



County of San Diego

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Liberty Charter High School

RECORD ID: PDS2015-MUP-15-027

ENVIRONMENTAL LOG NO.: PDS2015-ER-15-14-010

**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 - OFF-SITE MITIGATION – NON-NATIVE GRASSLAND

INTENT: In order to mitigate for the impacts to 5.26 acres of Non-native grassland habitat, which is a sensitive biological resource pursuant to CEQA, and the [Biological Mitigation Ordinance \(BMO\)](#), off-site mitigation (0.5:1 ratio) shall be acquired.

DESCRIPTION OF REQUIREMENT: The applicant shall purchase habitat credit, or provide for the conservation of 2.62 acres of Tier III habitat or higher, located within the South County MSCP Subarea 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 within the South County MSCP Subarea in 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 off-site mitigation credits and provide the evidence to the [PDS, PPD] 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 PPD] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PPD], for pre-approval. If option #2 is selected, a 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, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PPD] 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.

2. BIO#2-RESOURCE AVOIDANCE [PDS, FEE X2]

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

AIR QUALITY

3. 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 4 Final diesel engines. An exemption from these requirements may be granted by the County if corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment.
- b. The project shall require the construction contractor to provide a construction fleet that uses heavy-duty diesel-powered equipment equipped with diesel particulate filters (DPFs).
- c. 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.

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.

1. **GEN#1 – COST RECOVERY: [PDS, DPW, DEH, DPR], [GP, CP, BP, UO]**

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

2. **GEN#2 – RECORDATION OF DECISION: [PDS], [GP, CP, BP, UO]**

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. LNDSKP#1—LANDSCAPE DOCUMENTATION PACKAGE

INTENT: In order to provide adequate Landscaping that provides screening, 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 Climate Action Plan and the COSD Grading Ordinance. 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

- i. Additionally, the following items shall be addressed as part of the Landscape Documentation Package:
- j. All required street trees shall be planted outside of the public right-of-way on private property. If tree planting is proposed within the public right-of-way, a copy of an Encroachment Maintenance and Removal Agreement issued by the Department of Public Works shall be included with this submittal.
- k. Screening shrubs, mature height reaching 6 feet minimum, 15 gallon minimum container size, low water use, such as *Arbutus unedo* (Strawberry Tree) and *Heteromeles Arbutifolia* (Toyon) shall be provided at perimeter planting areas on the south, the west and especially the east, where adjacent to viewing areas from Scenic Highway Jamacha Road.
- l. Provide a six-foot-high solid fence or wall at the west and south property lines of the site. Provide construction details on the landscape plans reflecting the proposed condition.
- m. All proposed planting shall be clearly delineated on the planting plan and noted in the plant legend with one unique symbol for each tree, shrub, vine, and one unique hatch for each ground cover plant etc.
- n. Please be aware that the County's Climate Action Plan (CAP) was approved last February (2/14/18) and now requires an ETAF value of 0.42 be used within the MAWA formula instead of the current 0.55 for residential projects. Measure W-1.2 (Reduce Outdoor Water Use) of the CAP requires a 40% reduction in outdoor water use as compared to the baseline year of the CAP (2014). The ETAF used during 2014 was 0.7. 40% of that is 0.42. The calculations on the Water Efficient Landscape Worksheet, submitted during Final Landscape Plans, must reflect the 0.42 value.

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.

4. CULT#1 ARCHAEOLOGICAL MONITORING [PDS, FEE X 2]

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA).

DESCRIPTION OF REQUIREMENT: A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Kumeyaay Native American

monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter acceptance shall include a cost estimate for the monitoring work and reporting.

- b. The Project Archeologist shall provide evidence that a Kumeyaay Native American has been contracted to perform Native American Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

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

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

5. ROADS#1–ROAD DEDICATION

INTENT: In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#), the [County Public Road Standards](#), and the [Community Trails Master Plan](#), road right of way shall be dedicated to the County. **DESCRIPTION OF REQUIREMENT:** Grant by separate document to the County of San Diego an easement for road purposes that provides:

- a. A one-half right-of-way width of fifty-five feet (55') from centerline, plus slope rights and drainage easements for **Chase Avenue (SA 910.1)** along the frontage of the project in accordance with Mobility Element 4.1B Major Road Standards.
- b. A one-half right-of-way width of sixty-seven feet (67') from centerline, plus slope rights and drainage easements for **Jamacha Road (SF 1399)** along the frontage of the project in accordance with Mobility Element 6.2 Prime Arterial Standards.
- c. A thirty-foot (30') radius at the intersection of Chase Avenue and Jamacha Road.

The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required and shall be accepted for public use. The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the Director of PDS. **DOCUMENTATION:** The applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [PDS, LDR] for review. **TIMING:** Prior to 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 executed and recorded. **MONITORING:** The [DGS, RP] shall prepare, approve the easement documents for recordation, and forward the

recorded copies to [PDS, LDR] for review and approval. The [PDS, LDR] shall review the easements to assure compliance with this condition.

6. 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 _____ feet of unobstructed intersectional sight distance in both directions from each of the proposed driveways along Chase Avenue in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. 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.

7. ROADS#3–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.

8. ROADS#4–RELINQUISH ACCESS

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

- a. Relinquish access rights onto Chase Avenue and Jamacha Road with the exception of the driveways 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 four access point(s) are permitted along Chase Avenue as indicated on the approved plot plan.
- b. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

DOCUMENTATION: The applicant shall 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.

9. PLN#1 – PLAN CONFORMANCE: [DPW, ESU] [GP, IP,] [DPR, TC, PP]

INTENT: In order to implement the required mitigation measures for the project, the required plot plans shall conform to the approved Conceptual Grading and Development Plan pursuant to Section 87.207 of the County Grading Ordinance. **DESCRIPTION OF REQUIREMENT:** The plot plans shall conform to the approved Conceptual Grading and Development Plan. All conditions, requirements, mitigation measures and information stated on the sheets of the plans shall be made conditions of the permit's issuance and shall be implemented pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) of this Permit. No deviation of the requirements can be made without modification of this permit. **DOCUMENTATION:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the notes and items shall be placed on the plans as required. **MONITORING:** The [DPW, Environmental Services Unit Division, DPR, TC, or PDS, Building Division for Minor Grading] shall verify that the grading and or improvement plan requirements have been implemented on the final grading and or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

10. UTILITIES#1–PAVEMENT CUT POLICY

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

review. **TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, and prior to use of the property in reliance of this permit, the letters must be submitted for approval. **MONITORING:** [PDS, LDR] shall review the signed letters to determine compliance with the condition.

11. STRMWTR#1—STORMWATER FACILITIES MAINTENANCE AGREEMENT

INTENT: In order to promote orderly development and to comply with the [County Flood Damage Prevention Ordinance 10091 \(Title 8, Division 11\)](#), and the [County Watershed Protection Ordinance \(WPO\) No.10385, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. **DESCRIPTION OF REQUIREMENT:**

- a. The private storm drain system shall be maintained by a maintenance mechanism such as a homeowners association or other private entity to the satisfaction of the Director of DPW and/or PDS.
- b. Establish a maintenance agreement / mechanism (to include easements) to assure maintenance of the Category 2 post-construction best management practices (BMP's). 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.

DOCUMENTATION: The applicant shall process the agreement forms with [PDS, LDR] and pay the 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 agreements and securities shall be completed and recorded. **MONITORING:** The [PDS, LDR] shall review the agreements/mechanisms for consistency with the condition and County Standards.

12. AQ#2 – FUGITIVE DUST

INTENT: In order to mitigate for fugitive dust during construction activities.

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

- a. All haul/dump trucks entering or leaving the site with soil or fill material must maintain at least two (2) feet of freeboard, cover loads of all haul/dump trucks securely, or secure transported material by watering or treating.
- b. Dust control measures of the Grading Ordinance will be enhanced with a minimum of two (2) daily applications of water to the construction areas between dozer/scrapper passes and on any unpaved roads within the project limits.
- c. Grading is to be terminated in winds in excess of 25 miles per hour (mph).
- d. Sweepers and water trucks shall be used to control dust and debris at public street access points and approach routes to construction sites.
- e. Dirt storage piles will be stabilized by chemical binders, tarps, fencing, or other suppression measures.
- f. Internal construction-roadways will be stabilized by paving, chip sealing or chemicals after rough grading.
- g. A 15-mph speed limit on unpaved surfaces shall be enforced.
- h. Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the County and/or SDAPCD to reduce dust generation.

- i. Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall be minimized by the use of track-out grates, gravel beds, or wheel-washing at each egress point and be removed at the conclusion of each work day when active operations cease, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only respirable particulate matter (PM₁₀) -efficient street sweepers certified to meet the most current South Coast Air Quality Management District (SCAQMD) Rule 1186 requirements shall be used. The use of blowers for removal of track-out/carry-out is prohibited under any circumstances.

DOCUMENTATION: The applicant or designee shall comply with the Air Quality requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of construction and grading. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

13. ROADS#5—ROAD IMPROVEMENTS

INTENT: In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#), the [County Public Road Standards](#), and the [County Community Trails Master Plan](#), (Road Name) shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. Improve or agree to improve and provide security for Chase Avenue, along the project frontage in accordance with Public Road Standards for a 4.1B Major Road, to a graded width of fifty-five feet (55') and to an improved width of forty-five feet (45') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk. The face of curb shall be located forty-five feet (45') from official centerline. Provide transition, tapers, traffic striping to match existing pavement. All of the above shall be to the satisfaction of the Director of Planning & Development Services.
- b. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

- c. Process and obtain approval of Improvement Plans to improve Chase Avenue.
- d. Provide Secured agreements. The required security shall be in accordance with [Section 7613 of the Zoning Ordinance](#).

- e. Pay all applicable inspection fees with [DPW, PDCI].
- f. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- g. Obtain approval for the design and construction of all driveways, turnarounds, pathways and private easement road improvements to the satisfaction of the San Miguel Fire Protection District and the [PDS, LDR].
- h. Obtain a Construction Permit for any work within the County road right-of-way. PDS Construction/Road right-of-way Permits Services Section should be contacted at (858) 694-3275 to coordinate departmental requirements. Also, 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.

TIMING: Prior to approval of any building permits, and prior to use of the premises in reliance of this permit, the plans shall be approved and securities must be provided.

MONITORING: The [PDS, LDR] and [DPR, TC] shall review the plans for consistency with the condition and County Standards and Community Trails Master Plan. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS before any work can commence.

14. TRAF#1 – TRANSPORTATION IMPACT FEE: [PDS, LDR] [PDS, BD] [BP]

INTENT: In order to mitigate potential cumulative traffic impacts to less than significant, and to comply with the Transportation Impact Fee (TIF) Ordinance Number 77.201-77.219, the TIF shall be paid. **DESCRIPTION OF REQUIREMENT:** The Transportation Impact Fee (TIF) shall be paid pursuant to the County TIF Ordinance number 77.201-77.219 for Select Industrial Uses in the area based on Average Daily Trips (ADT) identified in the approved Traffic Study. 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. **DOCUMENTATION:** The applicant shall pay the TIF at the [PDS, ZONING] and provide a copy of the receipt to the [PDS, Building Division Technician] at time of permit issuance. The cost of the fee shall be calculated at time of payment. **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 TIF shall be paid. **MONITORING:** The [PDS, ZONING] shall calculate the fee pursuant to the ordinance and provide a receipt of payment for the applicant. [PDS, Building Division] shall verify that the TIF has been paid before the first building permit can be issued. The TIF shall be verified for each subsequent building permit issuance.

15. NOISE#1 - NOISE REQUIREMENT

INTENT: In order to comply with the [County of San Diego Noise Ordinance 36.404](#) as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#), the

following design measures shall be implemented on the building plans and in the site design. **DESCRIPTION OF REQUIREMENT:** The following design elements and noise attenuation measures shall be implemented and indicated on the building plans and made conditions of its issuance: dual-pane windows with a minimum sound transmission class (STC) rating of 26 and mechanical ventilation as identified in the Noise Study prepared by Jeremy Loudon (August 3, 2017). **DOCUMENTATION:** The applicant shall place the design elements or notes on the building plans and submit the plans to [PDS, BPPR] for review and approval. **TIMING:** Prior to issuance of any building permit, the design elements and noise attenuation measures shall be incorporated into the building plans. **MONITORING:** The [PDS, BPPR] shall verify that the specific note(s), and design elements, and noise attenuation measures have been placed on all sets of the building plans and made conditions of its issuance.

16. NOISE#2 - NOISE REQUIREMENT – MECHANICAL

INTENT: In order to reduce the impacts of the exterior sound levels from the project HVAC units on the adjacent parcels and to comply with the County of San Diego Noise Ordinance, Section 36.404, and the County of San Diego Noise Guidelines for Determining Significance, the following design measures shall be implemented on the building plans and in the site design. **DESCRIPTION OF REQUIREMENT:** The following design elements and noise attenuation measures shall be implemented and indicated on the building plans and made conditions of its issuance: HVAC units associated with the building shall incorporate visual screening by a parapet wall or barrier of equal or greater height in relation to the HVAC unit's elevation for noise screening purposes for the southern property line. **DOCUMENTATION:** The applicant shall place the design elements, or notes on the building plans and submit the plans to [PDS, BPPR] for review and approval. **TIMING:** Prior to issuance of any building permit, the design elements and noise attenuation measures shall be incorporated into the building plans. **MONITORING:** The [PDS, BPPR] shall verify that the specific note(s), and design elements, and noise attenuation measures have been placed on all sets of the building plans and made conditions of its issuance.

17. AQ#3 – CONSTRUCTION ARCHITECTURAL COATINGS

INTENT: In order to reduce emissions of volatile organic compounds (VOC). **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measure:

- a. Residential interior VOC coatings are to be less than or equal to 50 grams per liter (g/L).
- b. Residential exterior coatings are to be less than or equal to 100 g/L.
- c. Non-residential interior/exterior coatings are to be less than or equal to 100 g/L.

DOCUMENTATION: The applicant shall comply with the Air Quality requirements of this condition. **TIMING:** The following action shall occur throughout the duration of the construction activities involving the application of architectural coatings. **MONITORING:** The [DPW, PDCI] shall make sure that the construction contractor complies with the Air Quality requirement of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

18. AQ#4 – WATER AND WASTE REDUCTION

INTENT: In order to reduce greenhouse gases (GHGs), the project shall include the following features. **DESCRIPTION OF REQUIREMENT:** The project shall implement or install the following measures to under County Ordinance Sections 68.508 through 68.518 and 2016 CALGreen Standards:

- a. In accordance with Part 11 of Title 24, California Green Building Code (CALGreen) criteria and state and local laws, at least 50 percent of operational waste would be diverted from landfills through reuse and recycling.
- b. Provide areas for storage and collection of recyclables and yard waste in accordance with 2016 CALGreen.
- c. The Project would provide a 20 percent water reduction from the statewide average in accordance with 2016 CALGreen.

DOCUMENTATION: The applicant or designee shall comply with the Air Quality requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of project operations. **MONITORING:** The [PDS, PC] shall review building plans to ensure that the project meets the requirements of these conditions.

19.AQ#5 – SUSTAINABILITY DESIGN FEATURES

INTENT: In order to reduce emissions of greenhouse gases. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality and Greenhouse Gas measures:

- a. The Project will be designed to meet 2016 Title 24 energy efficiency standards assuming construction begins before January 1, 2020. If constructed after January 1, 2020, the project would be required to meet the more energy efficient 2019 Title 24 standards.
- b. The Project will install, at least, a 90-kilowatt (kW) photovoltaic (PV) system.
- c. The Project will install, at least, two (2) Level II electric vehicle (II) charging stations within the project parking area.

DOCUMENTATION: The applicant or designee shall comply with the Air Quality requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of project operations. **MONITORING:** The [PDS, PC] shall review the building plans to ensure the project meets the requirements of this condition.

20.AQ#6 – 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 2:** The project would incorporate measures to reduce commute vehicle miles traveled (VMT) through a combination of transportation demand management (TDM) and parking strategies. Strategies implemented by the project will include:
 - i. The project will promote carpooling to and from the project site to reduce the number of staff commute and student pick-up/drop-off trips.
 - ii. The project will provide carpool- and vanpool-only parking spaces which would encourage commuters to carpool and vanpool to the Project site.

- iii. The project will install two (2) Level II electric vehicle charging stations on-site.
 - iv. The project will install bicycle parking spaces in the form of bicycle racks which would provide bicycle parking for students and staff utilizing nearby bike routes.
- b. **Measure 6:** The project shall submit a Landscape Document Package that complies with the County's Water Conservation 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, BPPR] shall verify that the Building Plans comply with **Measure 2** of this condition. The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Plans for compliance with **Measure 6** of this condition.

21. PLN#2 – INSPECTION FEE: [PDS, ZONING][PDS, PCO] [UO][DPR, TC, PP].

INTENT: In order to comply with Zoning Ordinance Section 7362.e the Discretionary Inspection Fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the Discretionary Permit Inspection Fee at the [PDS, Zoning Counter] 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, Zoning Counter] shall process an invoice and collect the fee for the Use Permit Compliance Inspection Fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

22. PLN#3 – SITE PLAN IMPLEMENTATION [PDS, BI] [UO] [DPR, TC, PP].

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 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, trash enclosures are properly screened, required and approved signage is installed and located properly, 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, Building Inspector] and DPR [TC, PP] shall inspect the site for compliance with the approved Building Plans.

23. 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](#), and the COSD Grading ordinance, 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.

24. CULT#2 CULTURAL RESOURCES REPORT [PDS, FEE X2]

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 the disposition of all cultural materials collected during the survey, evaluation, and archaeological monitoring program have been completed 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, 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 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) 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.

25. NOISE#3 - NOISE CONTROL DESIGN MEASURES

INTENT: In order to comply with the [County of San Diego Noise Ordinance 36.404](#) as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#), the following design measures shall be verified that they are constructed. **DESCRIPTION OF REQUIREMENT:** The following noise control design measure(s) shall be constructed pursuant to the approved building plans: dual-pane windows with a minimum sound transmission class (STC) rating of 26 and mechanical ventilation as identified in the Noise Study prepared by Jeremy Loudon (August 3, 2017). **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit for Major Use Permit, PDS2015-MUP-15-027, the noise control measure shall be installed and operational. **MONITORING:** The [PDS, BI] shall verify that the noise control measures above have been constructed pursuant to the approved building plans and this permit's conditions.

26. NOISE#4 - NOISE CONTROL DESIGN MEASURES (MECHANICAL)

INTENT: In order to reduce the impacts of the exterior sound levels from the project site on the adjacent parcels and to comply with the County of San Diego Noise Ordinance 36.404 and the County of San Diego Noise Guidelines for Determining Significance, the following design measures shall be verified that they are constructed. **DESCRIPTION OF REQUIREMENT:** The following noise control design measure(s) shall be constructed pursuant to the approved building plans: HVAC units associated with the school building shall incorporate visual screening by a parapet wall or barrier of equal or greater height in relation to the HVAC unit elevation for noise screening purposes for the southern property line. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit for the school building, the noise control measure shall be installed and operational. **MONITORING:** The [PDS, BI] shall verify that the noise control measures above have been constructed pursuant to the approved building plans and this permit's conditions.

27. PLN#4 – SITE CONFORMANCE [PDS, PCO] [OG] [DPR, TC, PP].

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 landscape plan(s), building plans, and plot plan(s). This includes but is not limited to maintaining the following: all parking and driveways areas, watering all landscaping at all times, painting all necessary aesthetics design features, and all lighting wall/fencing 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 Enforcement Division] is responsible for enforcement of this permit.

28. NOISE#5 – 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:

- a. Major 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.
- b. The operations associated with this Major Use Permit shall conform to the daytime and nighttime sound level limits for uses as zoned pursuant to Section 36.404.

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, CODES] 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 _____

Ashley Smith, Planning Manager
Project Planning Division

MW:AS:dr