcel Map 3200 21046, ER 3910 93-19-006AA) was certified on March 9, 2012, for a 325,500 square foot regional shopping center.
  - jj. An Addendum dated March 13, 2013 for Otay Crossings Commerce Park Revised Map was adopted by the Department of Planning & Development Services on April 2, 2013. The project tentative map was revised to accommodate revisions to the planned SR-11 right-of-way and Port of Entry. This caused the adjustment to the location of internal roads and raising Alta Road from an at-grade facility to an above-grade road to accommodate a future overpass over SR-11. In addition, the footprint of the Port of Entry was expanded. Proposed lot sizes increased in general such that the Revised Map proposed 47 total lots rather than the 59 originally approved.
  - kk. Reliance on the existing EIR with no modification was approved by the Planning Commission on December 9, 2016, for the Otay Crossings Commerce Park Tentative Map Time Extension (PDS2016-TM-5405TE, PDS2016-ER-93-19-006WX). No changes were proposed by the project; only a time extension to allow sufficient time to satisfy conditions and record final maps.
  - ll. A Supplemental EIR (SEIR) for Otay 250, (PDS2015-SPA-15-001, PDS2015-GPA-15-008, PDS2015-REZ-15-007, PDS2015-TM-5607, LOG No. PDS2015-ER-15-98-190-13G), was certified on July 25, 2018, for a Specific Plan Amendment (SPA) to the East Otay Mesa Business Park Specific Plan to establish a new Mixed-Use Village Core area within the Specific Plan Area, which would allow for the construction of a mix of employment, retail and residential uses. Significant impacts were identified but all impacts would be mitigated to below a level of significance, with the exception of impacts associated with air quality.
2. Lead agency name and address:  
County of San Diego, Planning & Development Services  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123
- a. Contact Nicolas Gustafson, Project Manager
  - b. Phone number: (858) 495-5351
  - c. E-mail: [Nicolas.gustafson@sdcounty.ca.gov](mailto:Nicolas.gustafson@sdcounty.ca.gov)
3. Project applicant's name and address:  
David Wick  
5440 Morehouse Drive  
Suite 4000  
San Diego, CA 92121
4. Summary of the activities authorized by present permit/entitlement application(s):

The Project is a Tentative Map to subdivide approximately 170 acres of vacant land into eight (8) lots. Two lots will be preserved on-site by open space easements. The site is subject to the Village General Plan Regional Category, Specific Plan Area General Plan Land Use

Designation, and S88 (Specific Plan) Zoning Regulations. The East Otay Mesa Specific Plan designated the majority of the site as Technology Business Park; the northwest corner of the site is Conservation/ Limited Use. The site is also subject to the “B” (Community Design Review Area) and “C” (Airport Land Use Compatibility Plan Area) Special Area Designators. In addition, a portion of the project site would be provided via two internal cul-de-sac roads and will connect directly on-to Lone Star Road (Paseo De La Fuente): Enrico Fermi Drive and Vann Centre Boulevard. The project would be served by sewer and imported water from the Otay Water District. Fire service will be provided by County Service Area 135. Earthwork will consist of a cut of approximately 2,208,00 CY, fill of approximately 1,767,000 CY, an estimated shrinkage of 176,000 CY, and a net export of approximately 265,000 CY. The project also includes off-site infrastructure improvements. Proposed road segments that provide access to and from the proposed project, consistent with the East Otay Mesa Specific Plan, include the construction of Lonestar Road from Alta Road westward to Sunroad Tech Center. Water connections would either be extended eastward to Sunroad Tech Center or westward from Alta Road.

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

YES
  NO

The proposed subdivision is consistent with all previous approvals.

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

- NONE
- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology & Soils
- Greenhouse Gas Emissions
- Hazards & Haz Materials
- Hydrology & Water Quality
- Land Use & Planning
- Mineral Resources
- Noise
- Population & Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities & Service Systems
- Mandatory Findings of Significance

**DETERMINATION:**

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

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

---

Signature

Date

**Nicolas Gustafson**

**Project Manager**

Printed Name

Title

## INTRODUCTION

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

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

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

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

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

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

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

### ENVIRONMENTAL REVIEW UPDATE CHECKLIST

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

YES

NO

The previously certified EIR identified significant and mitigable impacts for Visual Quality/Landform Alteration. Landform Alteration impacts would be largely due to grading associated with the hillside residential area. Visual impacts could potentially occur from industrial development adjacent to Johnson Canyon in the northern portion of the Specific Plan Area. For the most part, no significant landform alteration or visual impacts were expected from development of the flatter industrial and commercial portions of the Specific Plan Area. A number of mitigation measures to reduce or avoid Landform Alteration/Visual Quality impacts were proposed. These mitigation measures, as numbered in the original EIR, are listed below:

- 2A. The "G" Sensitive Resources Designator shall be applied to the hillside residential district as part of the Specific Plan process. This will require submittal of a Site Plan prior to development.
- 2B. Site Plans will be required for any project proposed in the hillside residential district (grading, clearing, site preparation, Administrative Permits, Major and Minor Use Permits, Tentative Parcel Maps, Tentative Maps).
- 2C. Site Plans shall include site specific grading plans, placement of house pads, driveways, accessory structures, and any other proposed urban elements to assess impacts at the time of development.
- 2D. Grading Plans for properties adjacent to Johnson Canyon shall incorporate erosion control devices to be put in place prior to construction. The specific boundaries for Johnson Canyon shall be defined as the top of the canyon slopes within the residential district, and no fill will be allowed within those boundaries.

Mitigation measures 2A through 2C do not apply to the proposed project because it is not in the hillside residential area. A preliminary grading plan which incorporates erosion control devices has been submitted to satisfy mitigation 2D.

The East Otay Mesa Specific Plan includes development of an international industrial and business park. The EIR for the Specific Plan analyzed the development of industrial, manufacturing land uses. The proposed tentative map is consistent with such uses and complies with the development standards in the Specific Plan. The project will not create significant effects on aesthetics.

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

YES

NO

The previous EIR found the loss of Important Farmland to be less than significant as there was limited area with this classification and agricultural use could continue as in interim use prior to build-out of the Specific Plan area. No mitigation was deemed necessary. The cumulative loss of open space and agricultural land was found to be a significant and unavoidable impact, and the change in East Otay Mesa from scattered agricultural operations to a major industrial center to represent an irreversible environmental change.

Since the EIR was certified, CEQA Guidelines have been updated to address potential impacts to forestry resources including forest land and timberland. The project site does not contain either of these resources. Therefore, there are no changes in the project, changes in circumstance, or new information of substantial importance that results in major revisions of the previously certified EIR.

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

YES

NO

The previously certified EIR identified potentially significant impacts for Air Quality but impacts were reduced to a less than significant level with incorporated mitigation. The previously certified EIR identified potential local and regional impacts from construction sources, operational vehicular traffic, and small stationary sources expected as the result of the buildout of the Specific Plan Area.

Specifically, significant construction related impacts were identified in the original EOMSP EIR related to fugitive dust and construction vehicle exhaust. These impacts were reduced to a less than significant level with mitigation. Since the completion of the EOMSP EIR and writing of the mitigation, these mitigation measures have evolved based on the County's standards for conditions of approval. The mitigation measures for which the project would be required to comply, represent the evolutions of the County's fugitive dust and construction vehicle exhaust mitigation measures since the certification of the EOMSP EIR, and are currently reflected in the San Diego Air Pollution Control District (APCD) Rule 55 and County Code Section 87.428 (Grading Ordinance).

- 1A. **Construction Mitigation Measures.** The County shall require applicants to use combinations of the following techniques to reduce potential significant construction emissions:
- Minimize simultaneous operation of multiple construction equipment units
  - Minimize the area being graded at any one time (i.e., grade only those areas which will be development in the immediate future)
  - Use low pollutant-emitting construction equipment
  - Use electrical construction equipment
  - Use catalytic reduction for gasoline power equipment
  - Use injection timing retard for diesel-powered equipment
  - Water the construction area to minimize fugitive dust
  - Halt grading during periods of high wind (>20 mph)
  - Stabilize graded areas (pave roads, hydroseed open areas, etc.) as soon as practical
  - Limit vehicle speeds on unpaved surfaces to 10 mph
  - Cover trucks hauling dirt for cut and fill operations.
- 1B. **Additional Feasible Construction Mitigation Measures.** The 1994 EIR identifies that, in order to be consistent with the RAQS, the proposed project should also incorporate all feasible measures, as they are developed. Based on mitigation measures applied to standard projects in the EOMSP area, the following mitigations are determined to be feasible:
- Require construction fleet that uses heavy-duty diesel-powered equipment equipped with Tier 3 or better diesel engines. An exemption to these requirements may be granted through documentation that equipment with the required tier is not reasonably available.
  - Outfit all construction equipment with best available control technology (BACT) devices certified by the California Air Resources Board.
- 2A. **Facilities Mitigation Measures.** Development projects shall provide facilities and transportation demand management techniques, as appropriate, to promote use of alternative transportation methods, such as:

- Provide bicycle storage facilities at industrial and commercial facilities and park-and-ride lots
- Provide shuttle service between business and the transit stop

2B. ***Additional Feasible Facilities Mitigation Measures.*** The 1994 EIR identifies that, in order to be consistent with the RAQS, the proposed project should also incorporate all feasible measures, as they are developed. Based on mitigation measures applied to standard projects in the EOMSP area, the following mitigations are determined to be feasible:

- Work with employers in new developments to encourage vehicle trip reduction actions including telecommuting, car sharing, carpools, and vanpools.
- Reduce required vehicle parking on-site through shared parking facilities, carpool/vanpool-only spaces, or electric vehicle-only spaces.

3A. ***Transportation Mitigation Measures.*** The County shall coordinate with other appropriate agencies (SANDAG, North County Transit District) to implement the following techniques to further reduce vehicle emissions:

- Provide funding support for transit improvements (i.e., bicycle lanes, additional bus service)
- Implement transportation control measures (tolls, parking fees, taxation policies, etc.)
- Implement commute travel reduction program such as employment rideshare program, transit pass subsidy to employers, flexible work hours, telecommuting programs, etc.
- Implement an ordinance to reduce truck deliveries and goods movements.
- Require clean fuel vehicle fleets.
- Expand transit services.
- Retrofit urban transit buses to clean fuels or electrification.

Therefore, because the project was part of the Specific Plan previously evaluated, and impacts to air quality were found to be less than significant with mitigation available at the time of that analysis, and considering that current SDAPCD dust control measures are more stringent and comprehensive than before, construction-related emissions would be expected to be lower than previously determined. Thus, the Project would not result in any new or more severe impacts that were not identified and mitigated for the in the previous EIR.

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

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

YES

NO

The International Industrial Park Project (Project) is located in Otay Mesa in San Diego County, and within the South County segment of the Multiple Species Conservation Program (MSCP), South County Subarea Major and Minor Amendment Areas. CDFW and USFWS reviewed the February 18, 2020 letter for a Minor Amendment Request for the Project from the County. The four items listed in the April 28, 2020 letter from CDFW and USFWS to incorporate into the final conditions of approval of the Project have been added into the final conditions of approval for the Project. Therefore, the Project is consistent with the BMO and the overall goal of the County's South County MSCP Subarea Plan. CDFW and USFWS concur that the Project meets the Minor Amendment criteria and qualifies as a "covered activity" under the plan, through the implementation of these four final conditions.

Amendment Areas are lands where the locations of preservation and development were not resolved at the time the South County MSCP Subarea Plan was published. The Minor and Major Amendment Areas may include key core habitat areas. Amendment areas are not covered by the County of San Diego take authorizations until an amendment process is completed. All Minor and Major Amendments must conform to the Subarea Plan to be successfully processed. Processing involves consultation with County biologists and representatives of the CDFW and the USFWS to ensure compliance with California Environmental Quality Act (CEQA), the California and National Endangered Species Acts, and the National Environmental Policy Act. Projects in Minor Amendment Areas must meet criteria and achieve the goals for linkages and corridors and provide mitigation consistent with the Biological Mitigation Ordinance (BMO). Minor Amendments require approval of the USFWS field office supervisor and the CDFW Natural Communities Conservation Program Manager.

An addendum to the August 2013 REC Biological Technical Report (BTR) was prepared by Alden Environmental, Inc. on February 13, 2020 to provide updated impact and mitigation information for the Project due to a 16.82-acre reduction in the project's impact footprint and an increase in the mitigation ratio for impacts to non-native grassland (0.5:1 to 0.9:1). This addendum also provides a breakdown of the impacts to waters of the U.S. (WUS) and waters of the State (WS), as well as mitigation for these impacts, that were not included in the 2013 Biological Technical Report.

Since the previous EIR was certified, there have been changes in circumstances under which the Project is undertaken that cause one or more effects to biological resources. The effects are addressed in the 2020 Addendum to the BTR and described further below. The impacts from the Project are considered less than significant through the mitigation measures in the 2020 Addendum to the BTR, and the conditions detailed in the Tentative Map (TM).

The Project proposes to develop five industrial pads including access roads and infrastructure associated with the subdivision. The project will require the grading of 135.2 acres on site and may require the grading 5.6 acres off site. The off-site impact is due to a graded slope that extends beyond the southern boundary of the property and road improvements associated with Enrico Fermi Drive. These off-site impacts will not occur if the neighboring property owner, known as "Rabago",

proceeds to grade before the TM 5549 subdivider grades. In that event, Rabago will raise the grade on its property and no graded slopes associated with TM 5549 will extend onto Rabago's property.

The Project site includes the following habitat types: tamarisk scrub, non-native grassland, and disturbed land. Two drainages that support tamarisk scrub are located on the Project site. Drainage A is the main channel that flows generally from the southeast corner of the site to the northwest corner. Drainage B directs flows from south of the project site northward through an unvegetated ephemeral channel before joining with Drainage A. These drainages are regulated by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and the County.

Direct impacts to 127.9 acres of non-native grassland will be significant and require mitigation. The 2020 Addendum to the BTR proposes to mitigate for impacts to non-native grassland at a 0.9:1 ratio. The mitigation will include the onsite preservation and restoration of 17.62 acres of non-native grassland that will be dedicated in an open space easement and a monetary contribution of \$1,567,421.68 to the Otay Mesa Grassland Mitigation Fund; Fund #6649, based on the cost of 101.86 acres of upland habitat credit at the Crestridge Conservation Bank.

Direct impacts to 0.76 acres of tamarisk scrub will be significant and require mitigation. The 2020 Addendum to the BTR proposes to mitigate for impacts to tamarisk scrub at a 3:1 ratio. Additionally, the project proposes to mitigate for impacts to unvegetated ephemeral drainage/streambed (non-RPO) at a 2:1 ratio to satisfy agency permitting requirements. The mitigation will be satisfied through habitat enhancement and creation in the upper end of Johnson Canyon on site as directed in the Wetland Habitat Mitigation Plan.

The project has the potential to indirectly impact habitat acreage through edge effects and incursion of trespassing people and domestic animals. Proposed fencing and signage at the edges of development will serve as a mitigation measure to reduce such potential indirect impacts to below a level of significance.

One County List B sensitive plant was observed on site during a field visit by County staff: San Diego marsh elder (*Iva hayesiana*). Three individuals of this plant were observed in the on-site drainage in the northwestern portion of the site. Two more individuals occur near the center of the property in the on-site drainage. This species would not be directly or indirectly impacted by the project due to the project's design features and, therefore, no mitigation is required. No other sensitive plant species were observed during field visits.

The project would directly impact a Group 1 species, the loggerhead shrike, as well as raptor foraging habitat. These impacts would be significant and mitigation would be required. Mitigation will be provided through the implement of the mitigation for tamarisk scrub and non-native grassland as described above and avoidance measures, such as limiting clearing and grading to outside the avian breeding season, unless nesting bird surveys indicate that no active nests will be impacted by such activity.

Potential indirect impacts to sensitive species will be mitigated by the installation of temporary silt fencing around the entire edge of the construction area, installation of permanent signs of fencing around the open space area, and the use of low-intensity streetlights that are fully shielded.

Implementation of these mitigation measures will help reduce potential Project impacts to below a level of significance and ensure that the Project is compliant with CEQA.

The Project will not significantly interfere with the movement of any native wildlife species, as the Project does not impede access to foraging habitat, breeding habitat, or water sources; the Project site would not be considered a viable wildlife corridor or linkage, as the drainage does not connect to the east; the Project does not create an artificial wildlife corridor; the Project has been designed to avoid an increase in noise and lighting to levels above ambient; the Project does not constrain an existing wildlife corridor; and the Project does not disrupt the visual continuity of existing wildlife corridors.

The project would have less than significant impacts on local policies, ordinances, and adopted plans, and no mitigation would be required.

A focused survey for the Quino checkerspot butterfly (QCB) was conducted on site by USFWS permitted biologist Elyssa Robertson (Permit TE -786714) in 2003 and again by Victor Novik (Permit TE069534-0) in 2006. No QCB larvae or adults were observed on site during the 2003 or 2006 surveys. In 2019, Alden conducted additional fieldwork, including an assessment of the site's suitability for the QCB. No QCB host plants were observed during the December 2019 visit. Therefore, the site is not considered to be suitable QCB habitat.

REC conducted a protocol survey for the Burrowing owl on the property in 2010 with negative results for the species. During the 28 different biologically related visits to the site conducted between 2003 and 2010, no burrowing owls and no signs of burrowing owl presence were observed. However, due to the presence of suitable Burrowing owl habitat, pre-construction burrowing owl surveys shall be conducted to prevent any potential impacts to this species.

Cumulative impacts occur as a result of ongoing direct and indirect impacts for unrelated Projects within a geographic area and are assessed on a regional basis to determine the overall effect of numerous activities on biological resources or a special-status resource over a larger area. Cumulative impacts will be offset through the creation and enhancement within the Johnson Canyon drainage, onsite preservation of 17.62 acres of non-native grassland, and a monetary contribution to the Otay Mesa Grassland Mitigation Fund. This will keep the Project in conformance with the MSCP.

Based on the information detailed above, it has been determined that there are no changes in the Project, changes in circumstances, or no new information of substantial importance that have not been adequately mitigated for under CEQA.

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

YES

NO



Since the EIR for the East Otay Mesa Specific Plan (SP 93-004) was certified, there has been new information related to cultural resources. The project site was surveyed and evaluated. Twelve cultural sites and three isolates were identified. Of the identified resources, eleven sites (CA-SDI-10069, CA-SDI-10070, CA-SDI-10296/10068, CA-SDI-12872, CA-SDI-12873, CA-SDI-12874, CA-12875, CA-SDI-15062, CA-SDI-15063, CA-SDI-19750, and P-37-031174) were tested and determined not significant. However, one archaeological site (CA-SDI-10071) was determined CEQA significant. To reduce impacts to less than significant for CA-SDI-10071, a data recovery program would be implemented prior to earth disturbing activities. Also because of the potential for the presence of unknown buried resources, the project would be conditioned with a pre-grade program for CA-SDI-10070, and with an archaeological monitoring program for any earth disturbing activities. The results are provided in the cultural resources report titled, *Cultural Resources Survey and Test Report for the TM 5549 Project, Otay Mesa, San Diego County, California (2012)* prepared by Dennis Gallegos. With the implementation of mitigation measures and project conditions, impacts to cultural resources are reduced to less than significant.

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

YES



NO



The previously certified EIR identified significant and mitigable impacts for Geology and Soils. The Final EIR for the East Otay Mesa Specific Plan identified a number of potential impacts to geology and soils including: 1) potential for ground acceleration/shaking due to regional seismic activity; 2) certain areas are susceptible to liquefaction and seismically induced settlement; 3) open reservoirs on-site are susceptible to overtopping during seismic events; 4) geologic materials may contain adverse bedding or other strata subject to failure; and 5) soils-related hazards such as erosion, expansion, and settlement could occur. A number of mitigation measures to reduce or avoid Geology and Soils impacts were included in the certified EIR. These measures are largely standard engineering measures that would be implemented as necessary, even if they were not formally identified as mitigation measures in the previously certified EIR. These mitigation measures, as numbered in the original EIR, are listed below:

5A Site Specific subsurface geotechnical investigations shall be required for each project proposed in the Specific Plan Area. These shall include, but not be limited to, the following:

1. Design buildings in accordance with the Uniform Building Code.
2. Incorporate remedial grading and design techniques into removal and replacement of liquefiable soils or construction of deep foundations systems.
3. Remove reservoirs or prepare flood control plans for areas downstream of reservoirs.
4. Perform static and pseudo-static slope stability analyses for proposed cut and fill slopes.
5. Use standard engineering techniques to reduce soils related hazards as outlined in Section 4.5 of the previously certified EIR.

Site Plan and building permit review for future proposed buildings will ensure buildings will be designed in accordance with the latest applicable Uniform Building Code. The grading permit will ensure that soils and soil compaction meet all code requirements for foundation systems. Item 2 is not applicable because the site is not considered susceptible to liquefaction. Item 3 is not applicable because there are no reservoirs on-site and the site is not downstream of any reservoirs. The remaining items call for standard engineering or construction practices that will be employed on the project in the ordinary course. Therefore, the proposed modifications to the project would not create new or more severe impacts than those analyzed under the previously certified EIR.

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

YES

NO

The EOMSP EIR did not include a GHG emissions analysis as it was not required by CEQA at the time; however, the Air Quality section includes an analysis of short-term construction impacts and operational impacts to air quality for the entire specific plan area.

The proposed project would result in GHG emissions during construction and operational activities. Construction sources of GHG emissions include heavy construction equipment, worker vehicle miles traveled (VMT), and water use. Operational sources of GHG emissions include transportation, energy demand, and solid waste disposal. It is expected that the proposed project would be required to comply with the following regulations and requirements:

- 2019 Title 24 Energy Code
- 2019 CALGreen Building Code
- Reduction of potable water use by 20 percent
- Low-flow water and bathroom fixtures
- Reduction of wastewater generation by 20 percent
- Provide areas for storage and collection of recyclables and yard waste

The project would incorporate design features and best management practices to reduce operational GHG emissions. These features, along with the regulations and requirements listed, were not assumed and/or known at the time of the EOMSP EIR certification.

The project would implement all reasonable and feasible on-site measures to avoid or reduce GHG emissions. Since these measures were not assumed or known at the time of the certified EIR, the proposed project would result in less GHG emissions as compared to the project previously assumed under the EOMSP.

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

YES

NO

The previously certified EIR identified significant and mitigable impacts for Health and Safety related to use and transport of hazardous materials within the Specific Plan area that could expose people to hazardous materials. Mitigation measures included the following:

- 10A. Any industrial development adjacent to residential uses shall submit a Hazardous Materials and Management Plan to the County Department of Environmental Health for approval.
- 10B. Transportation of hazardous substances shall be conducted in accordance with the California Code of Regulations and the Code of Federal Regulations.

Since the previous EIR was adopted, there have been changes in the circumstances under which the project was undertaken related to Hazards. The project site is located within the declared Wildland-Urban Interface (WUI) area or a Hazardous Fire Area, and a Fire Protection Plan and Fire Protection Plan Update Memo were prepared for the project and approved by the Fire Chief and PDS pursuant to Article 86, Section 8601 of the 2001 California Fire Code. The approved Fire Protection Plan dated April 29<sup>th</sup>, 2012 and Fire Protection Plan Update Memo dated June 23<sup>rd</sup>, 2020 detail the adequacy of the water supply, proposed access, necessary

building ignition and fire resistance features, fire protection systems and equipment, Fuel Modification Zones and vegetation management requirements. Therefore, although there are changes in circumstances, these changes will not result in new significant environmental effects related to hazards.

When specific business operations are proposed on the site, future Site Plan review will ensure any use and transport of hazardous materials will be carried out in accordance with regulatory requirements including any need for Hazardous Materials Business Plan that would need review and approval by the County Department of Environmental Health.

**IX. HYDROLOGY AND WATER QUALITY** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES

NO

The previously certified EIR identified significant and mitigable impacts for Hydrology and Water Resources related to increased runoff into the Otay River Watershed and increased sedimentation into drainages that could affect water quality. Impacts were also anticipated from increased impervious areas from build-out of the Specific Plan area. Mitigation measures that would be applicable to the proposed project included the following:

- 6A. As individual projects are proposed, they shall be required to construct onsite detention facilities, storm drain facilities, energy dissipaters, and erosion control devices to reduce the flow of runoff.
- 6B. The County and the property owners shall comply with Best Management Practices of the Clean Water Act.
- 6C. Individual projects shall incorporate proper construction techniques to prevent erosion and off-site transport of sediment.

The project will comply with these mitigation measures by the following means:

Since the previous EIR was adopted, the County has adopted the Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410 (N.S.), dated February 26, 2016. Additionally, the San Diego Regional Water Quality Control Board (SDRWQCB) reissued a Municipal Stormwater Permit ("Municipal Permit") under the National Pollutant Discharge Elimination System (NPDES), Order No. R9-2013-0001. The project will be required to implement site design measures, source control BMPs, and/or treatment control BMPs to reduce potential pollutants to the maximum extent practicable. These measures will enable the project to meet waste discharge requirements as required by the San Diego Municipal Permit (SDRWQCB Order No. R9-2013-0001), as implemented by the San Diego County Jurisdictional Runoff Management Program (JRMP) and County of San Diego BMP Design Manual.

A Stormwater Quality Management Plan (SWQMP) was prepared for the project by Stevens Cresto Engineering Inc. dated March 9, 2020. A copy of this SWQMP is included in the Addendum as an attachment and incorporated herein by reference.

The project lies within the Otay (910.20) hydrologic subarea within the Otay hydrologic unit. According to the Clean Water Act Section 303(d) list, this watershed is impaired. The project will comply with the WPO and implement site design measures, source control BMPs, and treatment control BMPs will be employed and maintained such that potential pollutants will be reduced to the maximum extent practicable.

A Hydrology/ Drainage study was prepared by Stevens Cresto Engineering Inc. dated April 2, 2020. The study concludes that the proposed detention basins will have adequate capacity to detain the difference between the pre-development and post-development 100-year runoff volumes in addition to the water quality volumes. The project will not substantially alter the existing drainage pattern of the site or area. There are no flood hazard areas identified on the project site, and the project will not expose people or structures to a significant risk of loss, injury or death involving flooding.

Therefore, in conclusion, although the circumstances have changed with regard to the regulation of water quality since the previous EIR was certified, information has been provided to show that the project will comply with these regulations and will not have a significant impact on hydrology and water quality.

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

YES

NO

The previously certified EIR identified significant and mitigable impacts for Land Use. Impacts were related to the change from undeveloped or agricultural land uses to industrial, commercial,

and residential land uses. Land use compatibility impacts between residential and industrial/commercial development, impacts to future residences from the State prison and County detention facility, impacts to the boundary monument and the U.S./Mexico border, and loss of small amounts of important farmlands were foreseen. Mitigation included a requirement for Site Plans for hillside residential development to evaluate land use compatibility in detail and propose more specific mitigation measures such as landscaped buffers, placement of homes away from light sources, adherence to noise mitigation measures, approval of hazardous materials and management plans for industrial uses, and maintaining a one-foot sight distance between Boundary Monument 252 and adjacent monuments.

The project will be required to comply with the Specific Plan development standards and applicable ordinance requirements. The project will not result in significant effects to land use and planning.

**XI. MINERAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES

NO

The EIR for the Specific Plan analyzed the development of industrial, manufacturing land uses. The proposed STP Modification is consistent with such uses. No known producing mines had operated in the Specific Plan area at the time of the EIR certification. There are no changes in the project, changes in circumstance, or new information of substantial importance that would result in revisions of the previous EIR related to mineral resources.

**XII. NOISE** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES

NO

The previous EIR found that there would be significant and unmitigable impacts to residential areas and sensitive habitats/species from industrial/commercial uses, roadways, and Brown Field. Mitigation measures included the following:

- 8A. Noise sensitive land use, including existing and proposed residences and all California gnatcatcher habitat, located within the estimated 60 dB CNEL noise contour shall have a site specific noise studies prepared prior to approval of discretionary permits. Siting of industrial and commercial uses shall be such that adequate setbacks are created to minimize off-site noise impacts to sensitive receptors.
- 8B. Residential development shall be avoided in the areas where the projected CNEL noise contour for Brown Field exceeds 60 dB.
- 8C. All construction operations shall comply with the San Diego County Noise Ordinance (Section 36.410). All construction operations scheduled to occur within 1500 feet of California gnatcatcher habitat shall prepare a project specific noise mitigation and monitoring program to demonstrate compliance with established noise standards.
- 8D. Project specific noise analyses shall be required in the hillside residential district prior to approval of projects in this area to assure noise compatibility with adjacent projects.

None of these mitigation measures are applicable to the proposed project. The project is not anticipated to cause more severe impacts to Noise than evaluated in the previously certified EIR.

Staff has reviewed Tentative Map 5549 and associated preliminary grading plans. The project consists of an eight-lot subdivision for Technology Business Park land uses as designated by the East Otay Mesa Specific Plan. The project subdivision does not propose any residential uses on site. The project is subject to the County Noise Element, Policy 4b and County Noise Guidelines which requires projects not to expose existing residences to direct or cumulative noise impacts. The eight-lot subdivision would generate additional vehicular traffic on nearby roadways. Project related traffic contributions to existing nearby roadways are considered minimal and would not produce any additional traffic noise exceeding the requirements within the County Noise Element. Due to the low level of project ADT, the project would not produce any direct or cumulative noise impacts to existing sensitive receptors.

The project is zoned S88 and is subject to operational noise level requirements pursuant to Section 36.404. Details of the proposed uses within the project subdivision are unknown at this time. The East Otay Mesa Specific Plan would require a Site Plan application for any proposed uses within this project subdivision. At this time, the Site Plan process would require a detailed noise evaluation based on the specific proposed uses on the proposed lots. Noise reducing measures (if required), such as parapet walls, noise control barriers, design/layout of proposed operations, may be considered at that time and properly evaluated through the Site Plan process. Therefore, incorporation of a Site Plan application prior to any establishment of any uses on site would ensure the project would comply with County noise standards.

**XIII. POPULATION AND HOUSING** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES

NO



The previously certified EIR identified the creation of 37 potential new housing units from the build out of the East Otay Mesa Specific Plan for a net gain of 28 units. No potential impacts or mitigation measures were identified related to population and housing.

The proposed project site is designated for Technology Business Park uses and no housing units are planned for those areas. The project will not increase or decrease population or housing and thus will have no significant effect on population and housing. Therefore, the project will not impact the projected housing units and will not displace any housing or people. Therefore, there are no changes in the project, changes in circumstance, or new information of substantial importance that results in major revisions of the previous EIR.

**XIV. PUBLIC SERVICES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES



NO



The previously certified EIR for the East Otay Mesa Specific Plan Area identified potential significant impacts related to new demand for fire protection and emergency services, additional demand for police protection services and on school capacity. Mitigation measures included the following:

11A. Any residential development proposed in the Specific Plan Area shall be subject to State laws governing school impact fees.

11D. The County shall continue its efforts to site landfill facilities in South Bay.

Mitigation measure 11A does not apply to the proposed project because it is not residential development. Mitigation Measure 11D also does not apply to the proposed project.

Since the previous EIR for the East Otay Mesa Specific Plan was certified, all properties in the East Otay Mesa Specific Plan area were annexed into CFD 09-01 in order to provide for construction of an interim and permanent sheriff/fire station. A Fire Protection Plan, as well as a Fire Protection Plan Update Memo were prepared for the proposed project. The San Diego County Fire Authority reviewed and accepted the Fire Protection Plan (FPP), dated April 29<sup>th</sup>, 2012 with the supplemental information provided and clarified withing the Fire Protection Plan Memo dated June 23<sup>rd</sup>, 2020. The FPP was found to be consistent with CCR Title 24 part 9 (California Fire Code), the County Fire Code which adopts and modifies the State Fire Code, and CCR Title 14 "SRA Fire Safe Regulations".

**XV. RECREATION** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES

NO

The previously certified EIR for the East Otay Mesa Specific Plan Area determined that there were no potentially significant impacts to parks or recreation. The project does not include public recreational facilities or require the construction or expansion of public recreational facilities as the proposed project is not a residential project that would increase population with the potential to increase use of recreational facilities. There are no changes in the project, changes in circumstance, or new information of substantial importance that results in major revisions of the previous EIR.

**XVI. TRANSPORTATION/TRAFFIC** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES

NO

The previous EIR found significant and mitigable impacts to Transportation and Circulation related to interjurisdictional inconsistencies in future roadway designations between the County and adjacent cities. The original mitigation measures, as numbered in the original EIR, are listed below:

- 7A. The County of San Diego shall work with the Cities of San Diego and Chula Vista to resolve inconsistencies in future roadway designations and shall coordinate roadway design at jurisdictional boundaries.
- 7B. Prior to the formation of an assessment district to fund the implementation of the regional Circulation Element, projects within the East Otay Mesa Specific Plan are required to provide a traffic impact report to analyze and mitigate their off-site traffic impacts.

The project proposes an industrial development of 8 lots in 170.82 acres of land and would generate 9,785 ADT. A Traffic Impact Study dated February 12<sup>th</sup>, 2012 was prepared by Darnell & Associates for the Tentative Map.

The project is not subject to vehicle miles traveled (VMT) because the EIR was circulated for public review before the adoption of the VMT guidelines on July 1, 2020. A Traffic Study was prepared for the project because the EIR relied on a level of service analysis to determine whether there were any significant impacts. The Traffic Study determined the project will not result in impacts to surrounding roadways and intersections. The project will be conditioned to improve Lonestar Road along its southern boundary to public road standards, as required by the Specific Plan. Future discretionary applications will be subject to additional traffic analysis.

Since the previous EIR was certified was adopted, the County of San Diego has developed an overall programmatic solution that addresses existing and projected future road deficiencies in the unincorporated portion of San Diego County. This program includes the adoption of a Transportation Impact Fee (TIF) program to fund improvements to roadways necessary to mitigate potential cumulative impacts caused by traffic from future development. This program is based on a summary of projections method contained in an adopted planning document, as referenced in the State CEQA Guidelines Section 15130 (b)(1)(B), which evaluates regional or area wide conditions contributing to cumulative transportation impacts. Based on SANDAG regional growth and land use forecasts, the SANDAG Regional Transportation Model was utilized to analyze projected build-out (year 2030) development conditions on the existing Circulation/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 will 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 Regional Transportation Plan (RTP). This plan, 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.

**XVII. TRIBAL CULTURAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to tribal cultural resources including: causing a change in the significance of a tribal cultural resource as defined in Public Resource Code §21074?

YES

NO

Since the EIR for the East Otay Mesa Specific Plan (SP 93-004) was certified, there has been a change in circumstances. Assembly Bill 52 (AB-52) became effective on July 1, 2015. AB-52 requires that tribal cultural resources (TCR) be evaluated under CEQA; however, AB-52 consultation does not apply since the environmental document is not a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report.

**XVIII. UTILITIES AND SERVICE SYSTEMS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the

project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES

NO

The EIR for the Specific Plan analyzed the The previously certified EIR for the East Otay Mesa Specific Plan Area did not identify any impact related to serving the project with potable water as improvements to existing facilities would be constructed concurrent with need; however, mitigation was determined to be needed to comply with water demand standards as follows:

- 11B. Domestic water demand shall be reduced through the inclusion of the most recent "Best Management Practices" water conservation measures as identified by the Metropolitan Water District and the San Diego County Water Authority. This shall include preparation of a water conservation plan to document these measures.

A potential impact related to the exceedance of the initial one million gallons of wastewater treatment capacity was anticipated and addressed with the following mitigation measure:

- 11C. No development beyond that which can be served by the initial 1.0 million gallons per day capacity shall be allowed until long-term sewer service capacity has been provided. In addition, no development shall be allowed until all the necessary infrastructure has been constructed and facilities are operable.

The project would be served by imported water by the Otay Water District. Sewer service will be provided by San Diego County Sanitation. Pursuant to the service availability forms received for the project, sufficient capacity exists to serve the project and would not require substantial expansion or extension of any water or wastewater facilities or pipelines. Stormwater management was reviewed and approved by the County of San Diego. The project will not result in new significant impacts to utilities and service systems.

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

*Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or*

*endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

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

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

YES

NO

None of the changes or changes in circumstances under which the project is undertaken or "new information of substantial importance" result in any mandatory findings of significance as listed.

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

Darnell, Billy E.; Darnell and Associates, (September 2, 2020), Traffic Impact Analysis for the International Industrial Park Major Use Subdivision

Darnell, Billy E.; Darnell and Associates, (February 10, 2012), Traffic Impact Study

Gallegos, Dennis R.; Statistical Research, Inc., (October 2012), Cultural Resources Survey and Test Report

Hunt, Jim; Hunt Research Corporation, (March 2012), Fire Protection Plan

Mason, Greg; Alden Environmental, Inc., (May 21, 2020), Conceptual Upland Habitat Biological Resources Management Plan

Mason, Greg; Alden Environmental, Inc., (March 2, 2020), Conceptual Wetland Habitat Biological Resources Management Plan

Mason, Greg; Alden Environmental, Inc., (May 21, 2020), Addendum to the August 2013 Biological Technical Report

Stevens Cresto Engineering, Inc. (April 2, 2020), CEQA Preliminary Hydrology/Drainage Study

Stevens Cresto Engineering, Inc. (March 9, 2020), Stormwater Quality Management Plan

Thompson, Valorie L.; Scientific Resources Associated, (June 12, 2019), Air Quality and Greenhouse Gas Analyses



# County of San Diego

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**KATHLEEN FLANERY**  
ASSISTANT DIRECTOR

## AN ADDENDUM TO THE PREVIOUSLY ADOPTED ENVIRONMENTAL IMPACT REPORT FOR THE EAST OTAY MESA SPECIFIC PLAN, LOG NO. 93-19-006

### FOR PURPOSES OF CONSIDERATION OF International Industrial Park PDS2008-3100-5549 APNs: 646-080-34, 648-040-20 & 25

September 18<sup>th</sup>, 2020

**CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 or 15163 calling for the preparation of a subsequent or supplemental EIR or subsequent Negative Declaration have occurred.**

#### **Discussion:**

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

1. To the Project Name add International Industrial Park
2. To the Project Number(s) add: PDS2008-3100-5549; and PDS2008-3910-9319006FF
3. To the Project Description add:

The Project is a Tentative Map to subdivide approximately 170 acres of vacant land into eight (8) lots. Two lots will be preserved on-site by open space easements. The site is subject to the Village General Plan Regional Category, Specific Plan Area General Plan Land Use Designation, and S88 (Specific Plan) Zoning Regulations. The East Otay Mesa Specific Plan designated the majority of the site as Technology Business Park; the northwest corner of the site is Conservation/ Limited Use. The site is also subject to the "B" (Community Design Review Area) and "C" (Airport Land Use Compatibility Plan Area) Special Area Designators. In addition, a portion of the project site would be provided via two internal cul-de-sac roads and will connect directly on-to Lone Star Road (Paseo De La Fuente): Enrico Fermi Drive and Vann Centre

Boulevard. The project would be served by sewer and imported water from the Otay Water District. Fire service will be provided by County Service Area 135. Earthwork will consist of a cut of approximately 2,208,00 CY, fill of approximately 1,767,000 CY, an estimated shrinkage of 176,000 CY, and a net export of approximately 265,000 CY. The project also includes off-site infrastructure improvements. Proposed road segments that provide access to and from the proposed project, consistent with the East Otay Mesa Specific Plan, include the construction of Lonestar Road from Alta Road westward to Sunroad Tech Center. Water connections would either be extended eastward to Sunroad Tech Center or westward from Alta Road.

4. To the first paragraph add as indicated: “The EIR for this project is comprised of this form along with the Environmental Review Update Checklist Form for Projects with a Previously Approved Environmental Document dated September 18<sup>th</sup>, 2020 which includes the following forms attached.”
  - A. The previously adopted Environmental Impact Report, dated July 27<sup>th</sup>, 1994;
  - B. An Addendum to the previously adopted Environmental Impact Report with an Environmental Review Update Checklist Form for Projects with a Previously Approved Environmental Document dated September 18<sup>th</sup>, 2020;
  - C. An Ordinance Compliance Checklist dated September 18<sup>th</sup>, 2020.

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

**FOR PURPOSES OF CONSIDERATION OF  
INTERNATIONAL INDUSTRIAL PARK; PDS2008-3100-5549; PDS2008-3910-  
9319006FF**

**September 18<sup>th</sup>, 2020**

**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 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 within the boundaries of the Multiple Species Conservation Program. The project conforms with the Multiple Species Conservation Program and the Biological Mitigation Ordinance as discussed in the MSCP Findings dated February 14, 2020.

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

YES                      NO                      NOT APPLICABLE/EXEMPT  
                                           

The project will obtain potable water from the Otay Water District that obtains water from surface reservoirs and/or other 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 <a href="#">Steep Slope</a> 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:***

Even though wetlands and/or wetland buffer areas have been identified on the project, the project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project will not place any non-permitted uses within wetlands; b) the project will not allow grading, filling, construction, or placement of structures within identified wetlands; and c) the project will not allow any non-permitted uses within wetland buffer areas. 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 located near a floodway and floodplain fringe (Johnson Creek) and will be conditioned to provide a "No Rise Certification" or a Conditional Letter of Map Revision (CLOMR) to the satisfaction of DPW Flood Control and FEMA prior to issuance of the grading permit.

***Steep Slopes:***

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County RPO. There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitats:***

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife

corridor. No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

**Significant Prehistoric and Historic Sites:**

The property has been surveyed by a County of San Diego approved archaeologist and historian, Dennis Gallegos and Carrie Gregory, respectively, and it has been determined that the property does not contain any archaeological/historical sites. As such, the project complies with 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 and Hydromodification Management Study has/have been reviewed and are 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:

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

Staff has reviewed the project description and plot plan associated with PDS2008-TM-5549, IIP. Staff determined that documentations provided are considered accepted. The project is a Tentative Map to subdivide a 170-acre lot into six developable lots and two open space lots. The project does not propose any uses. The project site as well as surrounding adjacent parcels are zoned Specific Plan (S88), which are subject to the noise levels depending on the use being made on the property. Based on that information, the project does not propose any noise generating sources. In order to ensure the project complies with the noise standards, each lot would be required to demonstrate compliance with the Noise Ordinance, Section 36.404 during the discretionary review.

In addition, the project demonstrated compliance with the County’s General Plan Noise elements. The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element

of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations. The proposed project consists of subdividing the 170 acres lot into eight vacant lots. The lots do not propose any uses and be subject to further noise analysis during the discretionary review of each of the lots.

The project is also subject to the County Noise Ordinance which regulates temporary construction noise associated with the project, Sections 36.408 and 36.409. Section 36.409 of the County Noise Ordinance states that construction noise shall not exceed 75 dBA at the property line during an eight-hour period between 7 a.m. to 7 p.m. It is unlawful to operate construction equipment between 7 pm and 7 am and no work shall be done on Sundays and Holidays, per Section 36.408. In addition, the project will be conditioned with a "Good Practice Measures," to ensure compliance with the Noise Ordinance, Sections 36.408 and 36.409. Based on the information provided, the noise level generated from the construction activities is not anticipated to exceed the standards and therefore compliance with the Noise Ordinance, Sections 36.408 and 36.409.

**MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT**  
**For INTERNATIONAL INDUSTRIAL PARK**  
**Tentative Map PDS2008-3100-5549**  
**APN (s) 648-040-20, 648-040-25, 646-080-34, and 646-080-35**

**February 18, 2020**

**I. Introduction**

The project is the subdivision of 170.8 acres of vacant land into eight lots. Development will require the grading of 135.2 acres on-site and may require the grading of 5.6 acres off-site.

The off-site impact is due to a graded slope that extends beyond the southern boundary of the property and road improvements associated with Enrico Fermi Drive. These off-site impacts will not occur if the neighboring property owner, known as “Rabago”, proceeds to grade before the TM 5549 subdivider grades. In that event, Rabago will raise the grade on its property and no graded slopes associated with TM 5549 will extend onto Rabago’s property.

The 170.8-acre site supports 157.6 acres of non-native grassland, 5.4 acres of tamarisk scrub, and 7.8 acres of disturbed land. One County List B plant species was noted onsite: San Diego marsh elder (*Iva hayesiana*). Sensitive wildlife included northern harriers (*Circus cyaneus*), black shouldered kites (*Elanus leucurus*), and red-tailed hawks (*Buteo jamaicensis*). The project would impact 135.2 acres on-site and could potentially impact 5.6 acres off-site. The impacted area will consist of 0.76 acres of tamarisk scrub on-site, 127.9 acres of non-native grassland habitat on-site and potentially 2.5 acres off-site, and 6.6 acres of disturbed land on-site and potentially 3.1 acres off-site. All individuals of San Diego marsh elder are within the proposed open space and would not be impacted.

The site is located in a Minor Amendment Area of the South County Subarea of the MSCP. The project site is not considered a BRCA. The land is not shown as pre-approved mitigation area (PAMA) on the wildlife agencies pre-approved mitigation area map. Currently the site does not function as a viable wildlife corridor as Alta Road and developed lands to the east would prevent wildlife from moving from the east towards the northwest. However, the western portion of the on-site drainage in its present condition may allow for wildlife movement. A small portion of the site is mapped as Major Amendment Area, but will not be impacted by the project except for a County trail easement within an easement to the Otay Water District, dedicated in 1966, that enters the western boundary of the property near the northern property boundary and continues north along the boundary, through the existing water line easement and through the Major Amendment Area. The trail alignment was developed based upon the location of the existing dedicated trail easement on the adjacent property to the west.

Mitigation for project impacts to non-native grassland will be comprised of a combination of 17.62 acres of non-native grassland habitat to be preserved and managed on-site, and a monetary contribution to the Otay Mesa Grassland Mitigation Fund, The San Diego Foundation Fund No.6649. The 17.62 acres on non-native grassland habitat is comprised of three components. A five-acre area of existing non-native grassland habitat will be preserved on-site as a component

of the overall non-native grassland mitigation requirement and will be managed in conjunction with the adjacent TPM 21140 non-native grassland mitigation area. An additional 2.76 acres of existing non-native grassland will be preserved, and 9.86 acres of manufactured slopes will be revegetated with non-native grassland species after the project is developed. These slopes will be placed into a standard County of San Diego open space easement.

In addition to the on-site areas, the project will provide a monetary contribution of \$1,567,421.68 to the Otay Mesa Grassland Mitigation Fund, The San Diego Foundation Fund No. 6649 as the final component of the non-native grassland mitigation package. The cost per acre credit was based on the purchase cost of upland (Tier III) credits in the Crestridge Conservation Bank (\$15,388/credit), based on the cost of 101.86 acres of upland habitat credit.

Impacts to the eastern portion of the drainage will be mitigated through the removal of tamarisk scrub, creation, enhancement and revegetation of riparian habitat. The mitigation measures will be required as a condition of approval listed in the Tentative Map Resolution of Approval. The on-site riparian biological open space will be preserved and managed in perpetuity according to an approved Resource Management Plan, and revegetation will be subject to an approved Landscape Revegetation Plan with bonding and 5-year success criteria.

The mitigation ratio required for non-native grassland impacts at TM 5549 is 0.5:1. The 0.5:1 ratio is appropriate for the following reasons:

- The BMO specifies 0.5:1 as the mitigation ratio for non-native grassland that is not occupied by the Burrowing owl. The BMO does not include a definition of “occupied” by the Burrowing owl.
- The County’s Strategy for Mitigating Impact to Burrowing Owls in the Unincorporated County states that all non-native grassland in East Otay Mesa is considered occupied by the Burrowing owl; however, the Strategy does not apply to TM 5549 because the application for TM 5549 was deemed complete by operation of law on March 2, 2008, and the Strategy did not take effect until September 15, 2010. The applicable County guidelines on the date that the application was deemed complete were the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements, First Revision (“2007 County Guidelines”) adopted and put into effect in 2007. At that time, the mitigation ratio for non-native grassland unoccupied by Burrowing owls was 0.5:1, and there was no definition of “occupied” by the Burrowing owl.
- Since there is no specific definition for Burrowing owl occupation that applies to TM 5549, the County made a determination based on knowledge of the area and the biological evidence in the Biological Technical Report prepared by REC and the Biological Technical Report Addendum prepared by Alden Environmental for this project.
- REC conducted a protocol survey on the property in 2010 with negative results for the species. Small mammal burrows onsite were examined for owl signs and no signs of Burrowing owl presence were detected. During the 28 different biologically related visits to the site conducted between 2003 and 2010, no Burrowing owls and no signs of Burrowing owl presence were observed.

- Tall and dense non-native grassland vegetation over nearly all of the site impede the use of the site by Burrowing owls. TM 5549 is densely covered in non-native grassland mustard year-round, which does not facilitate foraging or protecting burrowing owl nests from predators. In many areas, these species are so thick that there are no other plants. In contrast, Burrowing owls require habitats that are low growing (less than six inches) or are sparse in cover for adequate hunting and prefer elevated perches. In the case of the project site, the vegetation is considerably higher than two inches, with the majority exceeding 24 inches, and perches are minimal to non-existent.
- Additionally, Burrowing owls require burrows created by other mammals, as well as abundant prey. There were no natural or manmade burrows observed on-site that are large enough to support Burrowing owls, and the few small mammal burrows that were found on the property did not indicate evidence of owl presence. This finding is consistent with conclusions in published studies, given the site's dense non-native grasslands coverage. Furthermore, prey species noted onsite were not in abundance.
- The adjacent Sunroad and Rabago projects have never had owls observed either and Salvage Yards only had one burrow near Alta Road, about 300 feet from the project boundary.
- For the reasons listed above, the TM 5549 site is not anticipated to be used by Burrowing owls either for nesting or foraging, and therefore the site is not occupied and the 0.5:1 mitigation ratio is appropriate.

Nevertheless, by agreement with the County and the wildlife agencies, the project will mitigate for impacts to non-native grasslands at a mitigation ratio of 0.9:1. As stated above, the project will preserve 17.62 acres of existing or re-vegetated non-grassland on-site and will contribute \$1,567,421.68 to the Otay Mesa Grassland Mitigation Fund, The San Diego Foundation Fund No. 6649. The contribution amount is equivalent to the cost of upland (Tier III) 101.86 acre-credits in the Crestridge Conservation Bank.

Table 1. Impacts to Upland Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Non-Native Grassland	III	157.6	127.9	0.9:1	119.48
Tamarisk (RPO)	Scrub I	5.423	0.76	3:1	2.29
Disturbed	IV	7.8	7.8	0	0
<b>Total:</b>	--	170.8	135.2	--	121.77

The findings contained within this document are based on County records, staff field site visits, the Biological Technical Report prepared by REC Consultants dated August 2013, and the Biological Technical Report Addendum prepared by Alden Environmental dated February 2020. The information contained within these Findings is correct based on the current version of the Biological Technical Report and Biological Technical Report Addendum at the time the findings were completed. If final revisions to the Biological Technical Report or Biological Technical Report Addendum change any of the impacts, mitigation, or conclusions in these findings, the findings will be updated and re-sent. Any subsequent environmental review completed due to

changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement among the County of San Diego, the California Department of Fish and Wildlife, and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after concurrence is received from the Wildlife Agencies, the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

## II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

**A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.**

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

**i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The site is not mapped as PAMA.

**ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to the preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The site is not adjacent or contiguous to PAMA.

**iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**

- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**

- b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO).**

Although the tamarisk scrub habitat on-site connects to Johnson Canyon on the northwest side, the drainage decreases in value and loses RPO status as it crosses the project site to the southeast. The project is bordered by the developed Rowland Major Use Permit to the southeast and the graded Salvage Yards Major Use Permit to the east, blocking wildlife movement onto the site from the east/southeast. Therefore, the site is not part of a regional linkage/corridor.

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The site is shown entirely as agriculture on the Habitat Evaluation Map.

- v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The site is not within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**

- a. Gabbroic rock;**
- b. Metavolcanic rock;**
- c. Clay;**
- d. Coastal sandstone**

Although the site supports Diablo clay soils, a spring rare plant survey was conducted and it was determined that the site does not support a high number of sensitive species.

- B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.**

The project will mitigate for project impacts to non-native grassland at a 0.9:1 ratio through a combination of non-native grassland habitat preservation and management

on-site and a contribution to the Otay Mesa Grassland Mitigation Fund, The San Diego Foundation Fund #6649. Five acres of existing, on-site non-native grassland will be preserved and managed in conjunction with the adjacent OMC TPM 21140 non-native grassland mitigation area. An additional 2.76 acres of existing, on-site non-native grassland will be preserved and 9.86 acres of on-site manufactured slopes will be revegetated with non-native grassland species after the project is developed. In total, 17.62 acres of non-native grassland will be preserved on-site through recordation of one or more open space easements. For the reasons discussed above, as with the Impact Area, the adjacent Mitigation Site, within the same project area, does not qualify as a BRCA.

The project will contribute \$1,567,421.68 to the Otay Mesa Grassland Mitigation Fund, The San Diego Foundation Fund #6649. The amount of the contribution is based on the cost of 101.86 acres of upland habitat credit at the Crestridge Conservation Bank. The funds contributed to the Grassland Mitigation Fund are expected to be used to manage and improve the quality of non-native grassland habitat suitable for occupation by the burrowing owl within one or more BRCA's in the Otay Mesa area.

### **III. Biological Mitigation Ordinance Findings**

#### **A. Project Design Criteria (Section 86.505(a))**

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations Sensitive Plan Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or propose impacts within a Biological Resource Core Area.

The project does not propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List), or within a Biological Resource Core Area.

#### **B. Preserve Design Criteria (Attachment G)**

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

The project is not located within PAMA or Preserved land as identified on the Subarea Plan Map.

### C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

The project site is not located within a regional linkage. Wildlife might access the on-site drainage feature from the northwest, but there is no connectivity to the southeast due to existing development to the east and southeast. The proposed open space easement and tamarisk removal would improve the site's habitat value and connectivity to the northwest.

### IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

**1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

The project will cause no net loss of wetlands because all wetland impacts will be mitigated at a 2:1 or 3:1 mitigation ratio with at least 1:1 creation. Wetland creation will be achieved on-site through the creation of 0.76 acres of native wetland/riparian habitat and 1.52 acres of wetland habitat enhancement.

**2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

The project will maximize the habitat structural diversity of conserved habitat areas by preserving all of the RPO wetland on-site along with 17.62 acres of non-native grassland adjacent to the wetland. All five individuals of San Diego marsh elder observed on-site will be included in the preserved open space.

**3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

The project site does not include Coastal sage scrub or other habitat types that were ranked as having high biological values by the MSCP habitat evaluation model.

**4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

The proposed on-site open space follows the course of the existing RPO wetland and connects to conserved habitat off-site to the west, thus maximizing the ratio of surface area to perimeter given the linear nature of the resource.

**5. The project provides for the development of the least sensitive habitat areas.**

The project develops the less sensitive non-native grassland and disturbed land, while preserving the more sensitive RPO wetland area.

**6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

The project does not support key regional populations of covered species; however, the project would preserve the on-site wetland and adjacent non-native grassland, with connectivity to the preserved land to the west.

**7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

Although small, the on-site open space has connectivity to the west.

**8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

The project site does not support critical populations or narrow endemics, and thus the project will not impact them.

**9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

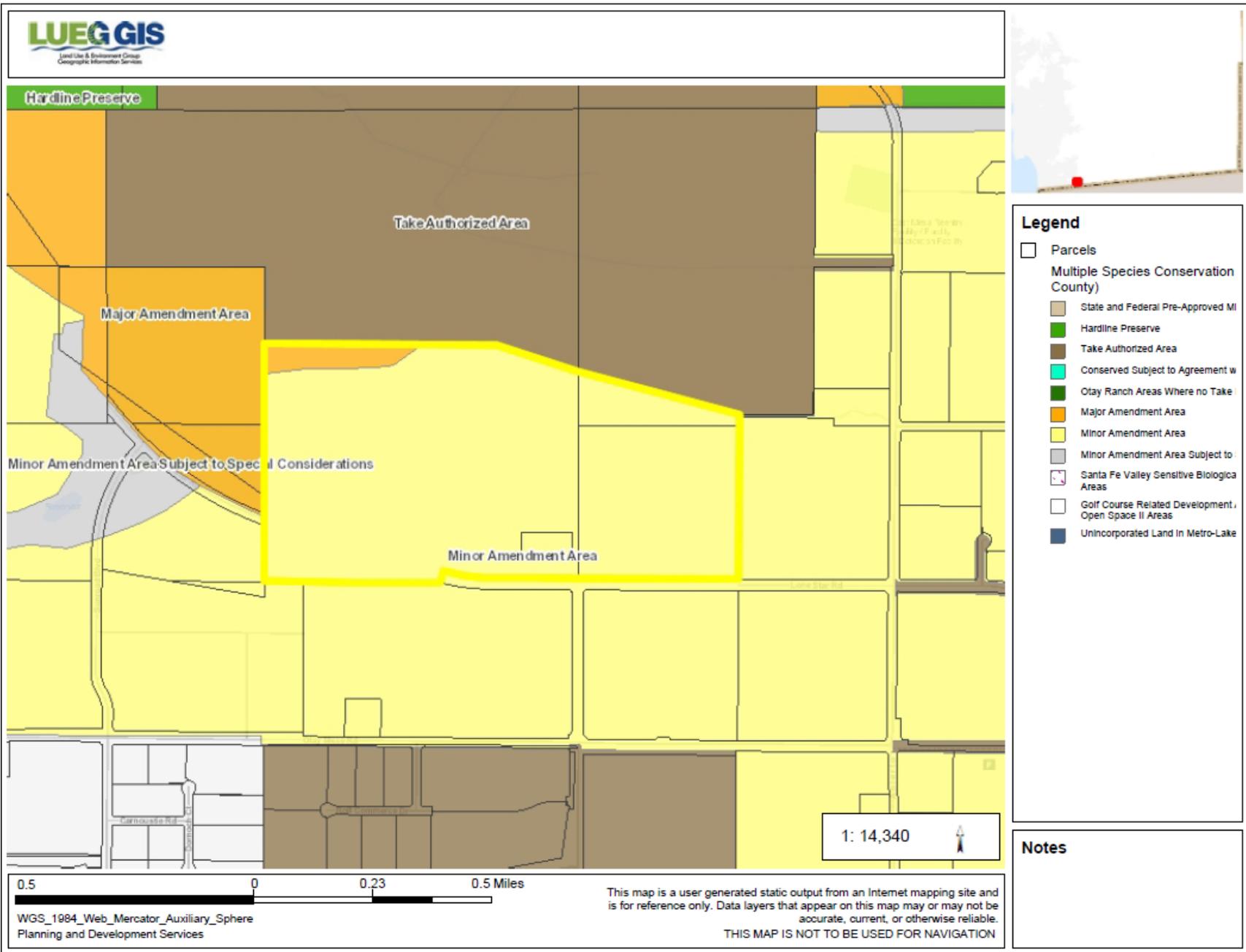
The project will not jeopardize the assembly of a preserve system because the impact area is not designated as PAMA or Preserved land, does not support a regional wildlife corridor, and does not qualify as a BRCA. In addition, the portion of the site that could potentially be used as a local movement corridor will be preserved in biological open space, with the appropriate buffer area as well as revegetated slopes. The only sensitive plant species found on-site, San Diego marsh elder, would be preserved within the proposed open space. In addition, the mitigation measures for the project include creation and restoration of native wetland and riparian habitat in areas currently supporting non-native grassland and tamarisk scrub, thus increasing habitat value of the preserved area.

**10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The proposed on-site open space follows the course of the existing RPO wetland and connects to conserved habitat off-site to the west, thus maximizing the ratio of surface area to perimeter given the linear nature of the resource. The open space will be protected with open space fencing and signage, and the applicant will provide for the maintenance and monitoring in perpetuity pursuant to an approved Resource Management Plan. The open space is surrounded by a 50-foot limited building zone to protect the open space from fire clearing. These provisions will reduce edge effects to on-site open space.

**11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific species as defined in the BMO.**

The project site is not located within a BRCA. The project site does support San Diego marsh elder; however, all observed marsh elder locations will be preserved in the proposed biological open space. All RPO wetland will be preserved in open space, with the exception of one public sewer easement what would be mitigated at a 3:1 ratio with at least 1:1 creation. The RPO wetland, which may also serve as a local wildlife corridor to the northwest, will be surrounded by an open space buffer of at least 50 feet, with revegetated slopes, open space fencing, signage, and a 50-foot limited building zone. The proposed open space would provide habitat for norther harriers (*Circus cyaneus*), black shouldered kites (*Elanus leucurus*), and red-tailed hawks (*Buteo jamaicensis*). The project's impacts to non-native grasslands and raptor foraging habitat would be mitigated at a 0.9:1 ratio with a combination of preserved and revegetated non-native grasslands on-site and a monetary contribution of \$1,567,421.68 to the Otay Mesa Grassland Mitigation Fund, The San Diego Foundation Fund No. 6649.





U.S. FISH AND WILDLIFE SERVICE  
Carlsbad Fish and Wildlife Office  
2177 Salk Avenue, Suite 250  
Carlsbad, California 92008



CALIFORNIA DEPARTMENT OF  
FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, California 92123

In Reply Refer to:  
FWS/CDFW-13B0442-20CPA0125

April 28, 2020  
*Sent Electronically*

Ms. Ashley Smith  
County of San Diego  
Planning and Development Services  
5510 Overland Avenue, Suite 110  
San Diego, California 92123

Subject: Minor Amendment Request for the International Industrial Park, San Diego  
County, California

Dear Ms. Smith:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed your letter dated February 18, 2020, requesting our concurrence that the International Industrial Park (IIP) project on East Otay Mesa in San Diego County, California, meets the provisions for a minor amendment to the County of San Diego's (County) Multiple Species Conservation Program (MSCP) Subarea Plan.

The project proposes the subdivision of 170.8 acres of vacant land into eight lots. Development will require the grading of 135.2 acres on-site and up to 5.6 acres off-site. This includes 127.9 acres of non-native grassland, 0.76 acre of tamarisk scrub, and 6.6 acres of disturbed land. These impacts are proposed to be offset through both the preservation of 17.62 acres on-site, of which 5 acres will be added to the adjacent habitat preserve and the contribution of \$1,567,421.68 to the Otay Mesa Grasslands Fund held at the San Diego Foundation, which is used for the benefit of burrowing owls, a covered species under the County's MSCP permit.

We disagree with the conclusion that the site does not meet the Biological Resource Core Area criteria and commented previously on this issue in a letter dated September 20, 2013 (FWS/CDFW-13B0442-13TA0452). Nonetheless, we have worked with the applicant to develop a mitigation package that will offset impacts to non-native grassland and the covered species it supports on Otay Mesa.

To provide further clarification, we request that the proposed conditions of approval incorporate the following modifications:

1. The project proponent for the IIP Project and/or the County will ensure that the long-term management of the 5.0 acres preserved onsite and being added into the adjacent preserve created for the OMC project will occur in perpetuity. The land manager (Urban Corps) needs to confirm that they accept this additional responsibility and the amount of additional funding required to manage the additional 5 acres; this should be confirmed in writing by Urban Corps, and validated by a revised Property Analysis

Record (PAR). The additional endowment funding payment should be verified prior to the County's approval of the grading permit. We assume that the previously prepared long-term management and monitoring plan is applicable to the additional 5 acres; this should also be confirmed by the Urban Corps.

2. The agreement reached between IIP and the Wildlife Agencies requires that the graded fill slopes be revegetated with grassland species and placed under a protective open space easement to the County. Management is not required beyond the 5-year establishment period. A Non-native Grassland Revegetation Plan (NGRP; Alden Environmental 2020) prepared for the IIP project identified 9.86 acres of graded slopes to be revegetated under the direction of a qualified restoration biologist. Although there is no requirement regarding the amount of native versus non-native grasses and forbs to become established, the NGRP identifies species to be used in the revegetation plant pallet, and also that highly invasive species detrimental to the purposes of the revegetation effort are to be removed during the 5 years of management. Additionally, the NGRP indicates it may be implemented/funded either by IIP or a future property owner; the County needs to ensure that the NGRP will be fully implemented as it occurs after the impacts will have already occurred. Regarding the NGRP, pampas grass (*Cortaderia selloana*), fountain grass (*Pennisetum setaceum*), Sahara mustard (*Brassica tournefortii*), artichoke thistle (*Cynara cardunculus*), and stinknet (*Oncosiphon piluliferum*) should all be added to the list of "Zero Tolerance" species identified in Table 5 of the NGRP to prevent their establishment on the slopes and subsequent spread into the nearby long-term managed areas. Efforts should also be made to reduce cover by shortpod mustard (*Hirschfeldia incana*) and black mustard (*Brassica nigra*) during the 5-year management to better facilitate establishment of target species in the plant pallet; however, we recognize it is not feasible to treat these as Zero Tolerance species in the current instance.
3. All vegetation clearing and grading should occur outside the bird breeding season (February 1-August 31). If construction is proposed to begin during this timeframe, surveys need to be performed for breeding birds by a qualified biologist before construction/grading begins. Please note that northern harriers (*Circus cyaneus*), an MSCP Covered Species, have been known to nest in dense stands of mustard in San Diego County. Direct impacts to nests, as well as occupied burrowing owl burrows (including burrows and/or human-made features such as pipes, etc.), should be avoided. Disturbance from clearing and construction activities should not occur within 300 feet of occupied owl burrows or 900 feet from northern harrier nests (per the MSCP) without concurrence from the County and Wildlife Agencies that construction activities may proceed. Bio-fencing should be placed around all occupied burrows during construction.
4. If owls are present in the burrows, a biologist approved by the Wildlife Agencies shall implement passive relocation measures (installation of one-way doors) in accordance with Department guidance documents. Any eviction or passive relocation methods employed for this project must be specifically approved by the Wildlife Agencies and shall occur outside of the burrowing owl breeding season.

Provided these above modifications are incorporated into the County's final conditions for approval of the project, the Wildlife Agencies agree that the IIP Project is consistent with the Biological Mitigation Ordinance and the overall goals of the County's MSCP Subarea Plan.

Ms. Ashley Smith (FWS/CDFW-13B0442-20CPA0125)

3

Therefore, for the purpose of processing County approvals for the project under the County's Subarea Plan, with incorporation of the above modifications, we concur that the IIP Project meets the minor amendment criteria and qualifies as a "covered activity" under the plan.

If you have questions regarding this letter please contact Patrick Tilley of the Department at 858-467-4237 or Susan Wynn of the Service at 760-431-9440, extension 216.

Sincerely,



*For* David A. Zoutendyk  
Acting Assistant Field Supervisor  
U.S. Fish and Wildlife Service

David A. Mayer  
Environmental Program Manager  
California Department of Fish and Wildlife

**LITERATURE CITED**

Alden Environmental, Inc. 2020. TM 5549 Non-native Grassland Revegetation Plan. PDS2008-3100-5549. March 2020.

**Attachment E –  
SERVICE AVAILABILITY FORMS**



County of San Diego, Planning & Development Services  
**PROJECT FACILITY AVAILABILITY - SCHOOL**  
**ZONING DIVISION**

*Please type or use pen*  
 (Two forms are needed if project is to be served by separate school districts)

International Industrial Park, Inc. 858-623-9000  
 Owner's Name Phone

5440 Morehouse Drive, Suite 4000  
 Owner's Mailing Address Street

San Diego, CA 92121  
 City State Zip

ORG \_\_\_\_\_  
 ACCT \_\_\_\_\_  
 ACT \_\_\_\_\_  
 TASK \_\_\_\_\_  
 DATE \_\_\_\_\_

ELEMENTARY \_\_\_\_\_  
 HIGH SCHOOL \_\_\_\_\_  
 UNIFIED \_\_\_\_\_

**Sc**

*DISTRICT CASHIER'S USE ONLY*

**SECTION 1. PROJECT DESCRIPTION TO BE COMPLETED BY APPLICANT**

**A. LEGISLATIVE ACT**  
 Rezones changing Use Regulations or Development Regulations  
 General Plan Amendment  
 Specific Plan  
 Specific Plan Amendment

**B. DEVELOPMENT PROJECT**  
 Rezones changing Special Area or Neighborhood Regulations  
 Major Subdivision (TM)  
 Minor Subdivision (TPM)  
 Boundary Adjustment  
 Major Use Permit (MUP), purpose: \_\_\_\_\_  
 Time Extension... Case No. \_\_\_\_\_  
 Expired Map... Case No. \_\_\_\_\_  
 Other \_\_\_\_\_

**C.**  Residential . . . . . Total number of dwelling units \_\_\_\_\_  
 Commercial . . . . . Gross floor area \_\_\_\_\_  
 Industrial . . . . . Gross floor area \_\_\_\_\_  
 Other . . . . . Gross floor area \_\_\_\_\_  
 Technology Business Park

**D.**  Total Project acreage 169.3 Total number lots 8

Assessor's Parcel Number(s)  
 (Add extra if necessary)

648-040-20	646-080-34
648-040-25	646-080-35

Thomas Guide Page 1352 Grid A-1 & B-1  
 Northside of Lonestar Rd between Vann Centre Blvd  
 and Alta Rd, south of Donovan Prison  
 Project address Street  
 East Otay Mesa 92154  
 Community Planning Area/Subregion Zip

Applicant's Signature: *[Signature]* Date: 12/20/19  
 Address: 5440 Morehouse Drive, Suite 4000 San Diego, CA 92121 Phone: 858-623-9000

(On completion of above, present to the district that provides school protection to complete Section 2 below.)

**SECTION 2: FACILITY AVAILABILITY TO BE COMPLETED BY DISTRICT**

District Name: *San Ysidro School District* *Sweetwater Union*  
 If not in a unified district, which elementary or high school district must also fill out a form?

Indicate the location and distance of proposed schools of attendance.

Elementary: *Ocean View Hills* miles: *5.58*  
 Junior/Middle: *Vista del Mar* miles: *5.81*  
 High school: *N/A* miles: *N/A*

This project will result in the overcrowding of the  elementary  junior/school  high school. (Check)  
 Fees will be levied or land will be dedicated in accordance with Education Code Section 17620 prior to the issuance of building permits.  
 Project is located entirely within the district and is eligible for service.  
 The project is not located entirely within the district and a potential boundary issue may exist with the \_\_\_\_\_ school district

Authorized Signature: *[Signature]* Print Name: *Paulo Azevedo*  
 Print Title: *Director of Facilities* Phone: *619-428-4476*

On completion of Section 2 by the district, applicant is to submit this form with application to:  
 Planning & Development Services, Zoning Counter, 5510 Overland Ave. Suite 110 San Diego, CA 92123



County of San Diego, Planning & Development Services  
**PROJECT FACILITY AVAILABILITY - SEWER**  
 ZONING DIVISION

2020-1

Please type or use pen

International Industrial Park, Inc.	858-623-9000	ORG _____	<b>S</b>
Owner's Name	Phone	ACCT _____ DPWWWDPOSSAL	
5440 Morehouse Drive, Suite 4000		ACT _____	
Owner's Mailing Address	Street	TASK _____	
San Diego, CA 92121		DATE _____	
City	State	Zip	AMT \$ <u>15<sup>00</sup></u>

DISTRICT CASHIER'S USE ONLY

**SECTION 1. PROJECT DESCRIPTION** **TO BE COMPLETED BY APPLICANT**

A.  Major Subdivision (TM)  Certificate of Compliance: \_\_\_\_\_  
 Minor Subdivision (TPM)  Boundary Adjustment  
 Specific Plan or Specific Plan Amendment  
 Rezone (Reclassification) from \_\_\_\_\_ to \_\_\_\_\_ zone  
 Major Use Permit (MUP), purpose: \_\_\_\_\_  
 Time Extension...Case No. \_\_\_\_\_  
 Expired Map...Case No. \_\_\_\_\_  
 Other \_\_\_\_\_

B.  Residential . . . . . Total number of dwelling units \_\_\_\_\_  
 Commercial. . . . . Gross floor area \_\_\_\_\_  
 Industrial . . . . . Gross floor area \_\_\_\_\_  
 Other . . . . . Gross floor area \_\_\_\_\_  
 Technology Business Park \_\_\_\_\_

C. Total Project acreage 169.32 Total lots 8 Smallest proposed lot 1.5 Acres

D. Is the project proposing its own wastewater treatment plant?  Yes  No  
 Is the project proposing the use of reclaimed water?  Yes  No

Assessor's Parcel Number(s)  
(Add extra if necessary)

648-040-20	646-080-34
648-040-25	646-080-35

Thomas Guide Page 1352 Grid A-1 & B-1  
 Northside of Lonestar Rd between Vann Centre Blvd and Alta Rd, south of Donovan Prison

Project address \_\_\_\_\_ Street \_\_\_\_\_  
 East Otay Mesa \_\_\_\_\_ 92154  
 Community Planning Area/Subregion \_\_\_\_\_ Zip \_\_\_\_\_

Owner/Applicant agrees to pay all necessary construction costs and dedicate all district required easements to extend service to the project.  
**OWNER/APPLICANT MUST COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.**

Applicant's Signature: [Signature] Date: 12/20/19  
 Address: 5440 Morehouse Drive, Suite 4000 San Diego, CA 92121 Phone: 858-623-9000

(On completion of above, present to the district that provides sewer protection to complete Section 2 below.)

**SECTION 2: FACILITY AVAILABILITY** **TO BE COMPLETED BY DISTRICT**

District name SD COUNTY SANITATION Service area EAST OTAY MESA

A.  Project is in the District.  
 Project is not in the District but is within its Sphere of Influence boundary, owner must apply for annexation.  
 Project is not in the District and is not within its Sphere of Influence boundary.  
 Project is not located entirely within the District and a potential boundary issue exists with the \_\_\_\_\_ District.

B.  Facilities to serve the project  ARE  ARE NOT reasonably expected to be available within the next 5 years based on the capital facility plans of the district. Explain in space below or on attached. Number of sheets attached: \_\_\_\_\_  
 Project will not be served for the following reason(s): \_\_\_\_\_

C.  District conditions are attached. Number of sheets attached: \_\_\_\_\_  
 District has specific water reclamation conditions which are attached. Number of sheets attached: \_\_\_\_\_  
 District will submit conditions at a later date.

D.  How far will the pipeline(s) have to be extended to serve the project? AS-NEEDED

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized Signature: [Signature] Print Name and Title PEEJAY TUBANBANUA DPW UNIT MANAGER Phone 858 694-2657 Date 1/7/2020

**THIS DOCUMENT IS NOT A COMMITMENT OF FACILITIES OR SERVICE BY THE DISTRICT** On completion of Section 2 by the district, applicant is to submit this form with application to: Planning & Development Services, Zoning Counter, 5510 Overland Ave. Suite 110 San Diego, CA 92123



## ATTACHMENT

If applicable Applicant will need to construct sewer main extension necessary to achieve connection with existing District sewer system as shown in the East Otay Mesa Sewer Master Plan. The developer may be required to grade and pave additional roads for access to maintain Public sewer constructed within inaccessible easements. Additionally may be required to dedicate additional roads as sewer access easements to the proposed designated Public and existing District sewer mains.

Future sewer discharge permit issued by the San Diego County Sanitation District (District) shall be subject to:

- City of San Diego and District fees in effect at time of permit issuance, and
- All applicable reimbursement agreements within the District

Applicant may also be responsible to contribute funding to the City of San Diego - proportionate to project size and impact - toward construction of pump station 23 sewer basin improvements as determined at time of building permit application.





County of San Diego, Planning & Development Services  
**PROJECT FACILITY AVAILABILITY - SCHOOL**  
 ZONING DIVISION

*Please type or use pen*  
 (Two forms are needed if project is to be served by separate school districts)

International Industrial Park, Inc. 858-623-9000  
 Owner's Name Phone

5440 Morehouse Drive, Suite 4000  
 Owner's Mailing Address Street

San Diego, CA 92121  
 City State Zip

ORG \_\_\_\_\_  
 ACCT \_\_\_\_\_  
 ACT \_\_\_\_\_  
 TASK \_\_\_\_\_  
 DATE \_\_\_\_\_

ELEMENTARY \_\_\_\_\_  
 HIGH SCHOOL \_\_\_\_\_  
 UNIFIED \_\_\_\_\_

**Sc**

*DISTRICT CASHIER'S USE ONLY*

**SECTION 1. PROJECT DESCRIPTION TO BE COMPLETED BY APPLICANT**

A. **LEGISLATIVE ACT**  
 Rezones changing Use Regulations or Development Regulations  
 General Plan Amendment  
 Specific Plan  
 Specific Plan Amendment

B. **DEVELOPMENT PROJECT**  
 Rezones changing Special Area or Neighborhood Regulations  
 Major Subdivision (TM)  
 Minor Subdivision (TPM)  
 Boundary Adjustment  
 Major Use Permit (MUP), purpose: \_\_\_\_\_  
 Time Extension...Case No. \_\_\_\_\_  
 Expired Map...Case No. \_\_\_\_\_  
 Other \_\_\_\_\_

C.  Residential . . . . . Total number of dwelling units \_\_\_\_\_  
 Commercial . . . . . Gross floor area \_\_\_\_\_  
 Industrial . . . . . Gross floor area \_\_\_\_\_  
 Other . . . . . Gross floor area \_\_\_\_\_  
 Technology Business Park \_\_\_\_\_

D.  Total Project acreage 169.3 Total number lots 8

Assessor's Parcel Number(s)  
 (Add extra if necessary)

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648-040-25	646-080-35

Thomas Guide Page 1352 Grid A-1 & B-1  
 Northside of Lonestar Rd between Vann Centre Blvd  
 and Alta Rd, south of Donovan Prison  
 Project address Street

East Otay Mesa 92154  
 Community Planning Area/Subregion Zip

Applicant's Signature: \_\_\_\_\_ Date: 12/20/19  
 Address: 5440 Morehouse Drive, Suite 4000 San Diego, CA 92121 Phone: 858-623-9000

(On completion of above, present to the district that provides school protection to complete Section 2 below.)

**SECTION 2: FACILITY AVAILABILITY TO BE COMPLETED BY DISTRICT**

If not in a unified district, which elementary or high school district must also fill out a form?

District Name: Sweetwater Union High School District

Indicate the location and distance of proposed schools of attendance.

Elementary: NA miles: \_\_\_\_\_  
 Junior/Middle: NA miles: \_\_\_\_\_  
 High school: San Ysidro High School - 5353 Airway Road, San Diego, CA 92154 miles: 4.3 miles

This project will result in the overcrowding of the  elementary  junior/school  high school. (Check)  
 Fees will be levied or land will be dedicated in accordance with Education Code Section 17620 prior to the issuance of building permits.  
 Project is located entirely within the district and is eligible for service.  
 The project is not located entirely within the district and a potential boundary issue may exist with the \_\_\_\_\_ school district.

Authorized Signature: \_\_\_\_\_ Print Name: Janea Quirk  
 Director of Planning & Construction Phone: 619-691-5553

On completion of Section 2 by the district, applicant is to submit this form with application to:  
 Planning & Development Services, Zoning Counter, 5510 Overland Ave. Suite 110 San Diego, CA 92123



County of San Diego, Planning & Development Services  
**PROJECT FACILITY AVAILABILITY - WATER**  
 ZONING DIVISION

Please type or use pen

International Industrial Park, Inc.	858-623-9000	ORG _____	W
Owner's Name	Phone	ACCT _____	
5440 Morehouse Drive, Suite 4000		ACT _____	
Owner's Mailing Address	Street	TASK _____	
San Diego, CA 92121		DATE _____	
City	State	Zip	AMT \$ <u>+75</u>

DISTRICT CASHIER'S USE ONLY

**SECTION 1. PROJECT DESCRIPTION** **TO BE COMPLETED BY APPLICANT**

A.  Major Subdivision (TM)  Specific Plan or Specific Plan Amendment  
 Minor Subdivision (TPM)  Certificate of Compliance: \_\_\_\_\_  
 Boundary Adjustment  
 Rezone (Reclassification) from \_\_\_\_\_ to \_\_\_\_\_ zone.  
 Major Use Permit (MUP), purpose: \_\_\_\_\_  
 Time Extension... Case No. \_\_\_\_\_  
 Expired Map... Case No. \_\_\_\_\_  
 Other \_\_\_\_\_

B.  Residential . . . . . Total number of dwelling units \_\_\_\_\_  
 Commercial . . . . . Gross floor area \_\_\_\_\_  
 Industrial . . . . . Gross floor area \_\_\_\_\_  
 Other . . . . . Gross floor area \_\_\_\_\_  
 Technology Business Park \_\_\_\_\_

C.  Total Project acreage 169.32 Total number of lots 8

D. Is the project proposing the use of groundwater?  Yes  No  
 Is the project proposing the use of reclaimed water?  Yes  No

Assessor's Parcel Number(s) (Add extra if necessary)	
648-040-20	646-080-34
648-040-25	646-080-35

Thomas Guide Page 1352 Grid A-1 & B-1  
 Northside of Lonestar Rd between Vann Centre Blvd and Alta Rd, south of Donovan Prison  
 Project address \_\_\_\_\_ Street \_\_\_\_\_  
 East Otay Mesa \_\_\_\_\_ 92154  
 Community Planning Area/Subregion \_\_\_\_\_ Zip \_\_\_\_\_

Owner/Applicant agrees to pay all necessary construction costs, dedicate all district required easements to extend service to the project and COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.

Applicant's Signature: \_\_\_\_\_ Date: 12/20/19  
 Address: 5440 Morehouse Drive, Suite 4000 San Diego, CA 92121 Phone: 858-623-9000

(On completion of above, present to the district that provides water protection to complete Section 2 below.)

**SECTION 2: FACILITY AVAILABILITY** **TO BE COMPLETED BY DISTRICT**

District Name: Otay Water District Service area: water ID 22

A.  Project is in the district.  
 Project is not in the district but is within its Sphere of Influence boundary, owner must apply for annexation.  
 Project is not in the district and is not within its Sphere of Influence boundary.  
 The project is not located entirely within the district and a potential boundary issue exists with the \_\_\_\_\_ District.

B.  Facilities to serve the project  ARE  ARE NOT reasonably expected to be available within the next 5 years based on the capital facility plans of the district. Explain in space below or on attached \_\_\_\_\_. (Number of sheets) \_\_\_\_\_  
 Project will not be served for the following reason(s): \_\_\_\_\_

C.  District conditions are attached. Number of sheets attached: \_\_\_\_\_  
 District has specific water reclamation conditions which are attached. Number of sheets attached: \_\_\_\_\_  
 District will submit conditions at a later date.

D.  How far will the pipeline(s) have to be extended to serve the project? project can connect to 12 inch east of project on Paseo de La Fuente (Lonestar) and 21 inch water line west of the project.

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized Signature: \_\_\_\_\_ Print Name: Raisa Arias  
 Print Title: Permit tech Phone: 619-670-2241 Date: 12/1/20

NOTE: THIS DOCUMENT IS NOT A COMMITMENT OF SERVICE OR FACILITIES BY THE DISTRICT  
 On completion of Section 2 and 3 by the District, applicant is to submit this form with application for approval of availability is SUBJECT TO ALL OTAY WATER DISTRICT REQUIREMENTS IN EFFECT AT THE TIME OF APPLICATION FOR SERVICE.

PDS-399W (Rev. 09/21/2012)





...Dedicated to Community Service

2554 SWEETWATER SPRINGS BOULEVARD, SPRING VALLEY, CALIFORNIA 91978-2004  
TELEPHONE: 670-2222, AREA CODE 619

[www.otaywater.gov](http://www.otaywater.gov)

February 6, 2020

*Sent via USPS and email to: [mfb@scengr.com](mailto:mfb@scengr.com)*

Project No.: P1438-010000

Activity: 3111

Michelle Baker  
Stevens Cresto Engineering, Inc.  
9665 Chesapeake Drive, Suite 200  
San Diego, CA 92123

Subject: Project Facility Availability – Water  
County of San Diego Tract TM-5549 – International Industrial Park  
Northside of Lonestar Road between Vann Centre Boulevard and Alta Road,  
South of Donovan Prison, San Diego, CA 92154

Dear Ms. Baker:

The Otay Water District (District) has the capacity to serve the County of San Diego Tract TM-5549 (Project). As provided to the District, the Project consists of four (4) parcels and eight (8) lots, totaling approximately 169.32 total acreage. The Project can be served by a 12-inch potable main east of the Project on Paseo de la Fuente (Lone Star Road) and a 21-inch potable distribution main west of the Project.

As per Section 62.01 of the District's Code of Ordinances, "To provide for future line extensions, pipelines installed within public streets must be constructed to the subdivision boundary and pipelines not installed within a public street must be installed in a District easement or right-of-way and must extend across the frontage of the parcel or parcels to be served." Pipelines located along the perimeter of the Project will be required to be moved into publicly maintained streets. The existing easements can be maintained to allow for the relocation of pipeline to the nearest public street.

The District has no objection to this Project. The District does want to understand the ultimate use of the property. The developer should meet with the District early in the entitlement process to discuss the schedule, report submittal requirements, and to set up a deposit account to cover staff time. The developer will also be required to submit a Sub-Area Master Plan and a calculation of water demands prior to the commencement of the Project.

An agreement between the developer and the District will be needed for the design and construction of water system improvements.

The developer will be required to submit improvement plans for District approval and extend the water main to front all properties in question. If service laterals do not exist for the Project, the applicant must pay to have the District install them.

Michelle Baker  
Project Facility Availability – Water  
County of San Diego Tract TM-5549 – International Industrial Park  
February 6, 2020  
Page 2 of 2.

When a customer requests water service on a parcel of land with potable water irrigated landscape equal to 5,000 square feet or more, a separate meter will be required for irrigation purposes on the site. Each service must have an approved reduced pressure principle backflow prevention device (R/P).

Fire service plans must be designed to Water Agencies' Standards. Each service must have a R/P purchased and installed by the developer after District review and approval. The developer should contact the Project's fire agency for any fire protection requirements and determine early on how the fire protection requirements can be met from the existing pressure zone.

The fire service line will not be allowed to be connected to any buildings; the line will be intended for fire services purposes only. Failure to comply with this request will result in violation of the District's Code of Ordinances and will be subject to penalties determined by the District. Water furnished for fire hydrant or fire sprinkler service shall be used only for fire protection purposes and shall be connected to a District water main. Where service is provided for a fire hydrant or fire sprinkler service on privately-owned land, the service shall be provided by the District at the property line of land to be served.

**Water availability is subject to all District requirements in effect at the time and you are strongly encouraged to adopt water conservation measures throughout the development.**

The District's Engineering Public Services Division can be contacted at (619) 670-2241 or visit the website at [www.otaywater.gov/engineering](http://www.otaywater.gov/engineering) for further requirements regarding inspection services, water main extensions, service laterals, backflow devices, and meter costs. Also, visit the website at [www.otaywater.gov/code-of-ordinances](http://www.otaywater.gov/code-of-ordinances) for sections pertaining to the Project and any other conditions that may have arisen since this letter was written for this Project.

Enclosed are the documents you forwarded with your review request.

Sincerely,  
OTAY WATER DISTRICT



Dan Martin, P.E.  
Assistant Chief of Engineering

DM:mlw

Enclosure: Documents submitted with review request



038

039

92154

025

026

Project Site outlined  
in green

21-Inch Potable Distribution in Main  
As-Built: 12-07  
Pzone: 871

12-Inch Potable Water Main  
As-Built: 112-07  
Pzone: 871

6460802600

6460801600

6460802400

6460803400

6460802700

6460802800

6460803300

6460803200

6463101700

6460801100

6460801200

6480402500

6480402000

6460803500

6480401400

6480401300

6480405700

6480402600

6480405800

6480405900

6480405700

6480405100

6480405600

6480404500

6480404600

6480403500

DONAVAN STATE PRISON ROAD

Donovan State Prison Rd

ALTA Rd

Calzada de la Fuente

2-160

DE LA FUENTE CT

Paseo de la Fuente

ROAD

**Attachment F –  
OWNERSHIP DISCLOSURE**



COUNTY OF SAN DIEGO • DEPARTMENT OF PLANNING AND LAND USE

**APPLICANT'S STATEMENT OF DISCLOSURE OF CERTAIN OWNERSHIP INTERESTS ON APPLICATION FOR LAND USE AMENDMENTS AND PERMITS PURSUANT TO ORDINANCE NO. 4544 (N.S.)**

The ordinance requires that the following information must be disclosed at the time of filing of this discretionary permit.

A. List the names of all persons having an *interest* in the application.

<u>International Industrial Park, Inc.</u>	<u>Rancho Vista Del Mar</u>
_____	_____
_____	_____

List the names of all persons having any *ownership interest* in the property involved.

_____	_____
_____	_____
_____	_____

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.

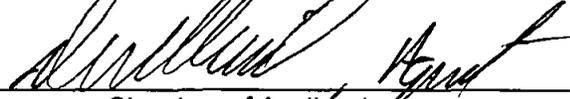
_____	_____
_____	_____
_____	_____

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.

_____	_____
_____	_____
_____	_____

**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."

**NOTE:** Attach additional pages if necessary.

  
Signature of Applicant

12/10/05  
Date