



The County of San Diego

Zoning Administrator Hearing Report

Date:	February 5, 2020	Case/File No.:	Fallbrook Battery Energy Storage PDS2019-ZAP-19-001; PDS2019-ER-19-02-001
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Battery Energy Storage Facility
Time:	9:00 a.m.	Location:	East Mission Road
Agenda Item:	#1	General Plan:	Limited Impact Industrial
Appeal Status:	Appealable to the Planning Commission	Zoning:	Limited Industrial (M52)
Applicant/Owner:	AES Energy Storage, LLC	Community:	Fallbrook Community Planning Group
Environmental:	Mitigated Negative Declaration	APNs:	105-410-19

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Zoning Administrator to evaluate the proposed Minor Use Permit (ZAP) for a battery storage facility, determine if the required findings can be made and, if so, take the following actions:

- a. Adopt the Environmental Findings included in Attachment D, which includes the adoption of a Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) guidelines.
- b. Approve ZAP PDS2019-ZAP-19-001, make the findings, and impose the requirements and conditions as set forth in the Form of Decision (Attachment B).

2. Key Requirements for Requested Actions

- a. Is the proposed project consistent with the vision, goals, and policies of the General Plan?
- b. Does the project comply with the policies set forth under the Fallbrook Community Plan?
- c. Is the proposed project consistent with the County's Zoning Ordinance?
- d. Does the project comply with CEQA?

B. DEVELOPMENT PROPOSAL

1. Project Description

California State Law (Assembly Bill 2514) requires public utility companies to deploy energy storage as part of their system. The Fallbrook Energy Storage system project is San Diego Gas & Electric's (SDG&E) largest planned battery storage project in the County of San Diego. Battery-based energy storage provides flexibility to the electrical grid by storing energy produced during periods of oversupply and discharging to the electrical grid during periods of high demand. The proposed project could help integrate renewable energy, reduce dependence on gas-fired generation, eliminate ocean water for cooling, reduce freshwater consumption, and reduce GHG and air pollutant emissions.

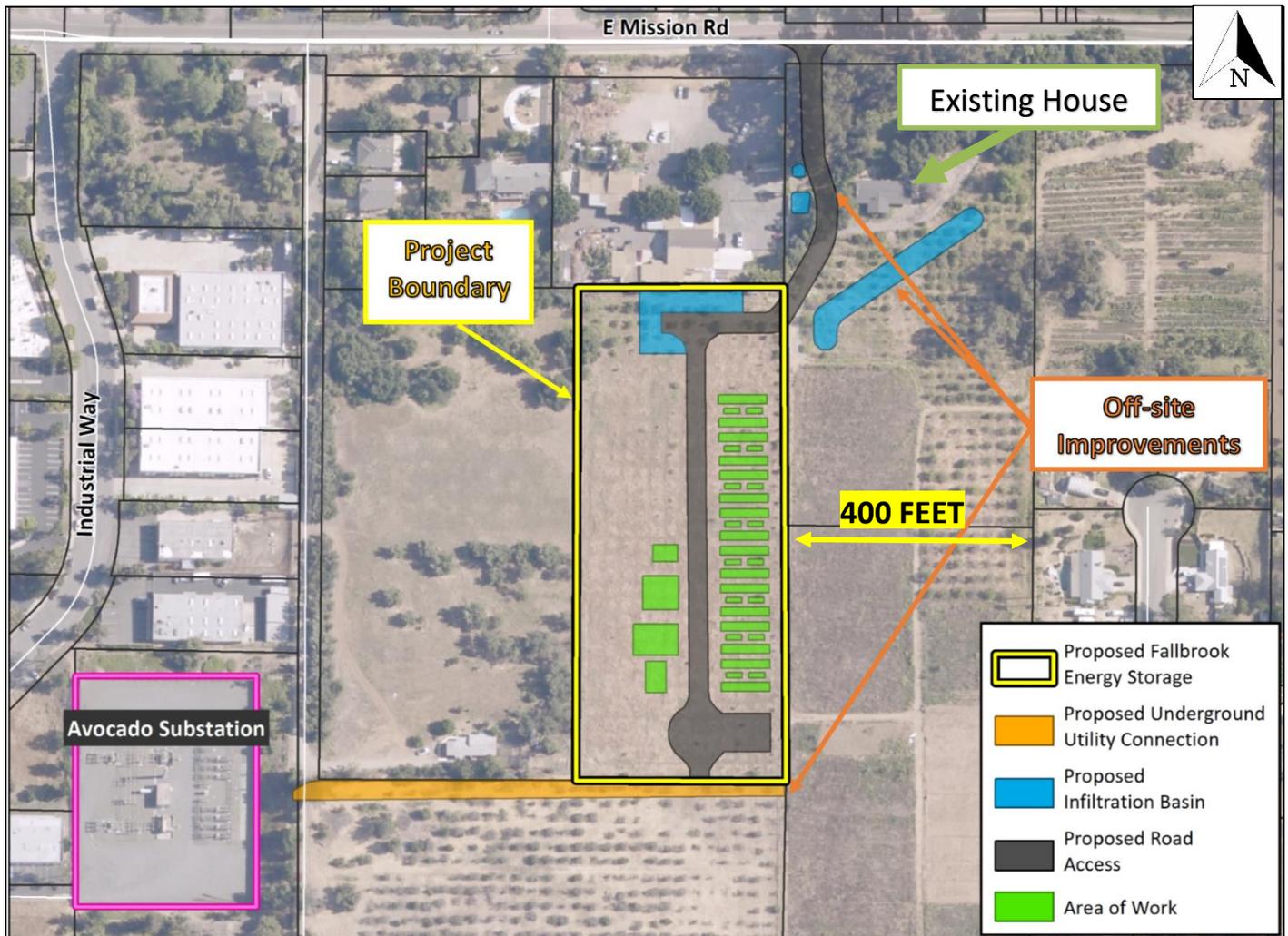


Figure 1: Project Components

The applicant requests a ZAP to construct a 40-megawatt (MW) battery energy storage facility located at 1405 East Mission Road in the Fallbrook Community Plan area of the County of San Diego. The ZAP would be placed over one parcel, 105-410-19, while two additional parcels (105-410-10, 105-410-44) would support proposed off-site components: a 16-foot wide access driveway, infiltration basins, and a 30-foot wide underground utility easement.

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

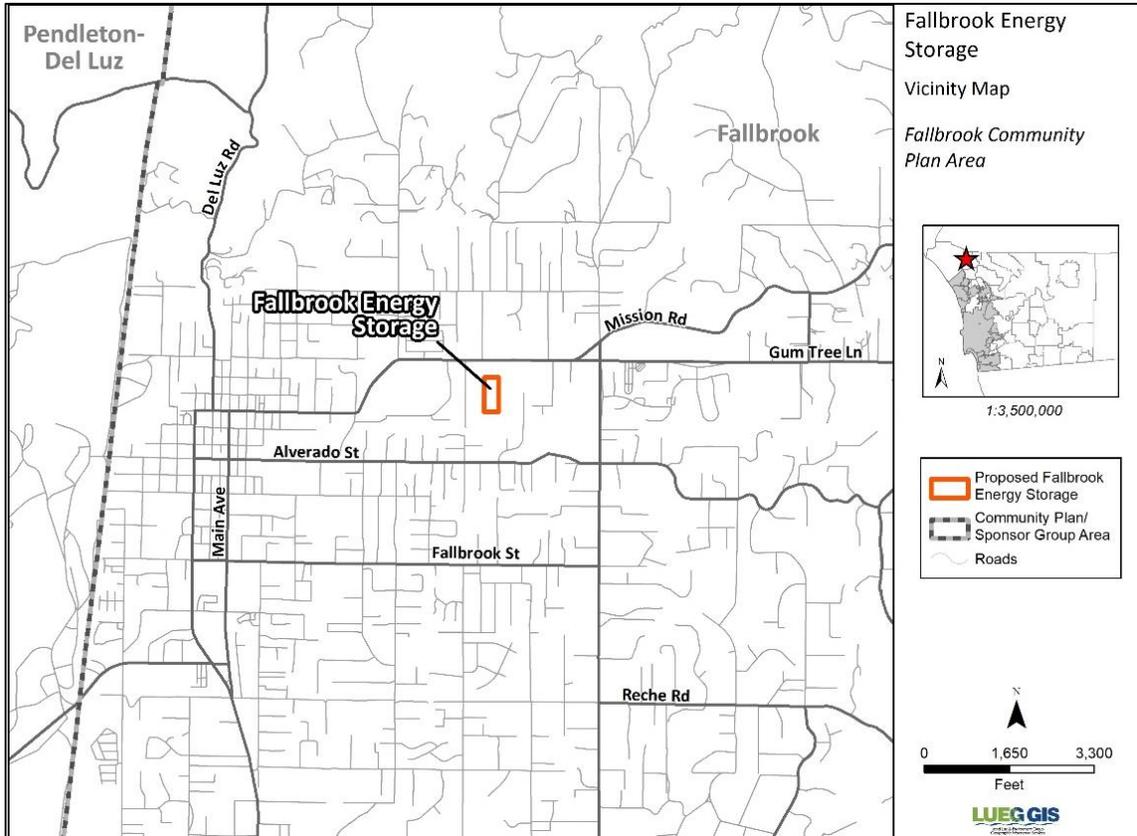


Figure 2: Vicinity Map

The development includes 16 battery storage containers on individual concrete equipment pads. Each container is 63-feet long, 12-feet wide, and 13 feet tall (756 square feet each). Each container would store approximately 50 battery racks, and each rack would hold 12 battery modules. Earthwork consists of approximately 1,460 cubic yards of cut and 70 cubic yards of fill, including an estimated 1,390 cubic yards of export.



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



Figure 4: Proposed Battery Storage (View from North)



Figure 5: Proposed Battery Storage (View from South-East)

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

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

The ZAP area would be surrounded by an eight-foot-high chainlink fence with three strands of barbed wire along the top for a total height of nine feet. The site would also be surrounded by landscaping in order to be visually screened from surrounding residents.

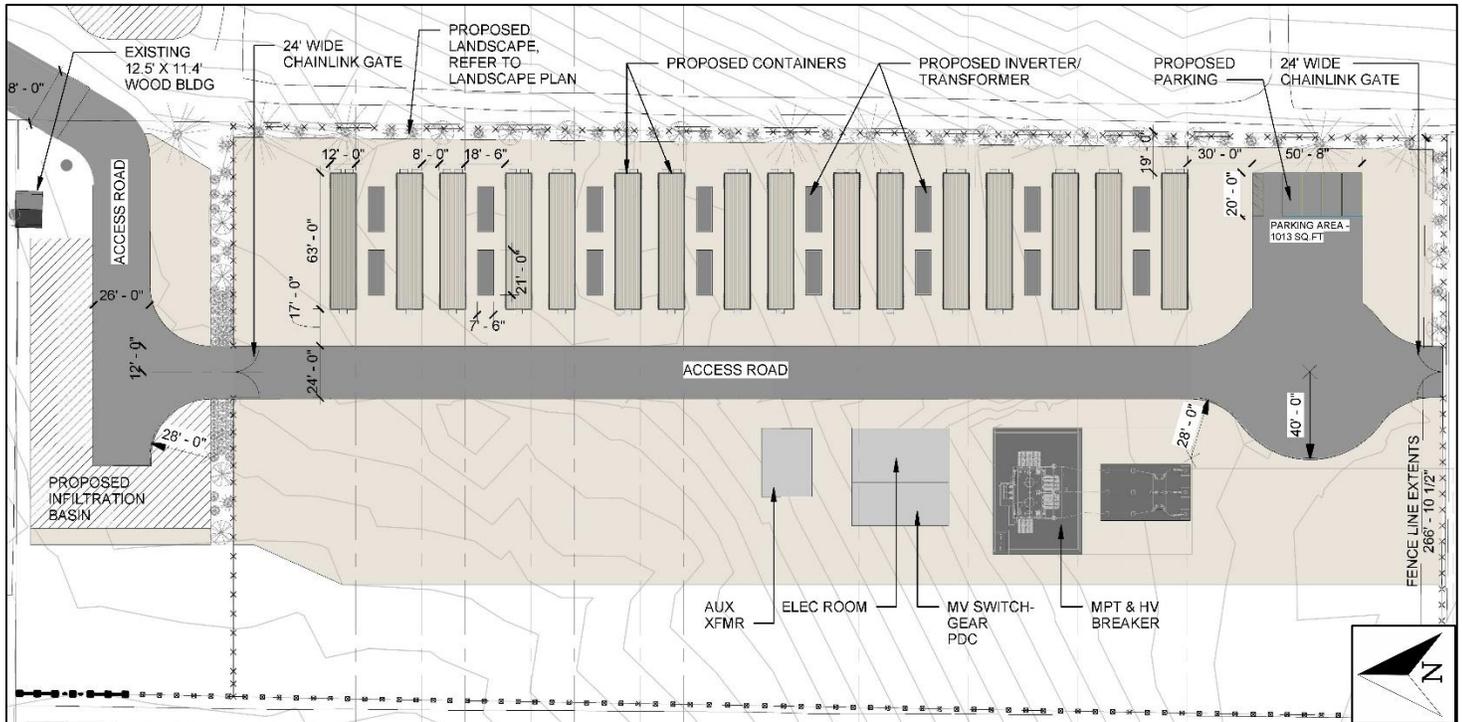


Figure 6: Proposed Battery Storage Facility Plot Plan



Figure 7: Landscape Plan

2. Subject Property and Surrounding Land Uses

The subject property is 4.22 acres, located at 1405 East Mission Road in the Fallbrook Community Plan area. There are two other parcels that support off-site components (Not in ZAP area) such as a 24-foot access road and infiltration basins (APN: 105-410-10) and a 30-foot underground utility easement (APN: 105-410-44).

Portions of the site were used for agricultural purposes since 1994 or earlier, however no agricultural uses are currently taking place. There is an existing off-site single-family residence located along the proposed access road, but it is vacant.

Surrounding land uses can be characterized as industrial, residential, and vacant land. The proposed battery storage facility is located approximately 400 feet northwest, east, and south from the nearest neighboring residences. Two schools are located within 0.3 miles northeast of the proposed facility. Landscaping is designed to screen the proposed project facilities from the nearby residences.

Table B-1: Surrounding Zoning and Land Uses

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

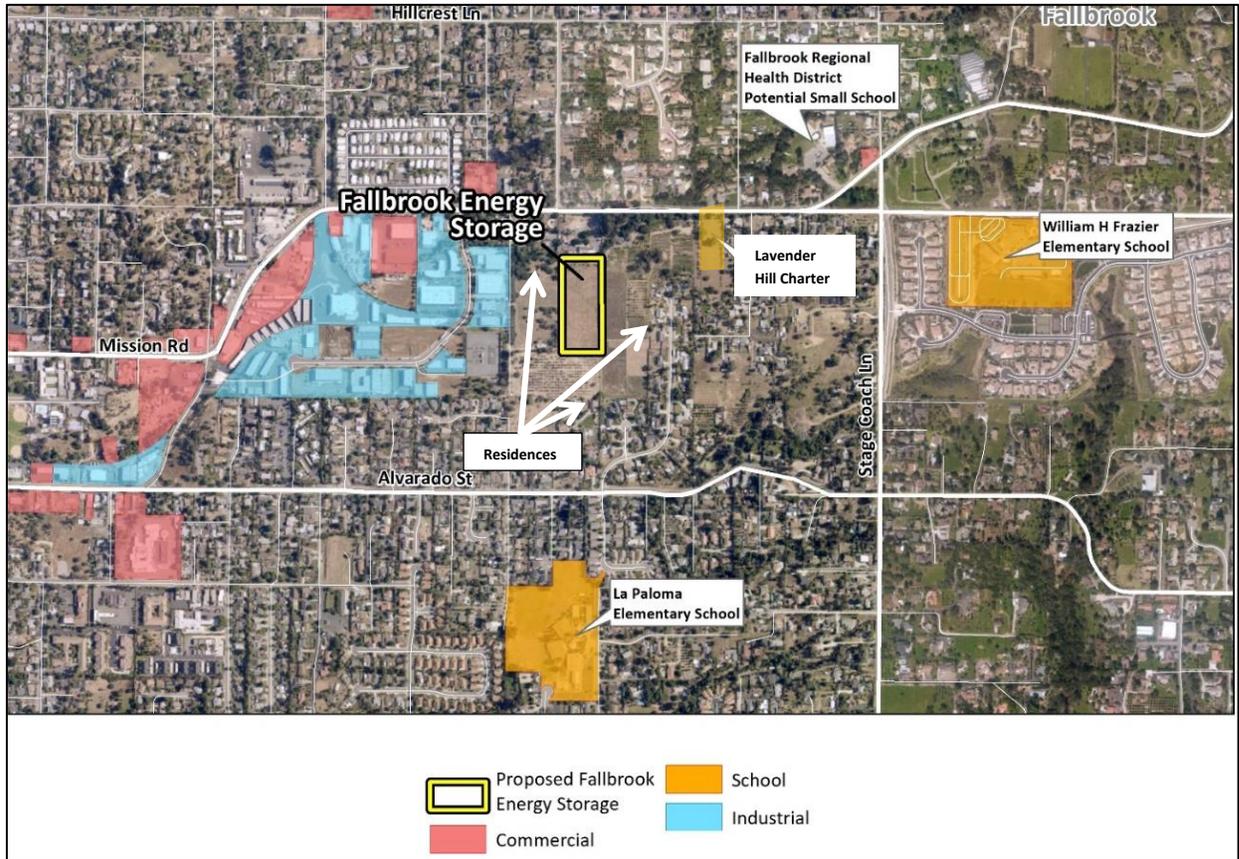


Figure 8: Surrounding Land Uses

C. ANALYSIS AND DISCUSSION

The project has been reviewed for conformance with all relevant ordinances and guidelines, including, but not limited to, the San Diego County General Plan, the Zoning Ordinance, and CEQA Guidelines. A discussion of the project’s consistency with applicable codes, policies, and ordinances, as well as a description of the public’s concerns, is described on the following pages.

1. Analysis

Minor Use Permit Findings

In accordance with Section 7358 of the Zoning Ordinance, findings must be made relating to scale, bulk, and coverage, effects upon neighborhood character, availability of services, and suitability of the site for the type of proposed use. Staff has analyzed the proposed battery energy storage in relation to each of these findings.

The location, size, design, and operation characteristics of the proposed development will be compatible with adjacent uses, residences, buildings, and structures. The proposed 4.22-acre project is within a 25-acre undeveloped portion of an approximately 80-acre industrial area.

The project would not adversely affect the character of the surrounding land uses as it is relatively small in scale and bulk in comparison to the adjacent industrial complex.

The footprint and lot coverage of the proposed battery storage facility are less than the other existing industrial uses in the neighborhood. The Limited Industrial General Plan Designation limits the floor-area-ratio (FAR) of projects to 60%. The closest developed industrial parcels have an approximate Floor-Area-Ratio (FAR) of 42% (APN: 105-41-30), 46% (APN: 105-410-78, 84), 22.5% (APN: 105-410-85), and 34% (APN: 105-410-51). The project's FAR is approximately 7%. The character of the surrounding area can be described as rural residential and industrial. Current uses in the existing industrial complex include churches, an animal hospital, and industrial uses such as welding and fabrication. Typical uses within this designation include light manufacturing, processing, and assembly, all within enclosed buildings, with no exterior indications of such activity or outdoor storage. This designation allows for such uses to be located in close proximity to residential and commercial designations in Village and Semi-Rural areas with suitable screening and buffering.

The project will be located on interior parcels, setback approximately 500 feet from surrounding public roadways. The project site is located behind existing structures and vegetation on East Mission Road, and will also be screened by proposed landscaping as shown in the project renderings. The project is conditioned to maintain landscaping while operational.

In addition, the project would be in compliance with Fallbrook Community Design Guidelines and the Design Review Checklist for industrial developments, including landscaping and color scheme requirements. The Fallbrook Community Planning Group reviewed the project for compliance with their guidelines and confirmed that these have been met.

Fire Protection Plan

Public concerns were raised for fire safety during the MND public review period regarding fire access and fuel modification. A Fire Protection Plan (FPP) has been prepared for the project, ensuring all fire code requirements have been met to the satisfaction of the North County Fire Protection District (NCFPD). According to the FPP, the project will provide adequate fire access. As part of project approval, the site access would be widened to 24 feet with a paved surface suitable for a 75,000-pound fire apparatus. A fire turnaround would also be installed at the north end of the project site joining the access road, and the south end of the project site with a 40-foot radius cul-de-sac. The project will also provide adequate fuel modification. Vegetation management and defensible space (fuel modification zone) are required to the satisfaction of the NCFPD and the FPP as part of project approval.

Hazardous Materials

Public concerns were raised for hazards during the MND public review period regarding the safety of local residents if an explosion were to occur by the proposed project's battery storage.

The County's Guidelines for Determining Significance – Hazardous Materials and Existing Contamination, require facilities proposed to handle regulated substances subject to the California Accidental Release Prevention (CalARP) regulations and located within 0.25-mile of a school or day care to prepare a hazard assessment to determine the effects of the regulated substance on surrounding land uses in the potential event of a chemical release and fire hazards.

County staff identified that the St. Stephen Lutheran Church located approximately 0.2-mile northeast of the site is potentially proposing a small school. Lavender Hill Charter School is a small home school located approximately 700 feet east of the project site.

A Hazard Consequence Analysis Report (HCRP) dated November 2019 was prepared by the consulting firm Haley and Aldrich and was peer reviewed by Stantec on behalf of the County of San Diego. SDG&E was provided the study for review and had no further comments.

The HCRP demonstrates release of substances scenarios that are possible to occur under a variety of weather and wind conditions to determine the distance certain projects should be sited relative to sensitive uses. Modeling assumptions and meteorological conditions that were used for conducting the off-site consequence analysis are specified in the California Code of Regulations.

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

Based on the results of the HCRP for this project, a toxic release from 1.5 battery racks was assumed to be triggered by a fire event and result in a release of Hydrochloric Acid, Hydrofluoric Acid, Hydrogen Cyanide, and Carbon Monoxide as referenced in the MND in Attachment C. Using nighttime meteorological conditions, modeling results indicate that the distance of the project to sensitive use types will not have a significant impact.

The HCRP concluded that the distance of the proposed project to sensitive use types will be adequately sited (more than 33 feet from the nearest residence). In addition, design features have been incorporated to minimize the potential effects of a chemical release, a fire, or other hazardous event. These design features include 4 HVAC units per container, fire suppression systems including the clean agent Novec 1230, early smoke detectors, alarms, and remote monitoring. The project is also required to prepare a Hazardous Materials Business Plan (HMBP) prior to building permit issuance to prevent or minimize damage to public health, safety, and the environment, from a release or threatened release of a hazardous material. The HMBP would also provide emergency response personnel with adequate information to help fire officials better prepare and respond to chemical-release incidents at regulated facilities. In addition, routine inspections by the Hazardous Materials Division would occur for ongoing compliance with the HMBP requirements and existing laws.

The estimated 33-foot maximum distance of an event is primarily within the project site's boundary, and extends to the adjacent easterly undeveloped parcels, which is also owned by the applicant. No schools or residences are located within the maximum risk area of the project site (Figure 9).

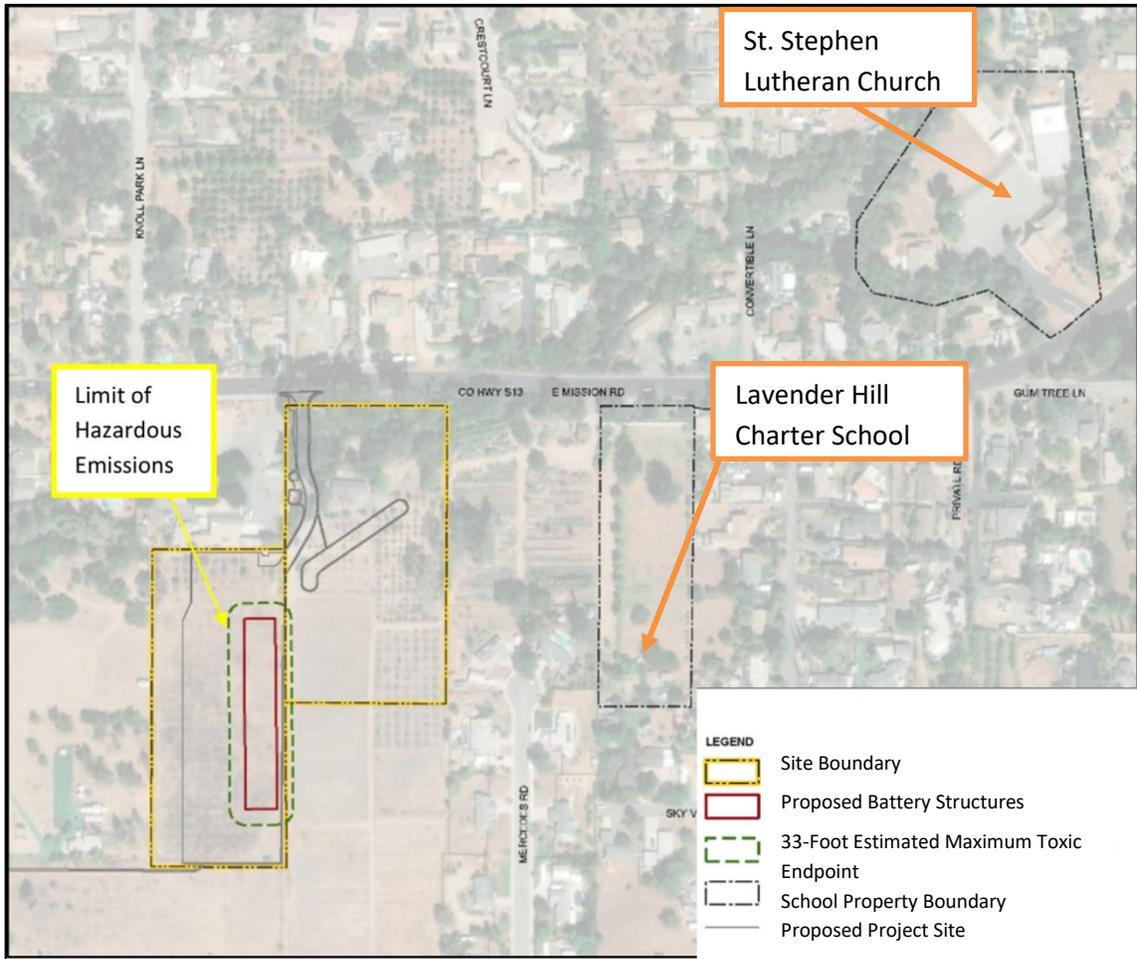


Figure 9: Hazard Consequence Analysis

2. General Plan Consistency

The proposed project is consistent with relevant General Plan goals, policies, and actions as described in Table C-1.

Table C-1: General Plan Conformance

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

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

3. Community Plan Consistency

The proposed project is consistent with the relevant Fallbrook Community Plan goals, policies, and actions as described in Table C-2.

Table C-2: Community Plan Conformance

Community Plan Policy	Explanation of Project Conformance
<p>Goal LU-2.3 - Future industrial development limited to industries which serve the community and its employment needs and are compatible with the community’s general goal of preserving rural charm and village atmosphere</p>	<p>The project will provide a service to the community by ensuring area capacity for electrical system reliability and flexibility.</p>
<p>POLICY LU-2.3.3 – Encourage landscaping in the design of industrial facilities to soften structure and parking area impacts.</p>	<p>Landscaping will be installed to lessen any visual impacts to the surrounding residences.</p>

Community Plan Policy	Explanation of Project Conformance
POLICY LU 5.1.1 – Encourage the continued upgrading of utilities and services to provide an optimum level of service through the coordination of, and cooperation between, community services, public utility companies, and County agencies.	The project will provide a sustainable solution to maintaining grid reliability, enabling increasing amounts of intermittent renewable energy generating sources to be accessed, reduce greenhouse gas, and upgrade aging infrastructure at the Avocado Substation.
POLICY COS 1.2.2 – Encourage planting trees, while discouraging the unnecessary removal of trees in association with new development, as well as in public rights-of-way and parking lots.	The proposed battery storage facility has been designed to avoid sensitive resources. The facility has been sited as far east as possible within the project parcel to avoid coast live oak woodland habitat and the 50-foot protection zone. Landscaping is also provided, including trees and shrubs to screen from existing residences.

4. Zoning Ordinance Consistency

a. Development Regulations

The proposed project complies with all applicable zoning requirements of the Limited Industrial (M52) zone with the incorporation of conditions of approval (See Table C-3).

Table C-3: Zoning Ordinance Development Regulations

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

Development Standard	Proposed/Provided	Complies?
Section 2524.a of the Zoning Ordinance allow for Minor Impact Utilities upon issuance of a ZAP.	The applicant is proposing a battery storage energy system, which falls under a Minor Impact Utilities use. The project is in coordination with SDG&E to maintain grid reliability and provide flexibility with reserve power.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Upon issuance of ZAP

Development Standard	Proposed/Provided	Complies?
Section 5250 of the Zoning Ordinance sets forth requirements for the “C” Airport Land use Compatibility Plan area regulations. In summary, these regulations are to regulate land uses within portions of the unincorporated territory of the County of San Diego located in Airport Influence Areas (AIAs) surrounding airports for which the San Diego County Regional Airport Authority (Authority) has adopted Airport Land Use Compatibility Plans (ALUCP).	The project is located within the Airport Influence Area (AIA) of the Fallbrook Airport, for which the County Regional Airport Authority has adopted the Fallbrook ALUCP, and is therefore subject to Sections 5250 through 5260 of the County Zoning Ordinance. The applicant will be required to file a Notice of Proposed Construction or Alteration (Form 7460-1) with the Federal Aviation Administration (FAA) 45 days prior to construction.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

5. California Environmental Quality Act (CEQA) Compliance

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

D. COMMUNITY PLANNING GROUP

The Fallbrook Community Planning Group (FCPG) heard the project on two different occasions. On February 18, 2019, the FCPG voted to recommend approval of the project unanimously (12-Ayes, 0-Noes) with the following conditions:

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

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

1. The proposed use is considered a Minor Impact Utility and pursuant to the County Zoning Ordinance Section 2524, a Minor Use Permit is required in a Limited Industrial Zone (M52).
2. In response to the concerns, an offsite hazard analysis was conducted to determine any potential impacts on the Lavender Hill Charter School. The offsite hazard analysis reviewed by SDG&E found that the project would not pose a danger to any nearby schools.
3. The applicant worked with the North County Fire Protection District to ensure that existing residences are adequately screened from the project and that the landscaping does not present any additional fire risk. Landscaping is conditioned to be maintained while the project is in operation.
4. The permit is limited to 20 years and is also conditioned to have a hazardous materials business plan for when the batteries are nearing the end of their useful life. If the applicant and/or SDG&E wish to extend the permit, the applicant will be required to process a Minor Use Permit modification.
5. There are only two to four trips a month anticipated for this project for maintenance.
6. SDG&E and the applicant reached out to Mr.Raskin to talk about potential options for access to his parcel. At the time of this report, no agreement has been made.

The FCPG meeting minutes are included in Attachment E.

E. PUBLIC INPUT

The project was noticed to surrounding property owners upon application submittal in January 2019. Surrounding property owners, agencies, and organizations were also noticed during the MND public notification period from December 5, 2019 to January 13, 2020. Staff received correspondences from community members and a public agency during review of the project, to which staff provided responses (see Attachment C).

During the 40-day MND public notification period, a total of four comment letters were received including three from members of the public and one from an agency, the California Department of Fish and Wildlife (CDFW). The concerns raised from the public were related to fire safety and hazards. CDFW requested clarification on a biological mitigation measure and project conditioning. The mitigation measure and conditioning had been included within the project's Form of Decision prior to the comment's receipt. No corrections were made to the CEQA documentation as a result of the comments received.

The concerns raised for fire safety were regarding fire access and fuel modification. A Fire Protection Plan (FPP) has been prepared for the project, ensuring all fire code requirements have been met to the satisfaction of the North County Fire Protection District (NCFPD).

The concerns raised for hazards were regarding the safety of local residents if an explosion were to occur by the proposed project's battery storage. As previously discussed, an HCRP was prepared for the proposed project to analyze the potential for adverse effects to people or the environment related to hazards and hazardous materials, including potential chemical release and fire hazards. The HCRP concluded that the distance of the proposed project to sensitive use types will be adequately sited (more than 33 feet from the nearest residence). In addition, design features have been incorporated to minimize

the potential effects of a chemical release, a fire, or other hazardous event such as an HMBP and fire suppression systems.

RECOMMENDATIONS

Staff recommends that the Zoning Administrator take the following actions:

1. Adopt the Environmental Findings included in Attachment D, which includes the adoption of a Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA).
2. Approve ZAP PDS2019-ZAP-19-001, make the findings, and impose the requirements and conditions as set forth in the Form of Decision in Attachment B.

Report Prepared By:

Nicholas Koutoufidis, Project Manager

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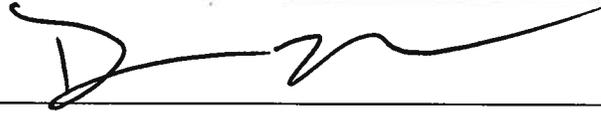
Report Approved By:

Darin Neufeld

858-694-3455

Darin.Neufeld@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE: _____



DARIN NEUFELD, CHIEF

ATTACHMENTS:

Attachment A – Planning Documentation

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

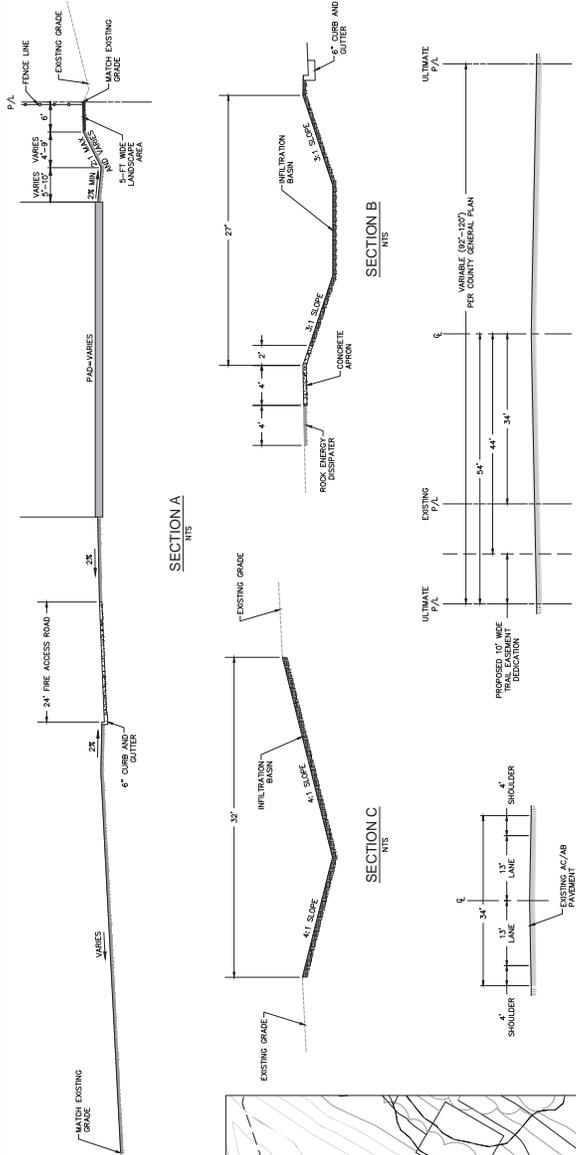
Attachment C – Environmental Documentation

Attachment D – Environmental Findings

Attachment E – Public Documentation

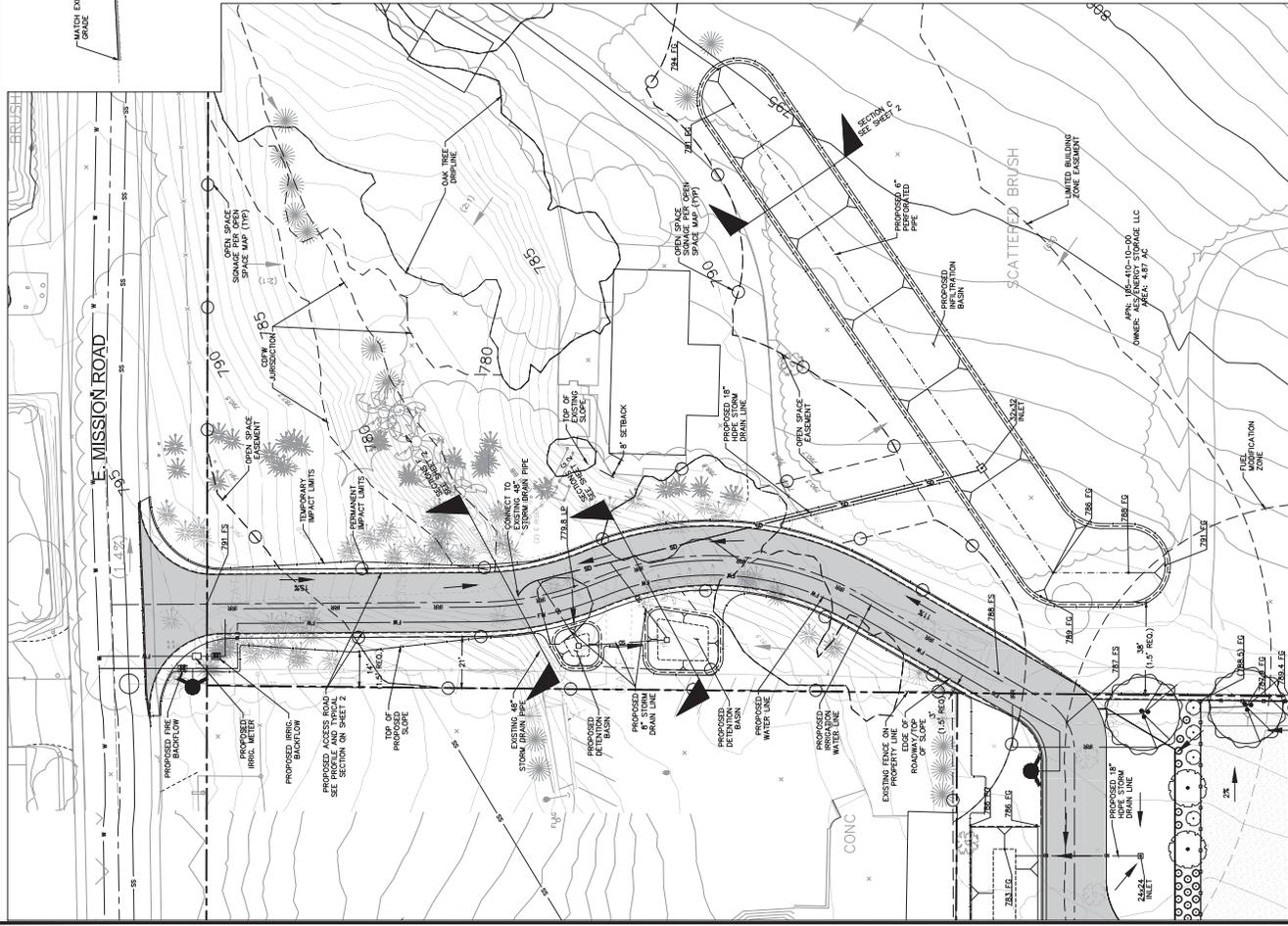
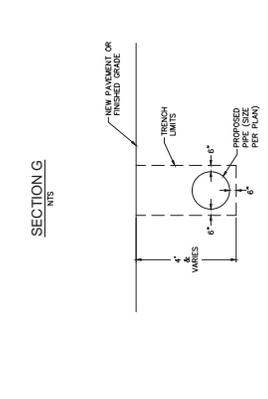
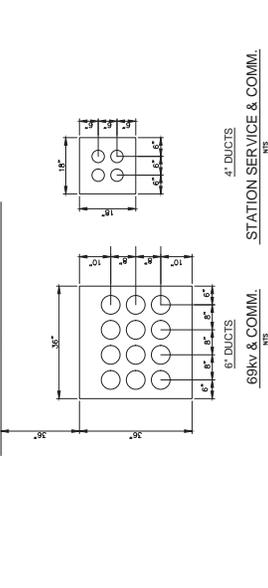
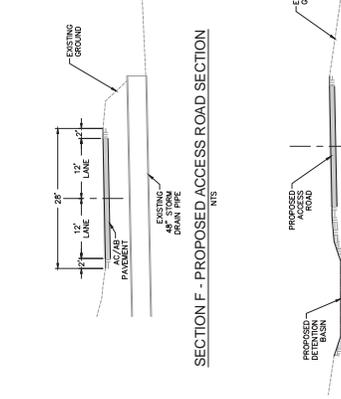
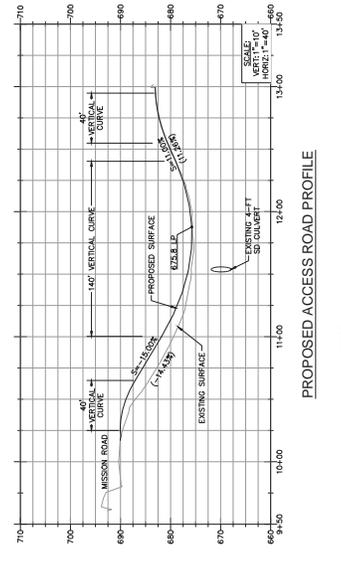
Attachment F – Ownership Disclosure

Attachment A – Planning Documentation



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

SECTION D - EXISTING MISSION ROAD TYPICAL SECTION



69kV & COMM. STATION SERVICE & COMM.

4" DUCTS

FALLBROOK ENERGY STORAGE PROJECT SECTIONS AND DETAILS

PSOMAS

DATE: 08-28-19 REVISED ON: JOB No: 20COR080200 SHEET 2 OF 2

CORGAN

30' 15' 0'

Note: For reduced sized prints, original work is in blue.

BIORETENTION PLANT LEGEND

PLANTS ARE FROM SAN DIEGO COUNTY BIORETENTION FACILITIES PLANT LIST

SYMBOL	PLANT NAME	SIZE	QTY.	DETAIL	SHEET	REMARK	PLANT FACTOR
[Symbol]	CAREX SPISSA	5 GAL					
[Symbol]	SAN DIEGO SEDGE	5 GAL					
[Symbol]	CAREX SUBFUSCA	5 GAL					
[Symbol]	RUSTY SEDGE	5 GAL					
[Symbol]	LEYMUS CONDENSATUS 'CANYON PRINCE'	5 GAL					
[Symbol]	CANYON PRINCE WILD RYE	5 GAL					
[Symbol]	MUHLENBERGIA RIENS	5 GAL					
[Symbol]	DEER GRASS	5 GAL					

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

LEGEND

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

BIORETENTION GRASSES



CAREX SPISSA



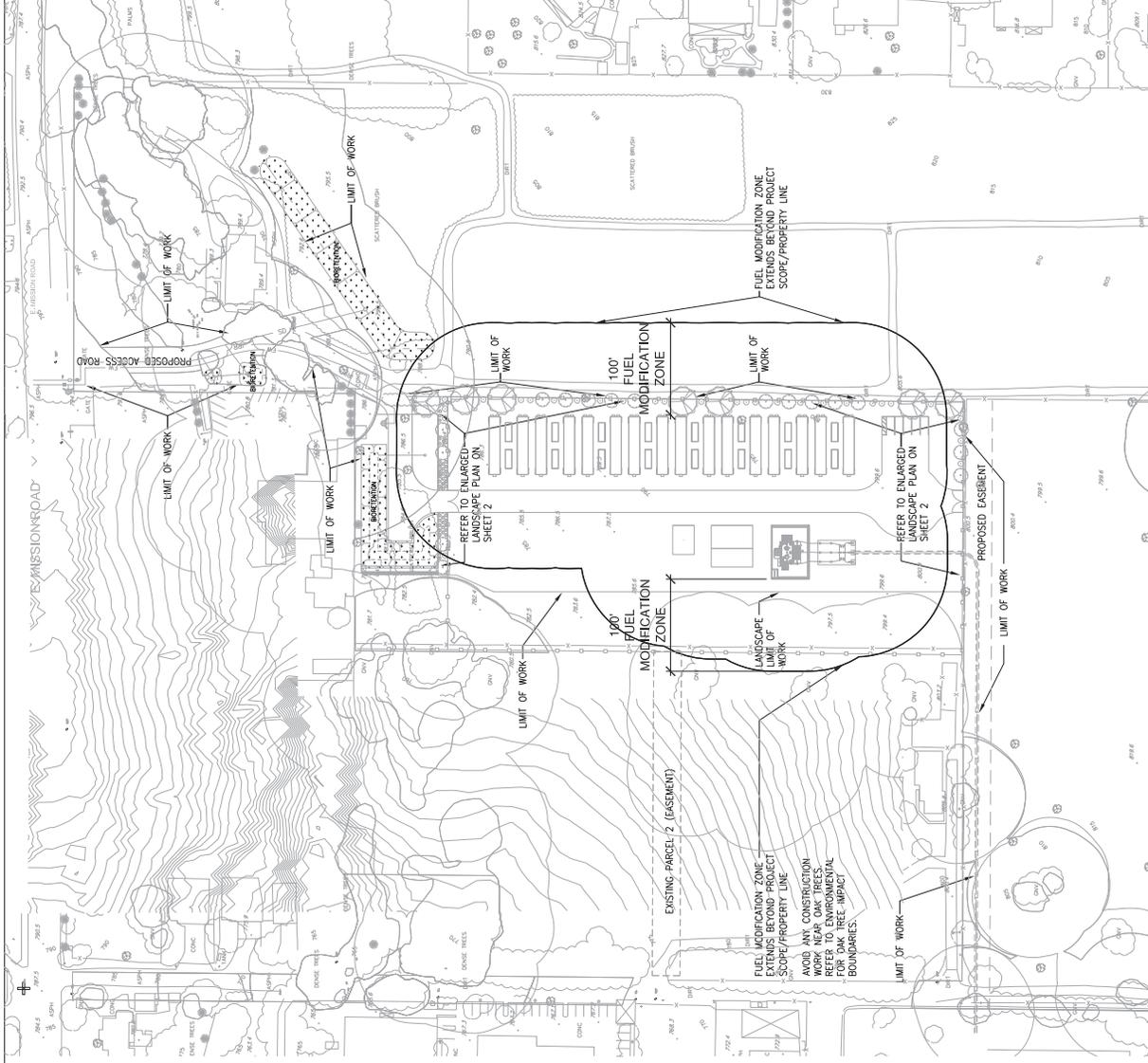
CAREX SUBFUSCA



LEYMUS CONDENSATUS 'CANYON PRINCE'



MUHLENBERGIA RIENS



OVERALL LANDSCAPE PLAN

SCALE: 1" = 60'



SHEET 1 OF 3

LANDSCAPE DESIGN PLAN
FALLBROOK ENERGY STORAGE SITE
08/29/2019

LYNN CAPOUYA INC.
LANDSCAPE ARCHITECTS
1972 ART GALLERY SOUTH SUITE 110 IRVINE, CA 92614 PHONE (949) 754-0100



ENLARGED LANDSCAPE PLAN

NOTES:

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

SHRUB/ GROUND COVER LEGEND

SYMBOL	PLANT NAME	SIZE	QTY.	DETAIL SHEET	REMARK	PLANT FACTOR
●	CRISTUS COSEVUS ROCK ROSE	5 GAL	-	-	SPACING PER PLAN	LOW 0.3
■	LANTANA 'NEW GOLD' NEW GOLD LANTANA	5 GAL	-	-	18" O.C. SPACING	VERY LOW 0.2
●	XYCOSMA CONGESTUM SHINY XYCOSMA	15 GAL	-	-	10'-0" D.C. SPACING	LOW 0.3
■	SALVIA SOMNENSIS CREEPING SAGE	5 GAL	-	-	3'-0" C.C. SPACING	LOW 0.3

TREE LEGEND

SYMBOL	PLANT NAME	SIZE	QTY.	DETAIL SHEET	REMARK	PLANT FACTOR
●	CERIS OCCIDENTALIS WESTERN REBBUD	35" BOX	-	-	STANDARD TRUNK	LOW 0.3
●	PARKINSONIA ACULEATA MEXICAN PALO VERDE	48" BOX 35" BOX	-	-	MULTI-TRUNK	LOW 0.3

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

ROOT BARRIER:-----
ROOT BARRIER SHALL BE PROVIDED FOR ALL TREES WITH (6) FEET OF HARDSCAPE.

MULCH: PLACE 3" THICK LAYER OF "FOREST FLOOR 1/2"-1 1/2" BY AQUINGA IN ALL PLANTING AREAS. APPROXIMATELY 10% OF TOTAL PLANTING DIVISION. SUBMIT SAMPLE FOR APPROVAL. AVAILABLE THROUGH: 16351 CONSTRUCTION CIRCLE WEST IRVINE, CA 92606

SHRUB/ GROUND COVERS

CONCEPTUAL LANDSCAPE NOTES

1. THE CONCEPTUAL LANDSCAPE PLAN DEMONSTRATES COMPLIANCE WITH THE FALLBROOK DESIGN GUIDELINES, DESIGN REVIEW CHECKLIST FOR INDUSTRIAL DEVELOPMENTS AND FIRE PROTECTION DISTRICTS IN SAN DIEGO COUNTY.
2. REFER TO ENVIRONMENTAL PLANS FOR EXISTING VEGETATION TO REMAIN, LOCATION OF ALL TREES TO BE REMOVED, HABITAT RESTORATION AND REPAIR, EXISTING FIRE AND WILDFIRE PROTECTION BARRIERS, PROTECTION ACTIVITIES, AND RECOMMENDED PROGRESS TO PERFORM THESE TREES IN HAND IF DAMAGED DURING CONSTRUCTION.
3. FINAL LANDSCAPE PLANS (LANDSCAPE DOCUMENTATION PACKAGE) WILL BE COMPLIANT WITH THE COUNTY'S CLIMATE ACTION PLAN, SPECIFICALLY, MEASURE W-12 (REDUCE OUTDOOR WATER USE). THE PROPOSED PLANTINGS FOR THIS PROJECT WILL BE ABLE TO MEET THIS REQUIREMENT.
4. THE PROPOSED LANDSCAPE WILL BE EFFICIENTLY IRRIGATED, COMPLIANT WITH THE COUNTY'S WATER CONSERVATION IN LANDSCAPING ORDINANCE AND WILL MEET THE STATE MANDATE AB1881 MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (WRELO).
5. ALL (OWNER) WILL BE RESPONSIBLE FOR THE ON-GOING MAINTENANCE OF THE LANDSCAPING. AS PART OF THE CONTRACT, THE CONTRACTOR SHALL PROVIDE CONTRACTED MAINTENANCE SERVICES INCLUDING LANDSCAPING, APPROXIMATELY ONCE PER MONTH TO PROVIDE CONTRACTED MAINTENANCE SERVICES INCLUDING:
6. REFER TO CIVIL PLANS FOR LOCATIONS OF ANY PROPOSED VEGETATED STORM WATER BMP'S.
7. REFER TO ENVIRONMENTAL PLANS FOR REMOVAL OF ALL INVASIVE SPECIES FROM THE SITE INCLUDING FROM WITHIN THE EXISTING NATIVE HABITATS AND DRAINAGE CHANNEL, AND EXISTING EUCALYPTUS TREES.
8. REFER TO FIRE PROTECTION PLAN FOR COORDINATION WITH ANY FIRE DISTRICT REQUIREMENTS FOR BRUSH MANAGEMENT.
9. REFER TO ENVIRONMENTAL PLANS FOR EXISTING NATIVE VEGETATION TO REMAIN, LOCATION OF THE PROPOSED "NO GRADING" ZONE. REFER TO FIRE PROTECTION PLAN FOR MAINTENANCE AND FIRE PROTECTION NOTES.
10. FIRE PROTECTION NOTE: GROWERS OF MATURE TREES LOCATED WITHIN DEFENSIBLE SPACE SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THESE TREES. CONTRACTORS SHALL BE RESPONSIBLE FOR THE REMOVAL OF THESE TREES IF THEY ARE FOUND TO BE IN VIOLATION OF THE DEFENSIBLE SPACE REQUIREMENTS. THE HEIGHT OF THE LOWER VEGETATION OR 6 FEET, WHICHEVER IS LESS, ABOVE THE GROUND SHALL BE MAINTAINED TO THE TREES. DEAD WOOD AND LITTER SHALL BE REGULARLY REMOVED FROM THESE AREAS.



XYLOSMA CONGESTUM, SHINY XYLOSMA



SALVIA SONOMENSIS, CREEPING SAGE



LANTANA X 'NEW GOLD', LANTANA



CERCIS GRISEUS, ROCKROSE

INERT MATERIALS



MULCH

TREES



PARKINSONIA ACULEATA, MEXICAN PALO VERDE



CERCIS OCCIDENTALIS, WESTERN REDBUD

GENERAL PLANTING NOTES

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

LANDSCAPE DESIGN PLAN
FALLBROOK ENERGY STORAGE SITE
08/29/2019

PROJECT DESCRIPTION

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

TABLE OF CONTENTS

TITLE SHEET

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SECTIONS AND DETAILS - PSOMAS

LANDSCAPE DESIGN PLAN - LYNN CAPOUYA INC.

LANDSCAPE DESIGN PLAN - LYNN CAPOUYA INC.

LANDSCAPE DESIGN PLAN - LYNN CAPOUYA INC.

SITE PLAN

PLOT PLAN

ELEVATIONS

VIEW FROM NORTH

VIEW FROM NORTH-EAST

VIEW FROM SOUTH-EAST

VIEW FROM SOUTH-WEST

VIEW FROM WEST



**FLUENCE FALLBROOK
ENERGY STORAGE PROJECT**

FALLBROOK, CA. SAN DIEGO COUNTY

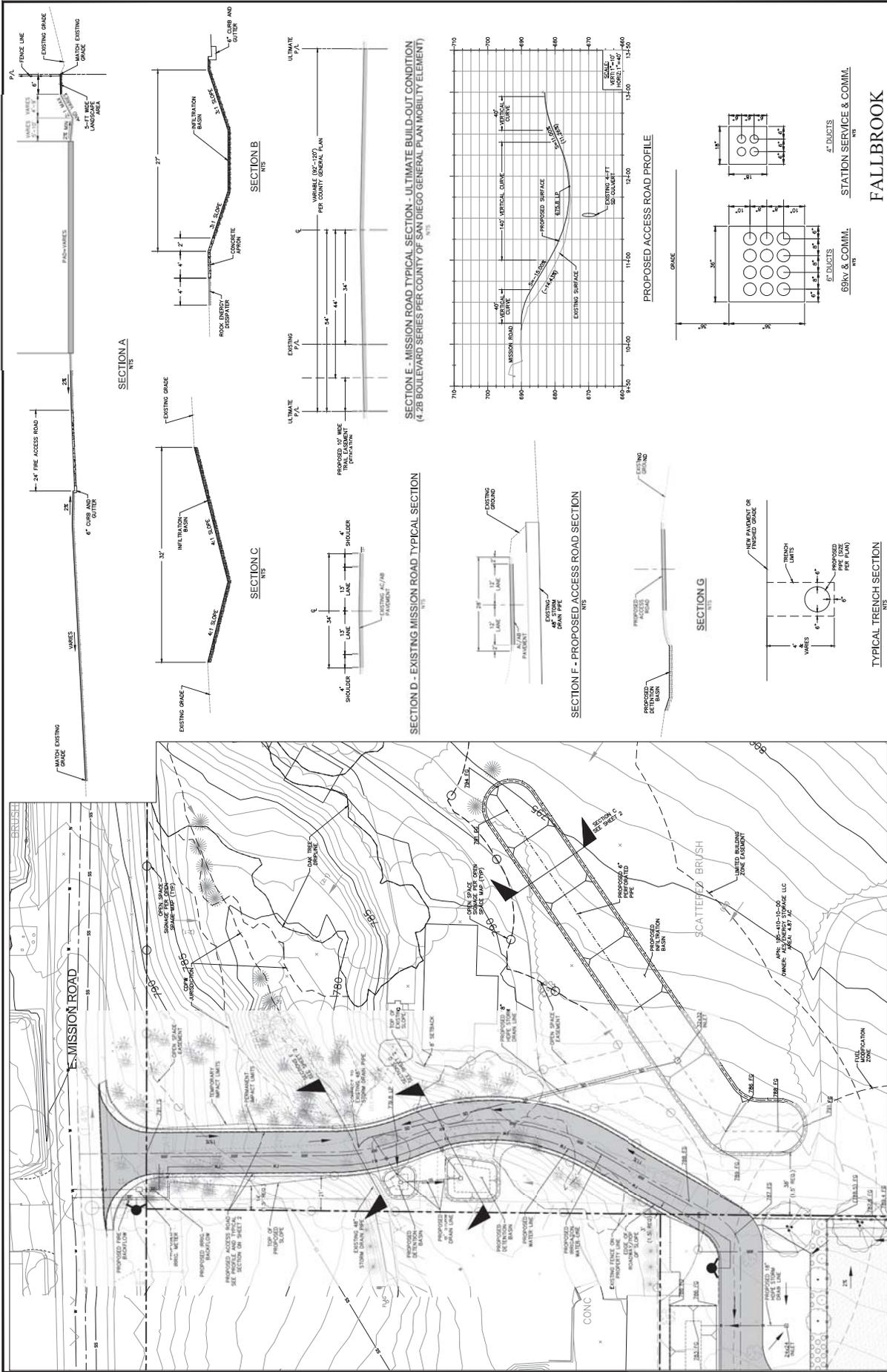
Project Number: 19090.0000



TITLE SHEET

08/28/2019

CORGAN



SECTION A
N15

SECTION B
N15

SECTION C
N15

SECTION D - EXISTING MISSION ROAD TYPICAL SECTION
N15

SECTION E - MISSION ROAD TYPICAL SECTION - ULTIMATE BUILD-OUT CONDITION
(4.28 BOULEVARD SERIES PER COUNTY OF SAN DIEGO GENERAL PLAN MOBILITY ELEMENT)
N15

SECTION F - PROPOSED ACCESS ROAD TYPICAL SECTION
N15

SECTION G
N15

TYPICAL TRENCH SECTION
N15

PROPOSED ACCESS ROAD PROFILE

69x6 DUCTS
STATION SERVICE & COMM.
N15

4" DUCTS
STATION SERVICE & COMM.
N15

FALLBROOK ENERGY STORAGE PROJECT SECTIONS AND DETAILS

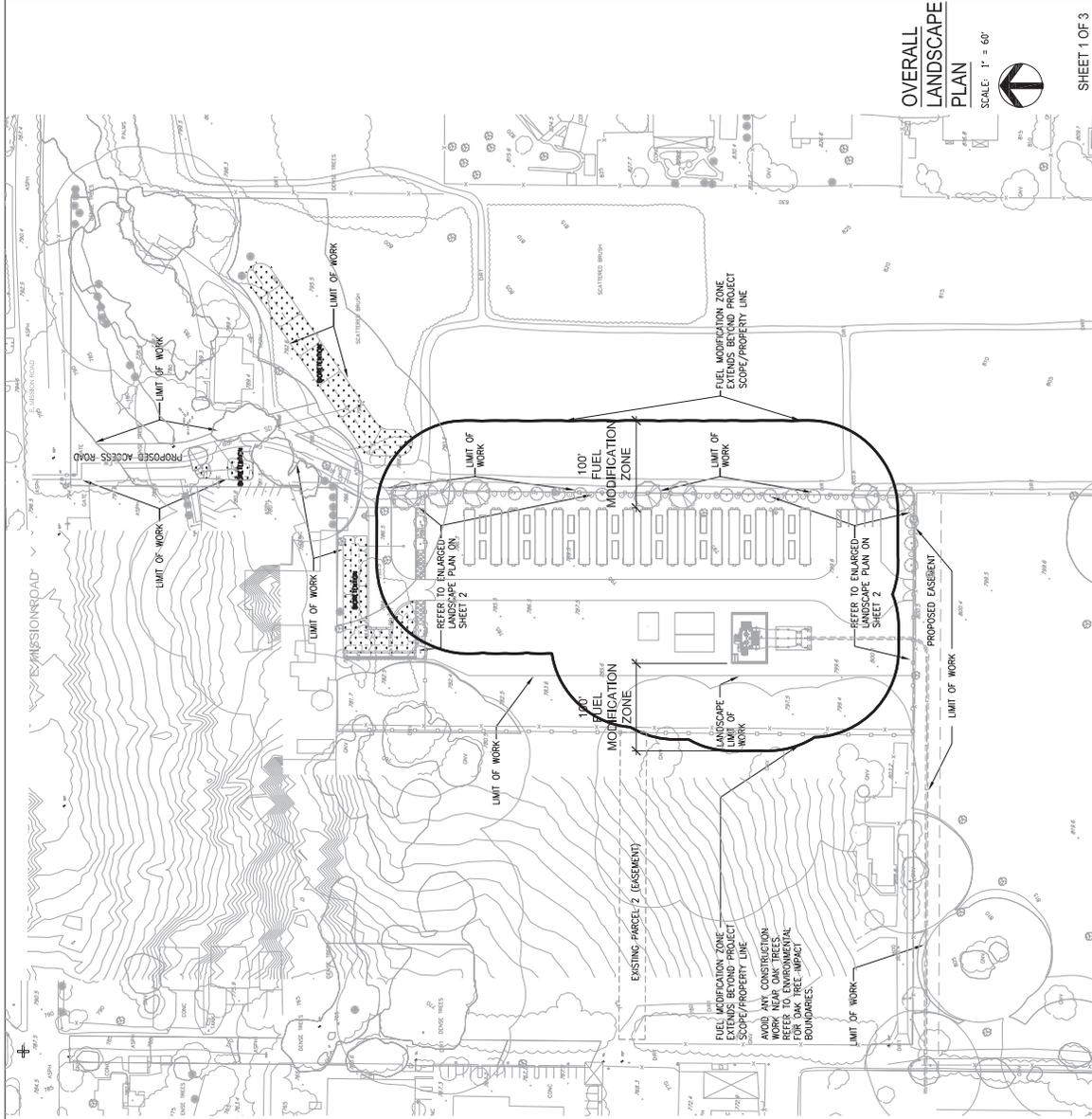
PSOMAS

DATE: 08-28-19 REVISED ON:
JOB No: 20CR090200 SHEET 2 OF 2

DETAIL "A"
SCALE: 1" = 20'

Note: For related sheet prints, original scale is in inches.

CORGAN



OVERALL LANDSCAPE PLAN
SCALE: 1" = 60'

SHEET 1 OF 3

LYNN CAPOUYA INC.
LANDSCAPE ARCHITECTS
10700 MITCHELL SOUTH SUITE 110 IRVINE CA 92614 PHONE (949) 754-1810

BIORETENTION PLANT LEGEND
PLANTS ARE FROM SAN DIEGO COUNTY BIORETENTION FACILITIES PLANT LIST

SYMBOL	PLANT NAME	SIZE	QTY.	DETAIL SHEET	REMARK	PLANT FACTOR
[Symbol]	CAREX SPICSA	5 GAL				
[Symbol]	SAN DIEGO SEDGE	5 GAL				
[Symbol]	CAREX SUBRUSICA	5 GAL				
[Symbol]	RUSTY SEDGE	5 GAL				
[Symbol]	LEWIS CONDENSATUS 'CANYON PRINCE'	5 GAL				
[Symbol]	CANYON PRINCE WILD RYE	5 GAL				
[Symbol]	MUHLENBERGIA RIgens	5 GAL				
[Symbol]	DEER GRASS	5 GAL				

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

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

BIORETENTION GRASSES



CAREX SPICSA



CAREX SUBRUSICA



LEWIS CONDENSATUS 'CANYON PRINCE'



MUHLENBERGIA RIGENS

LANDSCAPE DESIGN PLAN
FALLBROOK ENERGY STORAGE SITE
08/29/2019



ENLARGED LANDSCAPE PLAN



NOTES:

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

SHRUB/ GROUND COVER LEGEND

SYMBOL	PLANT NAME	SIZE	QTY.	DETAIL SHEET	REMARK	PLANT FACTOR
●	CISTUS CRISPUS ROCK ROSE	5 GAL	-	-	SPACING PER PLAN	LOW 0.3
■	LANTANA X 'NEW GOLD' NEW GOLD LANTANA	5 GAL	-	-	18" O.C. SPACING	VERY LOW 0.2
●	XYLOSMA CONGESTUM SHIRT TAILORIA	15 GAL	-	-	10'-0" O.C. SPACING	LOW 0.3
■	CALEA SPANISHIS SLEEPING SAGE	5 GAL	-	-	3'-0" O.C. SPACING	LOW 0.3

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

ROOT BARRIERS SHALL BE PROVIDED FOR ALL TREES WITH (5) FEET OF HARDSCAPE.

MULCH:
PLACE 3" THICK LAYER OF "FOREST FLOOR 1/2"-1 1/2" BY AQUINGA IN ALL PLANTING AREAS.
SUBMIT SAMPLE FOR APPROVAL. AVAILABLE THROUGH AQUINGA SALES AND RESEARCH DIVISION
1845 CALIFORNIA AVENUE, SUITE 110
IRVINE, CA 92606

TREE LEGEND

SYMBOL	PLANT NAME	SIZE	QTY.	DETAIL SHEET	REMARK	PLANT FACTOR
●	CECISUS OCCIDENTALIS WESTERN REDBUD	1/2" BOX	-	-	STANDARD TRUNK	LOW 0.3
●	PARKINSONIA ACULEATA MEXICAN PALM VERGE	1/2" BOX	-	-	MULTI-TRUNK	LOW 0.3

SHRUB/GROUND COVERS



XYLOSMA CONGESTUM, SHINY XYLOSMA



SALVIA SONOMENSIS, CREEPING SAGE



LANTANA X 'NEW GOLD', LANTANA



CISTUS CRISPUS, ROCKROSE

CONCEPTUAL LANDSCAPE NOTES

1. THE CONCEPTUAL LANDSCAPE PLAN DEMONSTRATES COMPLIANCE WITH THE FALLBROOK DESIGN GUIDELINES, DESIGN REVIEW CHECKLIST FOR INDUSTRIAL DEVELOPMENTS AND FIRE PROTECTION DISTRICTS IN SAN DIEGO COUNTY.
2. REFER TO ENVIRONMENTAL PLANS FOR EXISTING VEGETATION TO REMAIN, LOCATION OF ALL TREES TO BE REMOVED, AND RECOMMENDED PROTECTION MEASURES TO BE INSTALLED AND MAINTAINED DURING CONSTRUCTION ACTIVITIES AND RECOMMENDED PROCESS TO REPLACE THESE TREES IN LAND FURNISHED DURING CONSTRUCTION.
3. FINAL LANDSCAPE PLANS (LANDSCAPE DOCUMENTATION PACKAGE) WILL BE COMPLIANT WITH THE COUNTY'S CLIMATE ACTION PLAN, SPECIFICALLY, MEASURE W-12 (REDUCE OUTDOOR WATER USE). THE PROPOSED PLANNING FOR THIS PROJECT WILL BE ABLE TO MEET THIS REQUIREMENT.
4. THE PROPOSED LANDSCAPE WILL BE EFFICIENTLY IRRIGATED, COMPLIANT WITH THE COUNTY'S WATER EFFICIENT LANDSCAPE ORDNANCE (WELCO). THE PROPOSED IRRIGATION SYSTEM WILL MEET THE STATE MANDATE A81801 MODEL WATER EFFICIENT LANDSCAPE ORDNANCE (WELCO).
5. ALL (OWNERS) WILL BE RESPONSIBLE FOR THE ON-GOING MAINTENANCE OF THE LANDSCAPING, INCLUDING THE PUBLIC RIGHT-OF-WAY. ALL TECHNICIANS WOULD TRAVEL TO THE SITE APPROXIMATELY ONCE PER MONTH TO PROVIDE CONTRACTED MAINTENANCE SERVICES INCLUDING LANDSCAPING.
6. REFER TO CIVIL PLANS FOR LOCATIONS OF ANY PROPOSED VEGETATED STORM WATER BMP'S.
7. REFER TO ENVIRONMENTAL PLANS FOR REMOVAL OF ALL INVASIVE SPECIES FROM THE SITE, INCLUDING TREES WITHIN THE EXISTING NATIVE HABITATS AND DRAINAGE CHANNEL AND EXISTING EUCALYPTUS TREES.
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10. FIRE PROTECTION NOTE: GROUNDS OF MATURE TREES LOCATED WITHIN DEFENSIBLE SPACE SHALL BE MAINTAINED A MINIMUM HORIZONTAL CLEARANCE OF 10 FEET FOR FIRE RESISTANT TREES; MATURE TREES SHALL BE MAINTAINED A MINIMUM HORIZONTAL CLEARANCE OF 15 FEET FROM SPRAY HEADS. THE HEIGHT OF THE LOWER VEGETATION OR 6 FEET, WHICHEVER IS LESS, ABOVE THE GROUND SURFACE ADJACENT TO THE TREES. DEAD WOOD AND LITTER SHALL BE REGULARLY REMOVED FROM TREES.

GENERAL PLANTING NOTES

1. ALL SPECIES SHOWN ON PLANS MUST MEET STANDARD INDUSTRY SPECIFICATIONS FOR THE CULTIVAR'S SPECIES. THE CONTRACTOR CANNOT LOCATE MATERIAL OF ACCEPTABLE SIZE AT THE TIME OF INSTALLATION. CONTACT LANDSCAPE ARCHITECT FOR SPECIES SUBSTITUTION, DOWN-SIZING OR UP-SIZING OF PLANT MATERIAL WITHOUT PRIOR APPROVAL OF LANDSCAPE ARCHITECT WILL NOT BE ALLOWED.
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3. FINISH GRADE IN ALL PLANTER AREAS SHALL BE 2 INCHES FOR SHRUB 1 INCH FOR TURF BELOW WHERE IT IS OBVIOUS IN THE FIELD THAT CONDITIONS DEVIATE FROM WHAT IS INDICATED ON THE PLANS. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY IN WRITING OF ANY DISCREPANCIES. IN THE EVENT THIS NOTIFICATION IS NOT PERFORMED, THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY NECESSARY REVISIONS.
4. INSTALL 3 INCHES OF SHREDDED WOOD MULCH OR AS NOTED PER DRAWINGS IN ALL NEWLY PLANTED AREAS UPON COMPLETION OF PLANTING. REFER TO SPECIFICATIONS FOR MULCH MATERIAL.
5. CONTRACTOR TO VERIFY EXACT QUANTITIES OF PLANT MATERIALS BASED ON CONDITIONS AND PLANT MATERIALS COVERAGE QUANTITY PROVIDED IN THE LEGEND IS FOR CONFORMANCE ONLY.

INERT MATERIALS



MULCH

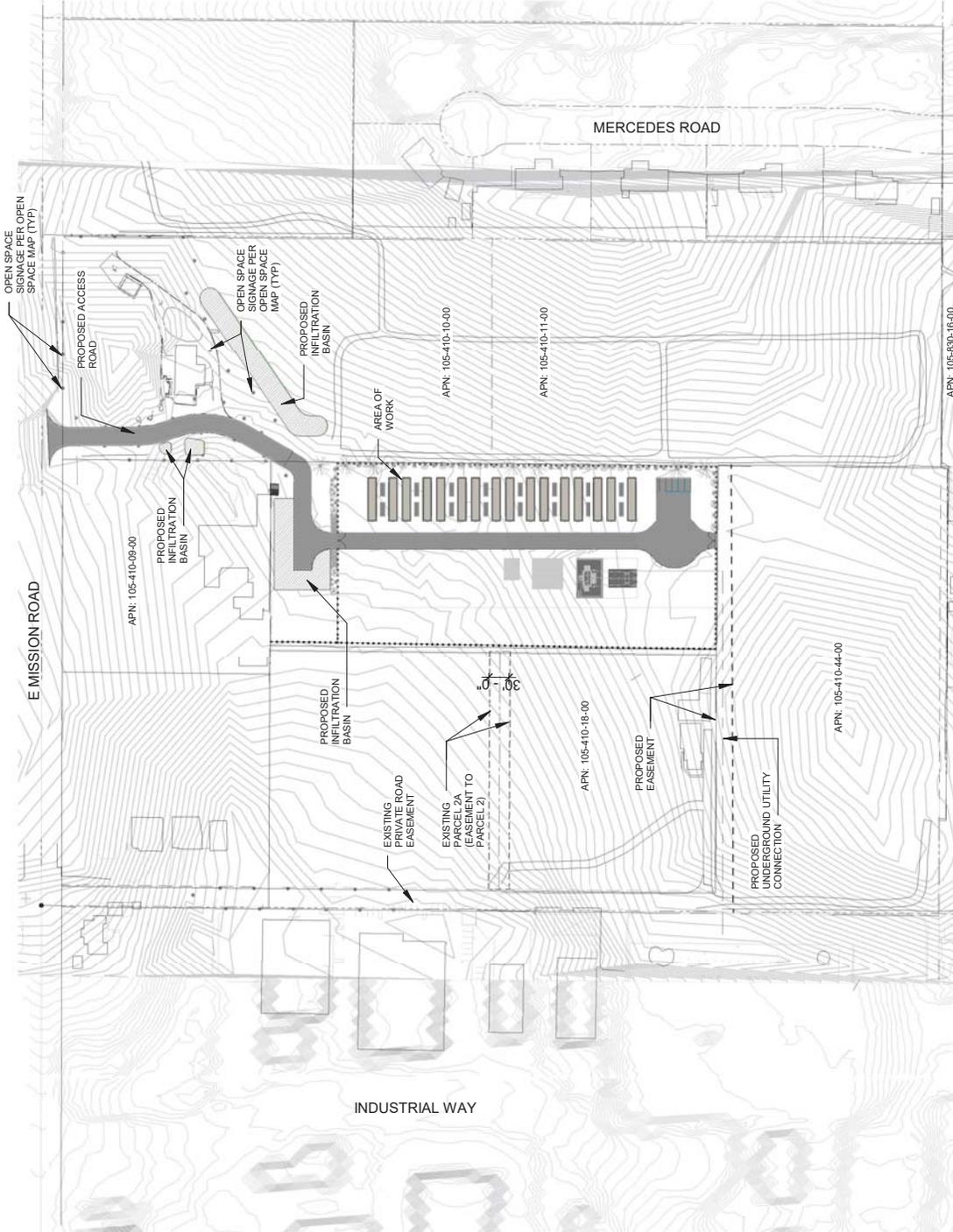
TREES



CERCIS OCCIDENTALIS, WESTERN REDBUD



PARKINSONIA ACULEATA, MEXICAN PALO VERDE



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

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

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

APN: 105-410-19-00

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

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

FALLBROOK, CA
 COUNTY OF SAN DIEGO



VICINITY MAP
 NOT TO SCALE

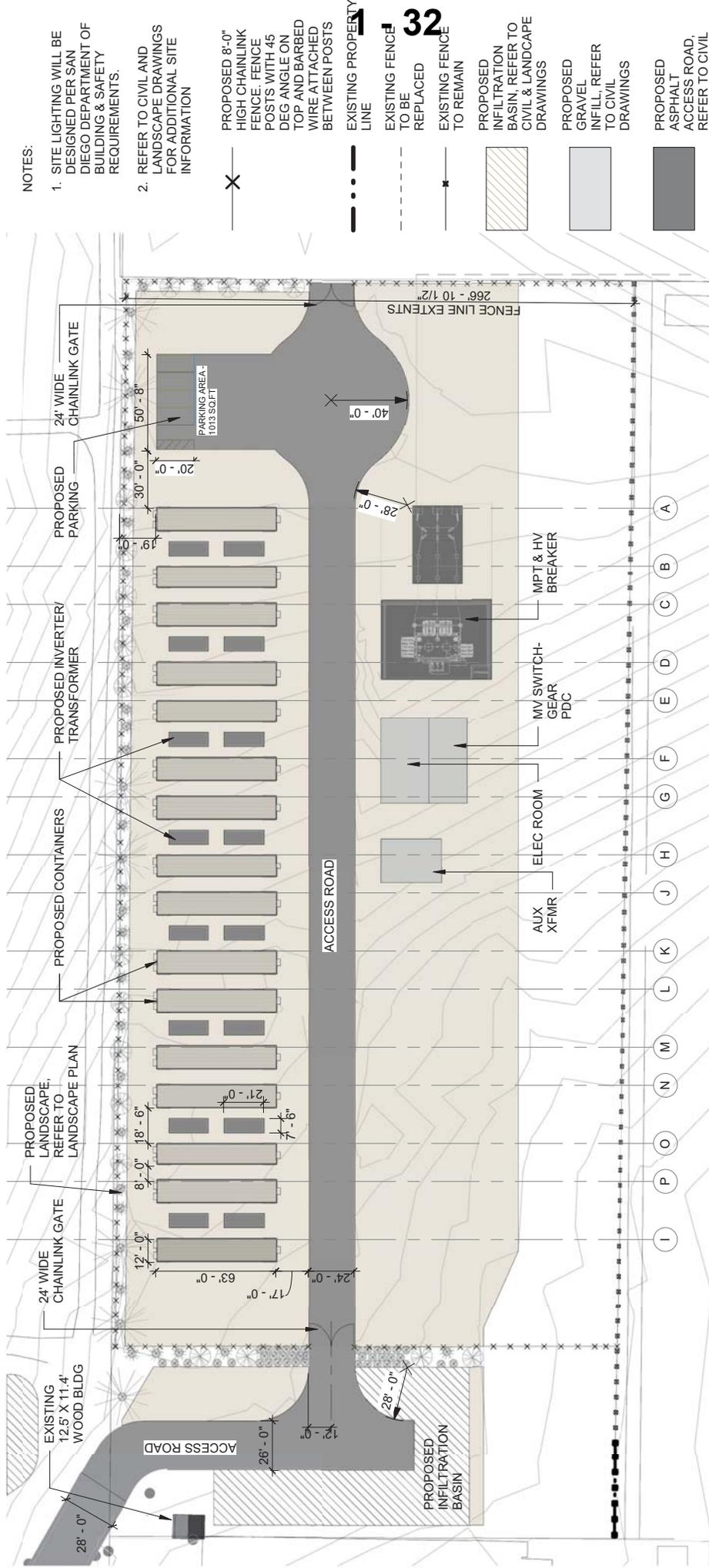
SITE PLAN
 As indicated
 08/28/2019

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

Project Number: 19090.0000



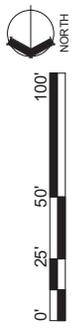
CORGAN



NOTES:

1. SITE LIGHTING WILL BE DESIGNED PER SAN DIEGO DEPARTMENT OF BUILDING & SAFETY REQUIREMENTS.
2. REFER TO CIVIL AND LANDSCAPE DRAWINGS FOR ADDITIONAL SITE INFORMATION

	PROPOSED 8'-0" HIGH CHAINLINK FENCE. REFER TO CIVIL & LANDSCAPE DRAWINGS FOR ADDITIONAL INFORMATION
	EXISTING PROPERTY LINE
	EXISTING FENCE TO BE REPLACED
	EXISTING FENCE TO REMAIN
	PROPOSED INFILTRATION BASIN. REFER TO CIVIL & LANDSCAPE DRAWINGS
	PROPOSED GRAVEL INFILL. REFER TO CIVIL DRAWINGS
	PROPOSED ASPHALT ACCESS ROAD. REFER TO CIVIL DRAWINGS



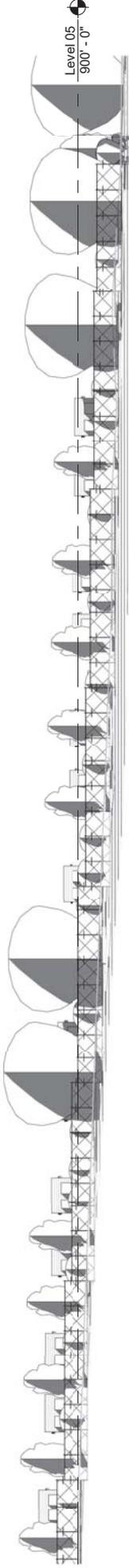
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PLOT PLAN
As indicated
08/28/2019

Project Number: 19090.0000



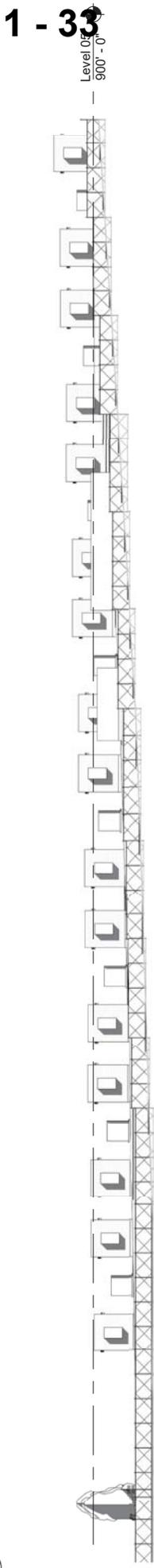
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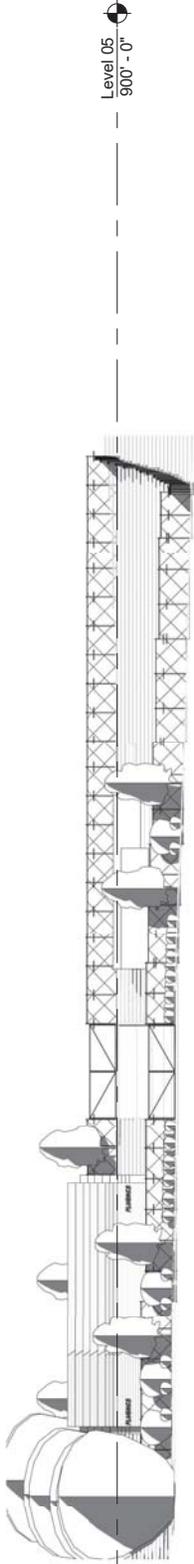
4 EAST ELEVATION
1/32" = 1'-0"



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



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



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

Project Number: 19090.0000



ELEVATIONS

08/28/2019

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VIEW FROM NORTH

08/28/2019

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Project Number: 19090.0000



VIEW FROM NORTH-EAST

08/28/2019

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Project Number: 19090.0000



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VIEW FROM SOUTH-EAST

08/28/2019

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Project Number: 19090.0000



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VIEW FROM SOUTH-WEST

08/28/2019

CORGAN 



Project Number: 19090.0000



VIEW FROM WEST

08/28/2019

CORGAN 

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



County of San Diego
PLANNING & DEVELOPMENT SERVICES

COMMISSIONERS

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

MARK WARDLAW
Director

KATHLEEN FLANNERY
Assistant Director

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

February 5, 2020

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

DECISION OF THE ZONING ADMINISTRATOR

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

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

The granting of this permit also approves the Preliminary Grading Plan consisting of two (2) sheets. In accordance with the [Section 87.207 of the County Grading Ordinance](#), Environmental Mitigation Measures or other conditions of approval required and identified on this plan, shall be completed or implemented on the final engineering plan before any improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any Substantial deviation therefrom from the Preliminary Grading Plan may cause the need for further environmental review. Additionally, approval of the preliminary plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to [County of San Diego Grading Ordinance \(Sec 87.701 et. al.\)](#).

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

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

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

1. GEN#1–COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

2. GEN#2–RECORDATION OF DECISION

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

3. ROADS#1–RELINQUISH ACCESS

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

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

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

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

4. ROADS#2–SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is a minimum unobstructed sight distance of 334 feet in the *East Bound (EB) direction* from the proposed driveway along **East Mission Road**. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is a minimum unobstructed sight distance of 424 feet in the *West Bound (WB) direction* from the proposed driveway along **East Mission Road**. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- c. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

5. ROADS#3–LIEN AGREEMENTS

INTENT: In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#), the [County of San Diego Public Road Standards](#), a lien agreement shall be executed in lieu of providing securities for the road improvements. **DESCRIPTION OF REQUIREMENT:** Execute a lien agreement to improve **East Mission Road** to a one-half graded width of **fifty-nine feet (59')** with Portland cement concrete curb, gutter and sidewalk, asphalt concrete pavement over approved base, ornamental street light, asphalt concrete bicycle facility, asphalt concrete dike taper to existing pavement. The face of the curb shall be fifty-nine feet (59') from the ultimate centerline. All future road improvements shall be in compliance with the [County of San Diego Public Road Standards](#).

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

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

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

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

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

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

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

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

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

DESCRIPTION OF REQUIREMENT: The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), the COSD Grading Ordinance and the Fallbrook Design Guidelines. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

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

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

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

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

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

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

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

9. BIO#2–LBZ EASEMENT [PDS, FEE X 2]

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

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

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

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

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

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

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

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

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

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

**Sensitive Environmental Resources
Area Restricted by Easement**

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

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

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

12. STRMWTR#1–STORMWATER MAINTENANCE DOCUMENTATION

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

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

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

13. STRMWTR#2–EROSION CONTROL

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

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

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

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

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

TIMING: Prior to approval of any grading or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the Erosion Control Plan shall be approved and the agreement and securities shall be executed.

MONITORING: The [PDS, LDR] shall ensure that the Erosion Control Plan adequately satisfies the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, 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.

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

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

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

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

15. AQ#1-CONSTRUCTION EXHAUST EMISSIONS

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

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

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

16. AQ#2-FUGITIVE DUST PLAN

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

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

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

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

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

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

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

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

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

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

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

Archaeological Monitoring

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

(CULTURAL RESOURCES)

- 34. CULT#GR-1 - ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING**
INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented.
DESCRIPTION OF REQUIREMENT: The County approved Project Archaeologist and Luiseno Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Luiseno Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Luiseno Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Luiseno Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.

(BIOLOGICAL RESOURCES)

- 35. BIO#6–TEMPORARY FENCING [PDS, FEE]**
INTENT: In order to prevent inadvertent disturbance to coast live oak woodland, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and/or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the

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

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

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

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

(CULTURAL RESOURCES)

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

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

- a. **Monitoring.** During the original cutting of previously undisturbed deposits, the Project Archaeologist and Luiseno Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of

excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor.

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

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

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

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

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

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

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

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

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

(CULTURAL RESOURCES)

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

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

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

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

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

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

(CULTURAL RESOURCES)

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

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following, if applicable:

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

b. Daily Monitoring Logs

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

(1) Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

OR

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

(2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence

shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

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

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

(BIOLOGICAL RESOURCES)

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

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

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

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

**Sensitive Environmental Resources
Area Restricted by Easement**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19. GEO#1–GEOTECHNICAL MONITORING

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

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

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

20. GEN#3-INSPECTION FEE

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

21. CULT#2 - CULTURAL RESOURCES MONITORING REPORT

INTENT: In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been conveyed as follows:

- (1) All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

Or

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

- (2) Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

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

22. PLN#1–SITE PLAN IMPLEMENTATION

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

23. ROADS#4–ANNEX TO LIGHTING DISTRICT

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

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

24. STRMWTR#3–VERIFICATION OF STRUCTURAL BMPs

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

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

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

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

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

26. LNDSCP#2–CERTIFICATION OF INSTALLATION

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

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

27. HAZ#1–HEALTH AND SAFETY PLAN

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

28. GEN-TIE LINE GRADING

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

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

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

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

30. PLN#4–SITE CONFORMANCE

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

31. ROADS#5–SIGHT DISTANCE

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

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

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

33. FIRE#1–ON-GOING FIRE PROTECTION

INTENT: In order to comply with the [County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707](#), the site shall comply with the approved Fire Protection Plan (FPP).

DESCRIPTION OF REQUIREMENT: The following measures approved in the FPP shall be implemented and maintained:

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

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

34. ROADS#6–PRIVATE ROAD MAINTENANCE

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

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

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

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

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

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

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

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

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

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill, pursuant to [Section 87.201 of Grading Ordinance](#).

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

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. **East Mission Road** is shown as a road on the Mobility Element of the County General Plan. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

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

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

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

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

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

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

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

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

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

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

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

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

MINOR USE PERMIT FINDINGS

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

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

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

Scale and Bulk

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

Coverage

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

Density

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

None.

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

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

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

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

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

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(SDRWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

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

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

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

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

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

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

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

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

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

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

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

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Planning Commission, the decision may be appealed to the Board of Supervisors in accordance with [Section 7366 of the County Zoning Ordinance](#). An appeal shall be filed with the Director of Planning & Development Services or by mail with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT’S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

COUNTY OF SAN DIEGO PLANNING COMMISSION
 MARK WARDLAW, SECRETARY

BY:
 Darin Neufeld, Chief
 Project Planning Division
 Planning & Development Services

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

Attachment C – Environmental Documentation

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

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

December 5, 2019

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

YES NO NOT APPLICABLE/EXEMPT

Discussion:

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

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

YES NO NOT APPLICABLE/EXEMPT

Discussion:

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

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

YES NO NOT APPLICABLE/EXEMPT

Discussion:

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

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

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

Discussion:

Wetland and Wetland Buffers:

Based on the Biological Resources Letter Report dated October 17, 2019 and prepared by Cummings Environmental Inc, it has been determined that wetlands, defined by Section 404 of the Clean Water Act that include disturbed wetland and southern riparian woodland habitat(s) is on the project site. However, the project will not impact through, discharging into, directly removing, filling, or hydrologically interrupting, any federally protected wetlands supported on the project site. The project proposes complete avoidance. Therefore, no significant impacts will occur to wetlands or waters of the U.S. as defined by Section 404 of the Clean Water Act and under the jurisdiction of the Army Corps of Engineers. The project has been conditioned to provide evidence that permits under Section 404 of the Clean Water Act are not required (or to obtain appropriate permits if determined to be required). Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe:

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

Steep Slopes:

The average slope for the property is less than 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Additionally, the land has

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

Sensitive Habitats:

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

Significant Prehistoric and Historic Sites:

Based on an analysis of records and a survey of the property by a County of San Diego approved historian, Doug Mengers, it has been determined that there are one or more historical resources within the project site. These resources include a 1956 ranch style residence. An historical resources report titled, Cultural Resources Survey Report for the AES Fallbrook Project (October 2018), prepared by Shelby Castells and Doug Mengers evaluated the significance of the historical resources based on a review of historical records including site record forms, historic maps, historic addresses and an architectural evaluation. Based on the results of this study, it has been determined that the historic resource is not significant pursuant to the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5. Because the resources are not considered significant historic resources pursuant to CEQA Section 15064.5, the loss of these resources cannot contribute to a potentially significant cumulative impact. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

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

YES NO NOT APPLICABLE

Discussion:

The project Storm Water Quality Management Plan, prepared by Haley and Aldrich has been reviewed and is found to be complete and in compliance with the WPO.

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

YES NO NOT APPLICABLE

Discussion:

County staff has reviewed the Noise Assessment prepared by Ldn Consulting, Inc. The proposed project is not a noise sensitive land use. However, noise sensitive land uses exist to the north, east and west of the project site. Based on the Analysis, project implementation would not expose existing or planned noise sensitive areas to noise in excess of the outside sound level threshold. The project was found to be below the most restrictive nighttime property line standard of 57.5 dBA at the adjacent properties zoned Residential. In addition, the project is consistent with the County Guidelines for

Determining Significance and would not be expected to expose existing or planned noise sensitive areas to noise 10 dB CNEL over existing ambient noise levels.

Therefore, the project is consistent with the General Plan – Noise Element and impacts would be less than significant. Therefore the project would not expose people to, nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.



County of San Diego

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Fallbrook Energy Storage

RECORD ID: PDS2019-ZAP-19-001

ENVIRONMENTAL LOG NO.: PDS2019-ER-19-02-001

This Document is Considered Draft Until it is Adopted by the Appropriate County of San Diego Decision-Making Body.

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study – Environmental Checklist Form
- b. Technical Studies and Reports as referenced

1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body’s independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

BIOLOGICAL RESOURCES

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

In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO), a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego, an open space easement, as

shown on the approved plot plan. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exceptions to this prohibition are:

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

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

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

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

- a. Decking, fences, and similar facilities.
- b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing

or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

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

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

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

- a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be approved by the California Department of Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in North San Diego County as indicated below:
 1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.

3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

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

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

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

Sensitive Environmental Resources Area Restricted by Easement

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

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

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

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

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

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

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

INTENT: In order to prevent inadvertent disturbance to coast live oak woodland, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and/or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **MONITORING:** The [PDS, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.”

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

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

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

INTENT: In order to comply with Conditions BIO#4 the signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences and open space signs shall be placed along the open space boundary as shown on these plans and the approved Conceptual Grading and Development Plan for ZAP 19-001.

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

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,

Planning & Development Services

Reference: ZAP 19-001

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

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

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

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

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

AIR QUALITY**10. AQ#1-CONSTRUCTION EXHAUST EMISSIONS**

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

- a. The project shall require the construction contractor to provide a construction fleet that uses heavy-duty diesel-powered equipment equipped with Tier 3 diesel engines.
- b. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained in accordance with manufacturer’s specifications before and for the duration of on-site operation.
- c. Simultaneous operation of multiple construction equipment units shall be minimized. During construction, vehicles in loading and unloading queues shall not

idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.

- d. Construction equipment shall be outfitted with best available control technology (BACT) devices certified by the California Air Resources Board. A copy of each unit's BACT documentation shall be provided to the County of San Diego at the time of mobilization of each applicable unit of equipment.

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

11. AQ#2-FUGITIVE DUST PLAN

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

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

- p. Haul truck staging areas shall be provided for loading and unloading of soil and materials.
- q. Construction Traffic Control Plans shall route delivery and haul trucks required during construction away from sensitive receptor locations and congested intersections to the extent feasible. Construction Traffic Control plans shall be finalized and approved prior to issuance of grading permits.

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

CULTURAL RESOURCES

12. CULT#1 - ARCHAEOLOGICAL MONITORING

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources and human remains, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Luiseno Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
 - 1. The Project Archeologist shall provide evidence that a Luiseno Native American has been contracted to perform Native American Monitoring for the project.
 - 1. The cost of the monitoring shall be added to the grading bonds or bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** [PDS, PPD] shall review the contract or

letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, PPD] for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

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

INTENT: In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been conveyed as follows:
 - (1) All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

Or

Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.
 - (2) Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall

be submitted to the South Coastal Information Center (SCIC), the Pechanga Band of Luiseno Indians, the Rincon Band of Luiseno Indians, the San Luis Rey Band of Mission Indians, and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

CULT#GR-1 - ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING

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

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

14. CULT#GR-2 - ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION**

OF REQUIREMENT: The Project Archaeologist and Luiseno Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. **Monitoring.** During the original cutting of previously undisturbed deposits, the Project Archaeologist and Luiseno Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor.

- b. **Inadvertent Discoveries.** In the event that previously unidentified potentially significant cultural resources are discovered:
1. The Project Archaeologist or the Luiseno Native American monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.
 2. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
 3. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Luiseno Native American Monitor, shall determine the significance of the discovered resources.
 4. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
 5. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Luiseno Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
 6. If cultural resources are determined to be significant, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Luiseno Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
- c. **Human Remains.** If any human remains are discovered:
1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
 2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Luiseno Native American monitor.
 3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).
 4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
 5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
 6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

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

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

15. CULT#GR-3 - ARCHAEOLOGICAL MONITORING – ROUGH GRADING

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

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

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring Report to [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and any culturally-affiliated Tribe who requests a copy. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** [PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

16. CULT#GR-4 - ARCHAEOLOGICAL MONITORING – FINAL GRADING

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring

Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following, if applicable:

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

b. Daily Monitoring Logs

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

(1) Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

OR

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

(2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

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

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

the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

17. **GEN #1—COST RECOVERY: [PDS, DEH, DPR], [MA, GP, IP]**

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5 existing deficit accounts associated with processing this map shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this map. **DOCUMENTATION:** The applicant shall provide a receipt to Planning & Development Services, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No map can be issued if there are deficit deposit accounts. **TIMING:** Prior to the approval of any map and prior to the approval of any plan and issuance of any permit, all fees and discretionary deposit accounts shall be paid. **MONITORING:** The PDS Zoning Counter shall review the receipts and verify that all PDS, DEH, and DPR deposit accounts have been paid.

18. **LNDSCP#1—LANDSCAPE DOCUMENTATION PACKAGE**

INTENT: In order to provide adequate Landscaping, and to comply with the Spring Valley Design Guidelines, the Rancho San Diego Specific Plan 74-01 (Sweetwater Avocado) Amendment, the County of San Diego's Water Efficient Landscape Design Manual, and the County's Water Conservation in Landscaping Ordinance, a landscape plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the COSD Water Efficient Landscape Design Manual and the COSD Water Conservation in Landscaping Ordinance, the COSD Parking Design Manual, the COSD Grading Ordinance, the Spring Valley Design Guidelines, and the requirements of the B Designator. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.

- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Parking areas shall be landscaped and designed pursuant to the [Parking Design Manual](#) and the County Zoning Ordinance Section 6793.b

DOCUMENTATION: The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

19. ROADS#1–RELINQUISH ACCESS

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

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

DOCUMENTATION: The applicant shall prepare the legal descriptions of the easement(s), submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the access shall be relinquished. **MONITORING:** The [DGS, RP] shall prepare the relinquishment documents and forward a copy of the documents to [PDS, LDR] for preapproval. [DGS, RP] shall forward copies of the recorded documents to [PDS, LDR]. The [PDS, LDR] shall review the documents for compliance with this condition.

20. ROADS#2–SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of

Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is a minimum unobstructed sight distance of 334 feet in the *East Bound (EB) direction* from the proposed driveway along **East Mission Road**. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is a minimum unobstructed sight distance of 424 feet in the *West Bound (WB) direction* from the proposed driveway along **East Mission Road**. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- c. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

21. ROADS#3–LIEN AGREEMENTS

INTENT: In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#), the [County of San Diego Public Road Standards](#), a lien agreement shall be executed in lieu of providing securities for the road improvements. **DESCRIPTION OF REQUIREMENT:** Execute a lien agreement to improve **East Mission Road** to a one-half graded width of **fifty-nine feet (59')** with Portland cement concrete curb, gutter and sidewalk, asphalt concrete pavement over approved base, ornamental street light, asphalt concrete bicycle facility, asphalt concrete dike taper to existing pavement. The face of the curb shall be fifty-nine feet (59') from the ultimate centerline. All future road improvements shall be in compliance with the [County of San Diego Public Road Standards](#).

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

The lien agreement against the property shall be granted to the County of San Diego as security in lieu of the immediate installation of the full standard street improvements. It shall declare that present and future owners of this property construct the street improvements in the future and shall not be subordinate to any other lien or encumbrance on the property. **DOCUMENTATION:** The applicant shall execute the lien agreements

and submit them to the [PDS, LDR] for review. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the lien agreements shall be executed and recorded. **MONITORING:** The [DGS, RP] shall prepare, approve the lien agreements for recordation, and forward the recorded copies to [PDS, LDR], for review and approval. The [PDS, LDR] shall review the lien agreements for compliance with this condition.

22. STRMWTR#1–STORMWATER MAINTENANCE DOCUMENTATION

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

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

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

23. STRMWTR#2–EROSION CONTROL

INTENT: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [State Construction General Permit, Order No. 2009-00090-DWQ](#), or subsequent order and the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), and all other applicable ordinances and standards for this priority project. **DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

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

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

24. AQ#3- COUNTY CLIMATE ACTION PLAN SATISFACTION

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

- a. **Measure 6:** The project shall submit a Landscape Document Package that complies with the County's Water Conservation in Landscaping Ordinance and demonstrates a 40 percent reduction in current Maximum Applied Water Allowance for outdoor use.

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

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

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

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

- f. Temporary construction equipment operations shall comply with the County Noise Ordinance Sections 36.408, 409, and 410.

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

26. GEO#1–GEOTECHNICAL MONITORING

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

27. GEN#3–INSPECTION FEE

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

28. PLN#1–SITE PLAN IMPLEMENTATION

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

the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

29. ROADS#4-ANNEX TO LIGHTING DISTRICT

INTENT: In order to promote orderly development and to comply with the Street Lighting Requirements of the County of San Diego Board Policy I-18 and The County of San Diego Public Road Standards, the property shall transfer into the Lighting District.

DESCRIPTION OF REQUIREMENT: Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **DOCUMENTATION:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [PDS, LDR]. The applicant shall provide the receipt to [PDS, PCC]. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use in the premises in reliance of this permit, the fee shall be paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

30. STRMWTR#3-VERIFICATION OF STRUCTURAL BMPs

INTENT: In order to promote orderly development and to comply with the County Watershed Protection Ordinance (WPO) No.10410, County Code Section 67.801 et. seq., verification of Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:**

Complete a Structural BMP Verification Form as shown in Attachment 4 of the PDP SWQMP. **DOCUMENTATION:** The applicant shall process the Structural BMP Verification Forms with [DPW, PDC] or [PDS, BLDG]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; execution of the Structural BMP Verification Form shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the Structural BMP Verification Forms for consistency with the condition and County Standards.

31. STRMWTR#4-PROVISION OF STORMWATER DOCUMENTATION TO PROPERTY OWNER

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

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

DOCUMENTATION: The applicant shall submit a letter stating that the above documentation has been submitted to the property owner and initial occupants. **TIMING:**

Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; provision of stormwater documents shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the letter provided by the applicant for consistency with the condition and County Standards.

32. LNDSCP#2–CERTIFICATION OF INSTALLATION

INTENT: In order to provide adequate Landscaping that provides screening, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), the COSD Grading ordinance and the Fallbrook Design Guidelines, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [PDS LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

33. HAZ#1–HEALTH AND SAFETY PLAN

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

34. GEN-TIE LINE GRADING

INTENT: In order to allow the placement of the **69kV** generation tie line within private properties and in accordance with the [County of San Diego Grading Ordinance](#), a grading

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

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

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

36. PLN#4–SITE CONFORMANCE

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

37. ROADS#5–SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, an unobstructed sight distance shall be maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance of 334 feet in the East Bound (EB) direction and 424 feet in the West Bound (WB) direction along **East Mission Road** from the project

driveway openings for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [*PDS, Code Compliance Division*] is responsible for compliance of this permit.

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

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

39. FIRE#1–ON-GOING FIRE PROTECTION

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

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

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

40. ROADS#6-PRIVATE ROAD MAINTENANCE

INTENT: In order to ensure that the on and offsite private roads are maintained and not damaged during construction and during the term of the permit, the applicant shall assume responsibility. **DESCRIPTION OF REQUIREMENT:** The applicant is responsible for the repair of any damage caused by this Project during construction and the term of this permit to on-site and offsite private roads that serve the Project. Furthermore, the applicant is responsible for maintenance on a proportional basis (number of trips) during the term of this permit to on-site and offsite private roads that serve the Project. **DOCUMENTATION:** The applicant shall assume responsibility pursuant to this condition. **TIMING:** Upon establishment of use, this condition shall apply during the term of this permit. **MONITORING:** The [*PDS, Code Enforcement Division*] is responsible for enforcement of this permit.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted, and above California Environmental Quality Act findings made by the:

on _____

Greg Kazmer, Planning Manager
Project Planning Division

MW:GK:NK



County of San Diego, Planning & Development Services
Project Planning Division

Memorandum

TO: File

FROM: Nicholas Koutoufidis, Project Manager

SUBJECT: Response to Comments; AES Fallbrook 40 MW Battery Energy Storage System Project; PDS2019-ZAP-19-001, PDS2019-ER-02-001

DATE: **February 5, 2019**

The following are staff's responses to comments received during the public review period for the Mitigated Negative Declaration, prepared pursuant to the California Environmental Quality Act (CEQA) dated December 5, 2019. The document was released for public review from December 5, 2019 through January 13, 2020, and 4 comment letters were received during that time.

Response to comments received from Craig Bullock, received December 7, 2019:

- A1. This comment states that Mr. Bullock has received the mitigated negative declaration letter. No changes were made to the Initial Study as a result of this comment.
- A2. This comment states that Mr. Bullock has come across an article about an explosion to a storage project and is concerned about the danger to local residents if an explosion were to occur by the proposed project. Mr. Bullock states he is located within 500 yards of the project site.

The article states four firefighters were injured by an explosion during a site inspection on a battery storage site. Prior to the explosion, firefighters were conducting an inspection, due to a call of smoke from the facility, and were in close proximity to the battery modules themselves. The site sits approximately 2,200 feet from a learning center, residential tract, and a community park. An investigation by APS is underway on the event.

The energy storage system that will be deployed for the proposed project is based on the state-of-the-art technology from Fluence, a leading global energy storage solution provider. The system will incorporate safety features intended to further reduce the chance of a fire or any other failure event and to limit the extent of an event in the unlikely case where one does happen. In accordance with latest standards, the system will be sited with setbacks and fencing to minimize risk to neighboring properties. Properties 500 meters from the batteries will be well outside of these setbacks. Details of the technological advancements are provided below.

The proposed project conducted a Hazard Consequence Analysis Report (report), dated November 2019, and was prepared by Robert Kalin, Senior Technical Specialist, and Tina Berceci-Boyle, P.E., Senior Associate/Chemical Engineer of



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Haley and Aldrich. In addition, the study was peer reviewed by Eric Clark of Stantec. San Diego Gas & Electric was also provided the study and had no further comments. The report evaluated the potential for adverse effects to people or the environment related to hazards and hazardous materials, including potential chemical release and fire hazards.

Within this analysis, a model called ALOHA, developed by the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, was utilized to analyze air toxins, the characteristics of emissions, possible smoke or emissions plume under several weather and wind scenarios, and potential exposure impacts to population and animals within the plume area. The model demonstrated how quickly the chemical would escape from containment and form a hazardous gas cloud, and also how the release rate may change over time. The program then reviewed how the gas would travel downwind. If the chemical is flammable, ALOHA simulated pool fires, boiling liquid expanding vapor explosions, vapor cloud explosions, jet fires, and flammable gas clouds. A threat zone estimate is then predicted to show the level of concern at some time after the release begins and is predicted dependent upon different weather and wind scenarios.

Based on the report, a toxic release from 1.5 battery racks was assumed to be triggered by a fire event and result in a release of HCl, HF, HCN, and CO. Using nighttime meteorological conditions, modeling results indicate that the distance of the Project to sensitive use types will be adequately sited (more than 33 feet from the nearest residence). ALOHA is unable to predict threat zones less than 10 meters because of the effects of near-field patchiness which make dispersion predictions less reliable for short distances.

Battery-based energy storage systems have been operating for more than a decade and incidents of fire are very rare. However, as no technology is completely hazard free, properly designed energy storage systems with enhanced safety features minimized the probability and severity of any incident, if one were to occur. The project has been designed in a way to minimize potential effects of a chemical release, a fire, or other hazardous event. These design features include 4 HVAC units per container, fire suppression systems including the clean agent Novec 1230, early smoke detectors, alarms, and remote monitoring. Novec 1230 is essentially a large fire extinguisher which would flood the entire container if a fire event were to occur. The project would also be equipped with the state-of-art Battery Management System (BMS), that monitors cell level voltage, state of health, cell temperature, and cell current in and out. If any of the monitored parameters are above or below pre-determined limits, the BMS will shut down and electrically isolate the affected battery rack from the system. This is designed to occur well before a battery cell overheats to the point that it will enter a thermal runaway state (when the internal heat generation exceeds the heat that can be expelled). In addition, the system will include measures to detect any gas releases



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by the batteries and will trigger an immediate shutdown of the system if gases are detected. This safety feature is intended to further avoid or minimize fires or other system failures. Further, if a significant amount of gas is released, a safety ventilation system will act to reduce the likelihood of that gas combusting.

In addition, the project is required to prepare a Hazard Materials Business Plan (HMBP) prior to building permit issuance. The purpose of the HMBP is to prevent or minimize damage to public health, safety, and the environment, from a release or threatened release of a hazardous material. The HMBP also provides emergency response personnel with adequate information to help fire officials better prepare and respond to chemical-related incidents at regulated facilities. In addition, routine inspections by the Hazardous Materials Division would occur for ongoing compliance with the HMBP requirements and existing laws.

No changes were made to the Initial Study as a result of this comment.

Response to comments received from Steven Boudreau, received December 10, 2019:

- B1. The commenter states he is thankful for receiving the project information. No changes were made to the Initial Study as a result of this comment.
- B2. This comment states Mr. Boudreau wishes the development would follow the “master plan” that allowed the property to be re zoned from Agricultural to Limited Use Impact Industrial (M52).

It is not clear what is meant by “master plan” by the commenter. The project site is subject to the Zoning Ordinance Use Regulation Limited Use Impact Industrial Zone (M52) and General Plan Designation Limited Impact Industrial. The project is consistent with both the General Plan Designation and the Zoning Ordinance Use Regulation. No changes were made to the Initial Study as a result of this comment.

- B3. The commenter asks if the road access to the site would be widened and include a turn lane due to fire access. The commenter further states that fire access is limited, and the exit is through the creek bed, the area of the site most likely to be on fire.

A Fire Protection Plan (FPP), dated October 30, 2018, has been submitted and approved by the North County Fire Protection District (NCFPD). Access to the site from East Mission Road would be required to be widened to 24 feet with a paved surface suitable for a 75,000-pound fire apparatus. In addition, a fire turnaround would be installed at the north end of the project site where it joins the access road, and the south end of the project site with a 40-foot radius cul-de-sac. The project has met all fire code requirements to the satisfaction of the NCFPD. No changes were made to the Initial Study as a result of this comment.



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Response to comments received from the California Department of Fish and Wildlife, received January 6, 2020:

- C1. This comment is introductory in nature and does not raise an issue under CEQA. No changes were made to the CEQA documentation as a result of this comment.
- C2. This comment is for background information purposes and does not raise an issue under CEQA. No changes were made to the CEQA documentation as a result of this comment.
- C3. This comment states the project location and project description of the proposed project. No issues under CEQA were raised by this comment. However, for clarification, the commenter states "...the site also supports single-family residences" which is inaccurate. The proposed project site does not contain any existing single-family residences, but these are found in the project vicinity. No changes were made to the CEQA documentation as a result of this comment.
- C4. This comment states California Department of Fish and Wildlife (CDFW) recommends including the mitigation measures described on pages 12-13 of the Biological Resources Letter Report, in regards to Coast Live Oak and Southern Riparian Scrub, within the Initial Study. CDFW also states the Biological Resource Letter Report requires the applicant to provide evidence that agency permits (ACOE, CDFW, and RWQCB) have been obtained or to provide a letter from these agencies stating a permit is not necessary.

The project is conditioned in the Form of Decision to place the Coast Live Oak and Southern Riparian Scrub into a Biological Open Space Easement with a buffer (Conditions #8 and #9). The Form of Decision also includes a condition (Condition #11) to place signage to protect the proposed Biological Open Space Easement.

A portion of the Coast Live Oak would be impacted, requiring the project to mitigate off-site. For this portion, the project is conditioned to purchase habitat credit from an approved CDFW mitigation bank or provide conservation habitat in the same amount and type with a Resource Management Plan (RMP) requiring CDFW coordination and approval (Condition #10).

No impacts to Coast Live Oak or Southern Riparian Scrub would occur without agency approval.

As it specifically relates to jurisdictional resources and wetlands, the project is conditioned in the Form of Decision (Condition #14) to provide evidence that agency permits have been obtained or to provide a letter from these agencies stating a permit is not necessary, as stated in the Biological Resource Letter Report. In addition, the Form of Decision includes the following notice:



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

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

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

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

The aforementioned condition and notice will ensure that the applicant obtains the appropriate permits as required by each agency. No changes were made to the CEQA documentation as a result of this comment.

- C5. This comment is conclusionary in nature and does not raise an issue under CEQA. No changes were made to the CEQA documentation as a result of this comment.

Response to comments received from Marlene Miller, received January 8, 2019:

- D1. This comment is introductory in nature and states a general concern for Assessor's Parcel Number (APN) 105-410-11.

APN 105-410-11 is not part of the proposed project site and no development is proposed for this parcel. No changes were made to the Initial Study as a result of this comment.

- D2. This comment states a concern for a possible wildfire hazard due to the growth of eucalyptus trees on the south and east of APN 105-410-11.

As stated in response C1, the area of concern is not included within the proposed project site. In addition, a FPP, dated October 30, 2018, has been prepared for the proposed project. The project would be required to provide adequate vegetation management and defensible space (fuel modification zone) subject to the NCFPD. No changes were made to the Initial Study as a result of this comment.

December 7, 2019

Mr. Koutoufidis:

I received mitigated negative declaration letter.

Came across this article about explosion and fire on one of these storage projects.

<https://www.greentechmedia.com/articles/read/aps-and-fluence-investigating-explosion-at-arizona-energy-storage-facility>

How dangerous would it be to local residents if one of these containers of batteries exploded accidentally? Toxic gases? Burning projectiles? I am a homeowner down hill from this project and within 500 yards.

Thank You in advance for answering these questions.

Craig.

A1

A2

December 10, 2019

B1

Thank you for sending this information.

As a neighboring property owner, I wish the development would follow the Countries master plan that allowed the property to be re zoned from Agricultural to limited impact Industrial (M52). Also why not the property that is next to the existing substation it is vacate land? Because of this development is the access to this property at Mission Road to be widened and a turn lane added. This property is subject to wildfires and the Fire Access is limited and the exit is through the area most likely area to be on fire the creek bed.

B2

B3

Regards

Steven Boudreau
Property owner 525 Industrial Way Fallbrook, CA



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
 www.wildlife.ca.gov



January 6, 2020

Nicholas Koutoufidis
 County of San Diego Planning & Development Services
 5510 Overland Avenue, Suite 310
 San Diego, CA 92123
nicholas.koutoufidis@sdcounty.ca.gov

Subject: Comments on the Mitigated Negative Declaration for the AES Fallbrook 40 MW Battery Energy Storage System Project SCH# 2019129024

Dear Mr. Koutoufidis:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Mitigated Negative Declaration (MND) for the AES Fallbrook 40 MW Battery Energy Storage System Project (Project).

C1

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Department Role

The Department is California’s Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act [CEQA] Guidelines § 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

C2

The Department is also a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) The Department may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to the Department’s lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.)

Project Location: The AES Fallbrook 40 MW Battery Energy Storage System (BESS) Project is to the south of East Mission Road, east of Industrial Way, and west of Mercedes Road, within the northeastern portion of the unincorporated community of Fallbrook, in the northwestern portion of the County.

Project Description: The Project proposed by the Audio Engineering Society (AES) Corporation would help San Diego Gas and Electric (SDG&E) meet their energy storage

mandate by deploying an energy storage system at the proposed Project site. Project activities include installation of BESS infrastructure. Off-site improvements associated with the project are road improvements installation of infiltration basins, and approximately 30 feet of utility undergrounding. While largely consisting of inactive agricultural lands, the site also supports single-family residences. The Project site includes seven vegetation communities: Southern Riparian Scrub; Coast Live Oak Woodland (County Resource Protection Ordinance [RPO] Associated); Coast Live Oak (Upland); Eucalyptus Woodland; Disturbed Habitat; Urban/Developed Land; and Agricultural Land. Most of the project site is Disturbed Habitat (14 acre), followed by Urban/Developed Land (6 acre), and Agricultural Land (3 acre). Eucalyptus Woodland occupies 1 acre, and the remaining vegetation communities, Coast Live Oak (Upland and RPO Associated) and Southern Riparian Scrub, occupy less than 1 acre each.

C3

COMMENTS AND RECOMMENDATIONS

The Department offers the following recommendation to assist the County in adequately avoiding, minimizing, and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

The Department recommends that the MND include the mitigation measures described on pages 12-13 of the Biological Resources Letter Report, with respect to the potential impacts to Coast Live Oak (RPO Associated and Upland) and Southern Riparian Scrub due to their proximity to riparian habitat within the Project site. The Biological Resources Letter Report dated October 17, 2019 states that the Project proponent will be required to provide evidence that agency permits (ACOE, CDFW, and RWQCB) have been obtained or a letter from those agencies stating that a permit is not necessary if the Project impacts the drainage crossing at the northern boundary of the Project site.

C4

CONCLUSION

The Department appreciates the opportunity to comment on the MND to assist San Diego County in avoiding, minimizing, and mitigating Project impacts on biological resources.

C5

Questions regarding this letter or further coordination should be directed to Nasseer Idrisi, Senior Environmental Scientist (Specialist) at (858) 467-2720 or Nasseer.Idrisi@wildlife.ca.gov.

Sincerely,


Gail K. Sevrens
Environmental Program Manager
South Coast Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento

Mr. Koutoufidis:

Thank you for your time today and the information provided. I have some concerns regarding the AES Fallbrook 40 MW Energy Storage System Project, APN 105-410-11-00. Specifically, there are wild-growing eucalyptus trees growing against the property lines and fences of homes on the south and east of the planned project (Mercedes Rd and Bryce Ln) which I feel present a possible fire hazard as they are in close proximity to homes. These trees have been cut down in the past, but being eucalyptus, have grown back within a couple of years.

D1

I would appreciate any contact with AES to see if they can mitigate this potential fire hazard by clearing the trees and having the stumps ground out so the trees will not regrow.

D2

Thank you,
Marlene M Miller
249 Mercedes Rd
Fallbrook CA

Attachment D – Environmental Findings

AES FALLBROOK 40 MW BATTERY ENERGY STORAGE SYSTEM PROJECT

PDS2019-ZAP-19-001. LOG NO. PDS2019-ER-19-02-001

ENVIRONMENTAL FINDINGS

February 5, 2020

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

- 1) Find that the Zoning Administrator has reviewed and considered the information contained in the Mitigated Negative Declaration on file with Planning & Development Services as Environmental Review Number PDS2019-ER-19-02-001 before making its decision on the proposed project.
- 2) Adopt the Mitigation and Monitoring Program as incorporated into the project conditions of approval pursuant to CEQA Guidelines section 15074(d).
- 3) Find that the proposed project is consistent with the Resource Protection Ordinance (RPO) (County Code, Section 86.601 et seq.).
- 4) Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, Section 67.801 et seq.).

Attachment E – Public Documentation

FALLBROOK COMMUNITY PLANNING GROUP
And
DESIGN REVIEW BOARD

Approved Minutes

Monday 18 February 2019, 7:00 PM, Live Oak School, 1978 Reche Road, Fallbrook

The February meeting of the Fallbrook Community Planning Group was called to order at 7:00PM by Chairman Jim Russell.

Twelve (12) members were present: Chairman Jim Russell, Vice-Chairs Jack Wood and Roy Moosa, Eileen Delaney, Donna Gebhart, Lee J. DeMeo, Karel Hanson, Jim Loge, Mark Mervich, William O'Connor, Victoria Stover and Kim Murphy. Steve Brown and Guy Howard were excused.

1. Vice-chairman Jack Wood to administer the oath of office to recently elected Stephen Brown.

Mr. Brown was excused from the meeting and the oath was not administered.

2. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three minute limitation. Non-discussion, & Non-voting item.
 - A. **George Montesario appeared and spoke on behalf of rescinding a proposed ordinance governing health care trailers, one of which is on his property in Fallbrook, inhabited by his father-in-law. He considered some of the requirements re renewals and other parameters to be onerous. He was informed that Planning Services at the County had pulled back consideration of the ordinance, however, he was concerned about the possibility of renewal processes occurring and wanted that aspect also deleted from consideration.**
 - B. **Joe Garcia inquired as to status of as traffic light at the corner of Green Canyon and Mission Rds. It was originally presented for consideration in 2017. Chairman Russell asked Mr. Garcia to send him and the Traffic Advisory Committee at the County requesting a status update.**
 - C. **Jack Wood reported on four issues before the County Planning Commission:**
 - i. **The Health Care trailer ordinance reference by Mr. Montesario is dead, and that the County is not going to pursue implementing it.**
 - ii. **As previously reported in the media, the County is proceeding with the state-mandated Land Development Code for Accessory Dwelling Units allowing waiver of fees for five years for creating those units, allowing them to be 50% of the size of the master unit on the property and the need for permits, nonetheless.**
 - iii. **And the County is responding to the State of California regarding implementation of allowance for Micro Home Kitchens, i.e. those that are to serve up to 30 meals a day.**
 - iv. **The Land Development Code updates regarding the above and other items are scheduled to be updated and in place by 2023.**

3. Approval of the minutes for the meeting of 21 January 2019. Voting Item.

Bill O'Connor moved to approve the minutes as presented, and the motion carried unanimously.

4. Request to remove the eucalyptus tree at 1492 N. Stagecoach Lane from Travis Evan, Department of Public Works, 760-510-2447, travis.even@sdcounty.ca.gov, because the tree is destroying the road. **Circulation committee.** Community input. Voting item. (1/16)

Circulation Committee Chair Roy Moosa reported that the eucalyptus tree was a hazard and moved to approve removal of the tree. The motion was approved unanimously.

5. AD18-025 Phan Ag Clearing Permit. Request for an ag permit to clear 1.21 of the 10.5 acres located at 3589 Sage Road for growing dragon fruit, a 1250 SqFt greenhouse for growing oyster mushrooms plus a 500 ft. chain length fence. Owner, applicant and contact person, Tai Phan, 562-341-1370, timphan09@gmail.com. County planner John Leavitt, 858-495-5448, john.leavitt@sdcounty.ca.gov. Continued at the 21 January 2019 FCPG meeting. **Land Use Committee,** Community input. Voting item. (1/3)

Mr. Phan indicated he has increased the size of the greenhouse/hydroponic facility to 2500-square-feet and removed from consideration growing mushrooms, responding to Land Use Committee concerns over noxious odors and their effects on neighbors. Land clearance will also be for growing 1.5 acres of dragon fruit on the property. He indicated any equipment on the property would be contained inside the greenhouse. The motion to approve as amended increasing the size of the greenhouse and eliminating mushroom facilities was made by Jack Wood and it was approved unanimously.

6. ZAP19-001 a minor use permit for the Fluence Fallbrook Energy Storage System (BESS) proposed Address: 1405 East Mission Road, APN: 105-410-19-00 by AES would help SDG&E meet their energy storage mandate while also providing local area capacity for electrical system reliability and flexibility. AES and SDG&E have already entered into an agreement for SDG&E to purchase the system from AES once operational. As part of the California Public Utility Commission's (CPUC's) energy and environmental policies for the electricity sector, which mandate that SDG&E must procure and maintain a minimum amount of electric power capacity, the Fallbrook BESS project ("project") would be part of a sustainable solution to:

Ø Maintain grid reliability;

Ø Enable increasing amounts of intermittent renewable energy generating sources to be accessed;

Ø Reduce greenhouse gas (GHG) and criteria air pollutant emissions from the electricity sector;

Ø Reduce marine impacts from once-through-cooling power plants;

Ø Upgrade aging infrastructure; and

Ø Support increased and new electricity demand from non-traditional users such as transportation.

Battery-based energy storage provides flexibility to the electrical grid by storing energy produced during periods of oversupply and discharging to the electrical grid during periods of high demand.

A battery system can provide instantaneous response, as compared to a slower ramping rate of a traditional gas-fired generation resource and can provide this response repeatedly in all hours.

Energy storage speed of response serves to reduce the total amount of reserve power needed to manage the grid effectively, providing savings and reliability benefits. By building the proposed

project, a clean, reliable resource would be gained to help integrate renewables, reduce dependence on gas-fired generation, eliminate ocean water for cooling, reduce fresh water consumption, and reduce GHG and criteria air pollutant emissions. This project meets SDG&E's capacity requirements and contributes to their energy storage mandate. Contact persons Haley and Aldrich, Shruti Ramaker, 805-570-5566, sramaker@haleyaldrich.com, Land Use and Design Review Committees. Community input. Voting item. (1/2/19)

Dauren Kilish, director of California projects for Fluence Energy made the presentation and responded to comments/questions that followed after reports made by Chairs Jack Wood (Land Use) and Eileen Delaney (Design Review) regarding presentations made at their respective committees. Land Use approved the project concept as a Land Use item as presented, Mr. Wood noting that it is a good use of the parcels involved; and Design Review approved the project absent approval for the applicant meeting design, signage and landscaping issues, with Ms. Delaney noting overall it is a benefit to the community, however, she expressed concern about the interface yet needed with adjacent property owners.

Community and Planning Group input covered issues beyond the scope of the two Planning Group committees as follows:

- A. Paul Keck reported that the underground right of way through his property for the cabling between the Fluence batteries and the SDG&E substation is still being negotiated; but, as of the evening of the Planning Group meeting there was no agreement. He also indicated that there is no guarantee that once complete that the property and associated batteries will be turned over to the utility. He also indicated that he owns a strip in fee on the western edge of the Rashkin parcel, which runs along the parcels in the Industrial Way park.**
- B. The project will receive up to 40 megawatts of energy from the grid and store it for balancing load fluctuations. Not all of that electrical energy will come from solar and wind farms, and not all energy stored will be used exclusively for Fallbrook residences and businesses but will be available for other areas in the region.**
- C. The applicant is pursuing a Minor Use Permit and eventually, once the installation is complete and the facility tested, it will be turned over to SDG&E, which will own and operate the 18 containers and infrastructure. Fluence is under contract to SDG&E.**
- D. A company called AES owns the parcel and one adjacent to it and has the contract with Fluence for development of the battery site before it is turned over to SDG&E. In answer to why there is a two-step process, Mr. Kilish indicated that is the way they have worked other similar projects for this and other utilities in California. The award to AES and Fluence was made two or three years ago after they and several other companies responded to an SDG&E Request for Offers.**
- E. Arnold Rashkin, owner of a land-locked parcel west of the subject five-acre-parcel wants either the zoning changed from M52 to full industrial property or the County to require a Major Use Permit, which would require the road into the parcel to be at a larger County standard that he could then connect to and develop his parcel. Both Land Use and Design Review stipulated in their motions that the applicant work with Mr. Rashkin to help him resolve his concern about being land-locked and, therefore, holding an undevelopable piece of property.**

- F. There was concern that the County did not request an Environmental Impact statement, and had they, it should have been forwarded to the Fallbrook Community Planning Group. A community resident noted that there is a possible adverse effect of having this kind of facility close to Lavender Hill School, which is nearby on Mission Rd. Chairman Russell said that if there is a community request for an EIR, then it is within the purview of the Group to ask the County to require one and submit it to the Fallbrook Community Planning Group.**
- G. The absence of SDG&E as a party appearing, commenting and presenting was noted by many members of the community and the Fallbrook Community Planning Group. It was felt that if the utility was the presenter, it was likely that the request would be for a Major Use Permit vs. the Minor Use Permit. It was further noted that SDG&E should participate in these meetings and because of that the permit should be a Major Use Permit as noted above.**
- H. There was concern expressed over the life-expectancy of the batteries and whether or not they would be replaced or remain on the property. Mr. Kilish said that all Lithium ion batteries degrade over 20-35 years and will either be replaced or removed once no longer effective.**

Eileen Delaney moved to approve the project as presented subject to the following:

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

The motion was approved unanimously.

- 7. Election of a Fallbrook Community Planning Group member to the I-15 Design Review Board. Voting item. (1/31)**

Victoria Stover agreed to serve as the Fallbrook Community Planning Group representative on the I-15 Design Review Board. Her appointment was approved unanimously.

The meeting was adjourned at: 8:22PM.

Respectfully Submitted, Eileen Delaney, Secretary

FALLBROOK COMMUNITY PLANNING GROUP
And
DESIGN REVIEW BOARD

Regular Meeting

Monday 21 October 2019, 7:00 P.M., Live Oak School, 1978 Reche Road, Fallbrook

Approved Minutes

The October meeting of the Fallbrook Community Planning Group was called to order at 7:00 PM by Vice Chairman Jack Wood.

Ten (10) members were present: Vice-Chairs Jack Wood and Roy Moosa, Jerry Kalman, Lee DeMeo, Eileen Delaney, Steve Brown, Mark Mervich, Jim Loge, William O'Connor and Kim Murphy. Chairman Jim Russell, Karel Hanson and Victoria Stover were excused.

1. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three minute limitation. Non-discussion & Non-voting item.

Vice Chair Jim Wood reported that there is an opening on the Fallbrook Community Planning Group for a seat (#14) due to the resignation of Guy R. Howard. He said the vacancy notice has been posted and had an application for the appointment available for interested applicants. He also reported the latest news on Chairman Jim Russell's condition, stating he was still in the hospital in La Jolla and that the Chair had eye surgery last week.

2. Approval of the minutes for the meeting of 16 September 2019. Voting item.

Bill O'Connor moved to approve the minutes as presented and the motion carried unanimously.

3. Presentation by Supervisor Jim Desmond and County staff on Form-Based Code. The supervisor has heard many requests from the community regarding changes to the regulations of the downtown area, many of which can be achieved through a Form-Based Code update. The purpose is to solely present the idea to the group to see if this is something the community would like to pursue. Contact person, Marisol Edrozo, 619-531-5515, Marisol.Edrozo@sdcounty.ca.gov. Community input. Non-voting item.

District 5 Supervisor Jim Desmond started the presentation about Form-Based Code indicating it is a way for communities like Fallbrook (and before us Ramona and Alpine) to blend design guidelines with zoning. He said the initiative is an outgrowth of the Revitalization Committee effort he started earlier this year (two meetings have been held in Fallbrook) to bring County services to Fallbrook to get things done, especially anything outside the purview of the Planning Group. He said his office put in a request for money to look at Form-Based Code for Fallbrook. They set aside \$900,000 for this fiscal year's planning effort for Form-Based Code.

Eric Lardy, chief, advanced planning for the County and a specialist in Form-Based Code, described the concept. It is different he said from traditional zoning that looks at use and set-backs and individual parcels. Form-Based Code looks at the entire Village area and determines what kind of design guidelines the community wants, what kind of relationship between the streets, street amenities desired. Fallbrook already has specific zoning codes (VR). He said after 15 years it is time to revisit those to see what things are working and those that are not; and then what are opportunities and constraints within the zoning ordinance and design guidelines. The outcome would be scoping that out and designing it into the regulations for Fallbrook. An initial step would be to bring in a County consultant to work with the Planning Group and other community members in Fallbrook to look at the General Plan developed in 2011 and update it when/where needed. Mr. Lardy indicated the current zoning maps are available online.

Kim Murphy advocated expanding multi-use designations in the downtown area of Fallbrook to embrace some of these issues and make them work for the community.

Eileen Delaney said that going forward there would be an effort consisting of community workshops under the Supervisor's Revitalization Sub-Committees and have joint meetings with the Planning Group and other members of the community to come up with a plan. Once there is a plan, bring it back to the full Planning Group for changes and improvements.

Eric Lardy said that process has worked well in other communities.

Bill O'Connor commented about those instances where state-mandated decisions take some powers of the local Planning Groups to deal with issues. He also cited similar moves by SANDAG and other agencies to take away from what "we can do." He hoped the process outlined by Eric Lardy would give rural areas a little more certainty in dealing with these issues.

Eric Lardy said one of the intents of Form-Based Code is more certainty. He said that right now existing zoning codes are old zoning codes that were adopted in the 1970s. These Form-Based Codes have more certainty on what exactly can go on a parcel and some things are predefined. Form-Based Codes incorporate design guidelines and that zoning into one regulatory document. He said he wants the Planning Group and all community groups involved in every step along the way in developing the Form-Based Codes for this community.

Eileen Delany said Form-Based Codes are geared off what it is that the community wants. It simplifies the process.

Eric Lardy explained that Form-Based Codes would probably cover the downtown (Village) area but probably not the entire community planning area. There would still be a need for existing zoning regulations for other parts of the community that require use permits, etc.

Lee DeMeo asked if the intention is to create a more integrated set of design guidelines and zoning.

Eric Lardy said yes, that is the intent for Form-Based Codes to provide more regulatory backing to those design guidelines.

Lee DeMeo said that it appears that the bottom line is for Fallbrook to determine the Form-Based Codes for the community, and then that is what the community would apply as the downtown area is redeveloped.

Jack Wood noted that the General Plan update in 2011 was an arduous process. He wondered if the Form-Based Codes for Fallbrook would be included in the General Plan.

Eric Lardy said it would depend on what the community wants. Certain items he thought might require a General Plan update to implement. He noted that when Form-Based Codes were implemented in Ramona there was no General Plan update, and the codes were incorporated consistent with the General Plan.

Lila MacDonald said that it's important to realize what we want for Fallbrook because if it takes five years because we should start now to decide to be what we want to be when we grow up rather than wait for the County or some other community to tell us what we should look like.

Roy Moosa asked about what has changed in Ramona when they adopted Form-Based Codes.

Eric Lardy said Ramona adopted their plan in 2014 and the County made a couple of edits last year. He said that the County has seen some projects that have come forward since adopting Form-Based Codes and that the County will continue to make refinements to them.

Lee DeMeo asked who adopts the Form-Based Codes, Planning Groups or the Board of Supervisors.

Eric Lardy explained that community groups in Ramona made recommendations to the Board of Supervisors who then adopted Form-Based Codes for that community.

Lee DeMeo followed up and wanted to know how Fallbrook gets what Fallbrook wants in Form-Based Codes affecting this community.

Supervisor Desmond said that there needs to be some flexibility to the Form-Based Codes, so what may be called for in the code might be available close to the applicant's request.

Eric Lardy said the Form-Based Code is adopted as an amendment to the zoning code. He said they want to come to a place where the County and the community work together to create Form-Based Codes to recommend something to the Board.

Supervisor Desmond said the County wants champions in the community for this. He does not want someone in City Hall telling the community what to do.

Lee DeMeo and Eileen Delaney were concerned that after going through the process of developing Form-Based Codes for the community that they may not get enacted as recommended.

Supervisor Desmond responded that communities have got to have a vision for the future and how to adjust for change and plan. He said there has to be some flexibility, but it's best if requests for change come from the community.

Jack Wood said that the Planning Group is flexible and willing to work with the County to develop Form-Based Codes and present Fallbrook's desires.

Eric Lardy indicated the next step would be to schedule local meetings which are funded.

Eileen Delaney is set to schedule the meetings as part of the Revitalization effort.

4. Presentation by County Planner Koutoufidis, Nicholas, 858-495-5329, Nicholas.Koutoufidis@sdcounty.ca.gov on ZAP19-001 a minor use permit for the Fluence Fallbrook Energy Storage System (BESS) proposed address: 1405 East Mission Road, APN: 105-410-19-00 by AES would help SDG&E meet their energy storage mandate while also providing local area capacity for electrical system reliability and flexibility. AES and SDG&E have already entered into an agreement for SDG&E to purchase the system from AES once operational. As part of the California Public Utility Commission's (CPUC's) energy and environmental policies for the electricity sector, which mandate that SDG&E must procure and maintain a minimum amount of electric power capacity, Community input. Non-voting item. (9/21)

The project was approved by the FCPG on 18 Feb 2019 with the following recommendations (NOTE -- replies by Nicholas Koutoufidis and/or inquiries by the Planning Group and amended in bold type):

1. The County should, after reviewing the application and the considerations of the Fallbrook Community Planning Group and community considerations, determine whether or not the applicant should be requesting a Major Use Permit or Minor Use Permit;
AES/Fluence is approved for a Minor Use Permit because it is zoned Industrial.
2. The applicant and County should assess the impact of the facility on the Lavender Hill Charter School a short distance from the project site;

The two schools are half a mile from the battery storage units and after an offsite hazard analysis it was determined the maximum hazard zone is 30 feet from the batteries. That analysis is out for review and will eventually be online.

3. The approval by the Fallbrook Community Planning Group is for the project as presented and future decisions will be based on signage, landscaping and other design considerations;

Fluence/AES is working with the fire department and spacing of landscaping along one edge, only, to make sure the landscaping doesn't create a fire hazard but shields the site from the residences.

4. The Planning Group requires a reclamation plan for decayed batteries as they near the end of their useful life;

The permit is limited to 35 years and also has a hazardous materials plan for when the batteries are nearing the end of their life they will be required to remove or replace the battery or they will have to come back before the Planning Group for a modification to extend the time for the permit. DEH monitors the operation of the storage facility.

5. The Planning Group requests information pertaining to the traffic anticipated at the site over a month;

There is only going to be two trips a month for repairs and maintenance; however, during construction there will be more than that.

Dauren Kilish, in answer to a question asked by Bill O'Connor about technology changes affecting newer and better batteries, said the project is designed to accommodate additional batteries, so once one degrades there is empty space in the racks to take on newer devices. The older ones stay there and operate at a lower level.

6. The parties (Arnold Raskin, Fluence/AES and SDG&E) should work together to facilitate access to the adjacent parcel.

Arnold Raskin, owner of an adjacent parcel that is zoned industrial, inquired why the developers of the project have not talked to him after the February meeting. He said there is no accessibility to his parcel because of this project. He says he has no way to develop his parcel.

Dauren Kalish said there is an agreement with one of the other parties (parcel #44) for access and the signed agreement is in escrow.

Nicholas Koutoufidis said, from the County's standpoint, the applicants are not required to provide access to his parcel because this project has its own private

access and not doing a subdivision. If AES/Fluence was doing a subdivision they would have been required to put in a major road to the parcels.

Dauren Kalish indicated the only way to grant access would be through parcel 19, which is an environmentally sensitive area, which is not practical.

Arnold Raskin said that this prevents him from developing his 25 acre-parcel, which is zoned industrial by the County. He asserted, by using AES/Fluence to purchase and develop the parcel and then acquire the result, SDG&E is by-passing the zoning and ordinances to require public hearings on this project. He said he is not against the project, just how they are developing it and how SDG&E is handling it.

In response to Lee DeMeo's question why the developers cannot provide access, Dauren Kalish said that the project where the batteries, etc. are located is surrounded by a fence so they cannot provide any access through that area and the area that is open is through the oak trees (environmentally sensitive area). He said there is no easy solution to granting access.

Kelly Fitzgerald, a project manager from SDG&E, stated that the utility has gone through the CPUC and has received approvals from the Commission. She said the way it was handled is the build-out is then transferred by contract to SDG&E at completion. She said this is a competitive-bid situation, the first time it has been used by the utility. Also, they tried several times through emails to contact Mr. Raskin from the PR Manager. Through that office SDG&E has extended several invitations to Mr. Raskin to work out solutions.

Lee DeMeo, Bill O'Connor and Jack Wood encouraged the parties to continue to try to communicate with each other regarding accessibility.

5. Pursuant to Board Policy F-26: Utilization of Park Lands Dedication Ordinance Fees and a Sponsor Group to identify community recommendations for use of PLDO funds
The Department of Parks and Recreation (DPR) is seeking input from the Fallbrook community on the Park Lands Dedication Ordinance (PLDO) and Recreation Programming priorities for the Fallbrook Local Park Planning Area (LPPA). The Department of Parks and Recreation requests that the Fallbrook Community Planning Group recommend projects eligible for PLDO funding for 2019-2020. The most recent PLDO Priority Project List received from your group as of 9/17/18 is:
 1. Acquire park lands;
 2. Upgrade Live Oak Park with ADA exercise equipment;
 3. Additional bikeways and hiking pathways;
 4. Multi-use facilities including hiking/biking pathways and team sports courts, fields, etc. Additionally a list of recreational programming.

Fallbrook's current list is:

1. Soccer facilities;

2. Skateboard facilities;
3. Hiking/Biking pathways in the community;
4. Basketball and Volleyball courts.

County planner Marcus Lubich, Senior Park Project Manager, 858-966-1348, Marcus.Lubich@sdcountry.ca.gov. Parks and Recreation Committee. Community input. Voting item. (8/29)

Eileen Delaney reported Marcus Lubich is not able to attend this meeting. She noted that at the Parks and Recreation subcommittee the lists were discussed at a community workshop. The first part of the meeting entailed participating agencies and organizations getting acquainted. She said one project was discussed, a proposed pathway/trail along Stage Coach Rd., which is heavily used by kids to and from the high school. They might be able to get funding for the pathway from DPW, and it would be difficult to get funding for a trail from Parks and Recreation. She said the committee will re-agenda the project for next month.

Eileen Delaney moved to continue the project and the motion passed unanimously.

After the motion carried there was additional discussion regarding pathways and trails in the community:

Jack Wood noted that this is an ongoing situation in Fallbrook in that the community is always looking for different avenues for funding for parks, recreation, paths, etc. He said that the most difficult thing is that many roads were laid out as old grove roads and many do not have rights-of-pay and to get pathways and trails requires getting easements on private properties. He said it is an ongoing process and the Planning Group will continue to pursue remedies.

Bill O'Connor said the problem is funding, and hoped that at least one project could be done.

Eileen Delaney said the first step is to find out from DPW (instead of Parks and Recreation) if there is an easement along Stage Coach. If there is an easement there is a possibility of getting a pathway and at that point the community can then ask for budget money for that.

Jim Loge cited a letter that outlines priorities on the Trails and Pathways map of Fallbrook and the reasons (Stage Coach was listed as first from Mission to Mission because of the use of the roadway by cross country running kids from the high school).

6. Request for a B-designator waiver of a site plan for signage and remodel for The Kentucky Fried Chicken at 1077 South Mission Road, 104-390-11-00. The application for KFC has two parts: One is for signage with Tim Seaman, tim@championpermits.com, 619-993-8846, as the applicant; and the second is for the color scheme with

joe.honn@davacoinc.com, Joe.honn@davacoinc.com, 630-441-0963, as the applicant. County planner Chloe Hird, Chloe.hird@sdcountry.ca.gov, 858-495-5201. **Design Review Committee.** Community input. Voting item. (9/3)

Joe Honn presented the project after making corrections requested by Design Review in September. Those changes included reducing sign sizes and making some signs generic, replacing others to remove KFC branding elements on them. The signs will consist of one set of KFC letters, one 6’x4’ face of “The Colonel” logo and the monument sign at the property will only be refaced. The drive thru signs will be generic. The second element is that the color scheme would be gray and white with red awnings/shutters.

Eileen Delaney moved to approve the two elements of the project as presented and the motion was passed unanimously.

7. Request for approval of traffic calming bulb-outs on Main Ave. (phase 1). Project initiated by Supervisor Desmond’s Revitalization Programs Infrastructure Subcommittee (presented last month for information only). Contact: Lila MacDonald. Fallbrook Chamber of Commerce. Community Input. 760.728.5845, lila.macdonald@fallbrookchamberofcommerce.org. **Circulation Committee.** Community input. Voting item. (9/16)

Lila MacDonald presented updated renderings showing the bulb-outs proposed for two intersections (Elder and Ivy) along Main Ave. She noted that the local Fire Department was asked for input to determine if bulb-outs might hinder a response call and she was told they would not. The Circulation Committee approved the project and encouraged Ms. MacDonald to take it to the County for approval.

Roy Moosa and Eileen Delaney recused themselves as they were members of Supervisor Desmond’s revitalization committee that brought forth this recommendation. Roy Moosa also owns property on Main Ave.

Bill O’Connor moved to approve the project as presented and the motion passed unanimously.

8. AD19-024 Request for an administrative permit for an animal raising project to raise up to 15 alpacas on the 2.5 acres located at 1104 Arroyo Pacifica, APN 105-310-30. Also to hold classes for up to 3 hours on the alpacas one Saturday a month for up to eight children ages 5 to 14 with adults. Owner and point of contact Anita Caole, 760-212-2146, n2alpacas@gmail.com. County Planner Lauren Yzaguirre, 858-495-5362, lauren.yzaguirre@sdcountry.ca.gov. **Land Use Committee.** Community input. Voting item. (9/27)

Anita Caole presented her plans to reduce her large animal content to 15 alpacas on her property and use them for demonstration projects for 4H students on weekends and to continue to breed the animals for yarn, etc. The project site was the subject of a visit by the Land Use Committee in the week prior to her presentation before the

Planning Group. During her discussion with the Land Use Committee she expressed a willingness to reduce the “herd” to ten animals.

Several homeowners (some of their names could not be heard or recorded and are cited here in an approximate way, thus we apologize for misspelling those names), none of which knew of the Land Use Committee meeting in the area surrounding Ms. Caole’s property appeared and all cited problems at their properties associated with flies and odors from the alpacas’ dung. Most of them said that the number of animals was excessive and contributed to these offending problems. Others cited the unsightly presence of a large dumpster the applicant used to handle dung until picked up by trash collectors. Aside from the oft mentioned complaint about flies and odor here are some of the other neighbor and/or friend comments (pro and con):

Cheri Cornachione – no objection to the animals or 4H project, but flies and odor excessive

Lisa Wilson --- visited property Monday and experienced no flies or odor

Glenn Johnson – alpacas are noisy when they mate

Darlene Seale – can’t open windows because of smell and flies; applicant’s business affects others’ businesses in the area; can’t sell home because of flies and bugs, nor have BBQs; property values hurt

Neil Friedlander – wind drives odors and flies northeast toward his and others’ properties; dumpster with dung offensive; inappropriate to use 4H to justify operation

Michele Rocheleau – traffic in cul de sac is a nuisance

Kelly Thomas – Ms. Caole was helpful in curing her alpacas’ sick animals

Lisa Friedlander – why after two years in residence with alpacas is she applying now for 4H exemption

Karen Eddy – dumpster is unsightly

Mr. and Mrs. Jones – odor and flies (complaint via letter to Planning Group, in absentia)

Per the item above, some neighbors have filed repeated complaints with code enforcement and numerous letters in protest are on file with the County Planner.

Input from the Planning Group:

Eileen Delaney said she feels those in the area first have property rights in situations like this. The ag profile for A70 areas like this is a max of two large animals per acre (five for Ms. Caole) and that is what area can support; and that the plusses for a 4H project should be balanced against the needs of the property rights of neighbors.

Steve Brown agreed with Eileen Delaney.

Roy Moosa said that when on site tour he couldn’t see magnitude of problem voiced by neighbors. However, since that tour a letter was received from one of the neighbors and, based on the numerous complaints made at this meeting, he could not approve the applicant’s request since it seems to negatively impact so many.

Bill O’Connor was concerned about the unsightly dumpster at the property and was interested in maintaining a focus on code compliance and the regulations.

Bill O'Connor moved to deny the applicants request to have a herd as large as 15 animals, stating she should comply with the ordinance allowing two large animals per acre (five total for the property). The motion was approved unanimously.

9. OCEAN BREEZE - PDS2016-TM-5615, PDS2016-MUP-16-012, PDS2016-MUP-16-013 a proposed development of the 1387.28 acres at 5820 West Lilac Road, Bonsall, CA for 396 residential lots and a privately owned and operated equestrian facility. Plus possible traffic calming at the Monserate Mobil Home Park. County planner Bronwyn Brown, (858) 495-5516, Bronwyn.Brown@sdcountry.ca.gov. Contact person Pete Fagrell, 760-533-7261, pfagrell@sbcglobal.net. **Circulation Committee.** Community input. Voting item (9/27)

Note: This item was moved up after item 5 for discussion.

Bronwyn Brown recapped planning elements for the Ocean Breeze project. Because all but two of the 1387 acres are in the jurisdiction of the Bonsall Sponsor Group, this report will only deal with issues pertaining to that two-acre portion of the project. The primary issue before the Fallbrook Community Planning Group was traffic circulation in and around the area, particularly with regard to issues along 395, CA 76 and Dulin Rd. She said the County is in a 45-day review period looking for input and recommendations regarding the project and from the Fallbrook Community Planning Group the traffic issues that pertain to the two-acre portion of the Ocean Breeze development.

Damon Davis provided highlights from the traffic study, citing the 20 different intersections and road segments affected by the project and that five (intersections involving Dulin Rd., 395, Lake Circle and CA 76) were in the Planning Group jurisdiction. He described the five intersections and said that there were no direct impacts to the road segments in the Planning Group's area. It was noted that there are 14 estate homes toward the eastern end of the Ocean Breezes area. They will also have daily egress/ingress totaling 12 AM and 14 PM trips through the area into and out of the Rancho Monserate Mobile Home Park. He said that all residents would have emergency egress granted by the Fire Department along the extension of Dulin Rd. out of the project through a pair of gates opened during an emergency.

Bronwyn Brown said the applicant has worked with the Rancho Monserate HOA to resolve concerns about the need for traffic calming through the mobile home park. There is concern that many of the residents are seniors and those in golf carts or strolling along Dulin Rd. might be affected and/or harmed during traffic incidents.

In answer to a question posed by Kim Murphy, Pete Magrell stated there is no developer at the moment. The project is being proposed by the owner of the property and after filing they will sell to a developer.

Jack Wood reminded all that the primary concern for the Planning Group pertains to traffic. He stated that it is the intent of the Palling Group to go on record and have calming devices on Dulin Rd. inside the mobile home park to protect residents there.

He also noted that at the eastern edge of the San Luis Rey River Park there will be a park and recreational area accessed from Dulin Rd. and through the mobile home park. He wanted that addressed in the presentation and the traffic study. He said the 14 estate lots would generate 168 trips per day through the mobile home park each day, and that's 168 more cars going through there than now. Add to that all the additional traffic when the park gets developed and it is going to become quite busy.

Bronwyn Brown said they have alerted Parks and Recreation and DPW of the Planning Group's concern for safety. She noted that Dulin Rd. is a public road and there is no regulatory mechanism to stand on.

Pete Fagrell stated there is no way to know which way the 14 estate lot residents will go for their 168 trips. They could use other access/egress points in the area.

Roy Moosa reported that the Circulation Committee met and discussed the traffic issues, citing in particular the concern for the 390 homes from going through the mobile home park. Though the 14 estate homes would generate 100+ trips per day and that is still more than the mobile home park experiences now. Currently, he said the residents tend to cross the street wherever they want to and the concern to retrain them is a major issue. He wants to avoid a problem rather than address it when someone gets hit. He wanted some sort of a commitment on the part of the project to install some form of a calming device and the committee wasn't specific as to what kind it should be, but rather left that to Ocean Breeze and the complex.

Pete Fagrell said they did meet with Rancho Monserate and did commit to installing some form of traffic calming device. He said there are a number of different traffic calming devices that can be installed. There are today raised cross-walks, he said, and those could work in the mobile home park and they offered to the HOA to install those in one location.

Roy Moosa made a motion to approve as presented with a recommendation to install traffic calming devices in the Rancho Monserate Mobile Home Park and the motion passed unanimously.

10. Request for a B-designator waiver of a site plan for signage for The Union Bank at 1678 Mission Road. Contact person, Karl Henning, khenning@matthewssign.com. County planner Regan Watt, regan.watt@sdcountyca.gov. **Design Review Committee**. Community input. Voting item. (9/28)

Karl Henning presented plans for Union Bank to refresh the façade and signage of the building. The sign frames will remain the same. They will be refaced with updated colors and logos.

Eileen Delaney moved to approve the project as presented and the motion was approved unanimously.

The meeting was adjourned at 9:47PM.

Respectfully Submitted, Jerry Kalman, Secretary

Attachment F – Ownership Disclosure



County of San Diego, Planning & Development Services
APPLICANT'S DISCLOSURE OF OWNERSHIP
INTERESTS ON APPLICATION FOR ZONING
PERMITS/ APPROVALS
ZONING DIVISION

Record ID(s) PDS2019-2AP-19-001

Assessor's Parcel Number(s) 105-410-10; 19; 44;

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. NOTE: Attach additional pages if necessary.

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

AES Energy Storage, LLC
AES Energy Storage, LLC is owned by AES Grid Stability, LLC

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

None

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

None

NOTE: Section 1127 of The Zoning Ordinance defines Person as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

Signature of Applicant (Handwritten: Dauren Kilish)

Dauren Kilish

Print Name

12/27/2018

Date

OFFICIAL USE ONLY
SDC PDS RCVD 01-02-19
ZAP19-001

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