



County of San Diego

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Smilax Townhome Project

RECORD ID: PDS2019-TM-5634; PDS2019-GPA-19-003; PDS2019-REZ-19-002; PDS-2019-STP-19-014

ENVIRONMENTAL LOG NO.: PDS2019-ER-19-08-002

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 Form
 - b. Environmental Analysis Form and attached extended studies for
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:

AGRICULTURAL

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).*

AGR#1–AGRICULTURAL PRESERVATION – PACE MITIGATION [PDS, FEE X 2]

INTENT: To preserve agricultural resources, as defined by the Agricultural Resources Guidelines for Determining Significance. **DESCRIPTION OF**

REQUIREMENT: To minimize impacts to agricultural resources that meet the Prime and Statewide soil criteria and/or to provide a project design where agricultural use could remain viable. The applicant shall acquire mitigation credits from the County of San Diego Purchase of Agricultural Conservation Easement (PACE) mitigation bank, and/or the conservation of agricultural resources. The applicant shall demonstrate accordance to this requirement for 3.96 acres of land using at least one or a combination of the following:

- a. **Option 1:** If purchasing PACE mitigation credits from the County of San Diego, through the payment of in lieu fees to the PACE Program mitigation bank, evidence of the purchase shall include the following information:
 1. A cashier's receipt of the in lieu fee payment, referencing the project name and numbers, total fee payment amount and the represented amount of acreage mitigated for by the payment. One mitigation credit from the PACE Program would equate to one acre of land permanently protected with an agricultural conservation easement within the PACE Program mitigation bank.
 2. An accounting of the status of the County of San Diego PACE Program mitigation bank, which can be obtained from the PACE Program Manager. 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 (at time of in lieu fee payment).

- b. **Option 2:** In the event that PACE mitigation credits are unavailable or the applicant elects not to participate; the applicant shall grant an Agricultural Preservation Easement in perpetuity to the County of San Diego. The preservation easement shall be located within the cumulative project area, or, at a location approved by the Director of PDS. The purpose of the easement is for the preservation and protection of agricultural resources to ensure that the land remains available for potential agricultural use in the future. The easement limits shall prohibit the construction or placement of any accessory structure that is designed or intended for occupancy by humans, and the placement of any recreational amenities; such as tennis courts or swimming pools. The only exceptions to this prohibition include but are not limited to:
 1. One single-family residence.

2. Fences, walls, and similar structures, no higher than 6 feet or as regulated by zoning.
3. Landscaping and agricultural uses.
4. Roads, utilities, water wells, septic systems and leach lines
5. Percolation and observation test holes.
6. Irrigation water wells necessary for the support of the agriculture in the easement.
7. Grading or clearing for agricultural purposes only.

DOCUMENTATION: Under option 1, the applicant shall provide a cashier's receipt of the in lieu fee payment to the [PDS] and an accounting of the status of the County of San Diego PACE Program mitigation bank. Under Option 2, 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. The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS] for pre-approval. The [PDS] 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] for satisfaction of the condition. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit. **MONITORING:** The [PDS] shall review the documents provided for the satisfaction of this condition.

AIR QUALITY

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

AIR#1- FUGITIVE DUST

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

DESCRIPTION OF REQUIREMENT: The project applicant or designee shall comply with the San Diego Air Pollution Control District (SDAPCD) Rule 55 and County Code Section 87.428 (Grading Ordinance), and implement the following dust control measures during construction:

- a. Water or utilize another SDAPCD-approved dust control non-toxic agent on the grading areas at least two times daily.
- b. All permanent roadways and paved access roadways shall be constructed and paved as early as possible in the construction process.
- c. Grading areas shall be stabilized as quickly as possible.

- d. 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.
- e. Wheel washers shall be installed adjacent to the apron for tire inspection and washing prior to vehicle entry on public roads.
- f. Any visible track-out into traveled public streets shall be removed with the use of sweepers, water trucks, or similar method when active operations cease or every 24 hours for continuous operations.
- g. Sufficient perimeter erosion control shall be provided to prevent washout of silty material onto public roads.
- h. Transported material in haul trucks shall be watered or treated.
- i. All soil disturbance and travel on unpaved surfaces shall be suspended if winds exceed 25 miles per hour (mph).
- j. On-site stockpiles of excavated material shall be covered.
- k. A 15-mph speed limit on unpaved surfaces shall be enforced.

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 [DPLU, PCC] if the applicant fails to comply with and enforce this condition.

BIOLOGICAL

APPROVAL OF MAP: The conditions shall be complied with either before a Final Map is approved and filed with the County Recorder or where specifically indicated, may be satisfied on the Final Map and shall also be complied with prior to approval of any plans and issuance of any grading or other permits as specified:

BIO#1–OFFSITE MITIGATION [PDS, FEE X2]

INTENT: In order to mitigate for the impacts to non-native grassland, which is a sensitive biological resource pursuant to 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 1.0 acre of non-native grassland, located at the Brook Forest Mitigation Bank or other County approved mitigation bank in North San Diego County as indicated below. If non-native credits are not available at the time of purchase, then credits for mixed chaparral (out-of-kind habitat) should be purchased at the same ratio.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. 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 of habitat of the same amount and type of land located in North San Diego County as indicated below:
1. The type of habitat and the location of the proposed mitigation should be pre-approved by [PDS, PPD] before purchase or entering into any agreement for purchase.
 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 owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 4. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
 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, 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 a pre-approval. If an RMP is submitted in-lieu of purchasing credits (option 1), then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed.

MONITORING: The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can preapprove 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] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

CULTURAL

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

PALEO#1- PALEO GRADING MONITORING

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

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

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

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

AIR QUALITY

AIR#2-CONSTRUCTION EXHAUST EMISSIONS

INTENT: In order to mitigate for exhaust emissions during construction activities.

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

- a. The project shall require the construction contractor to provide a construction fleet that uses heavy-duty diesel-powered equipment equipped with Tier 4 diesel engines or better. An exemption from these requirements may be granted by the County in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the County, the applicant shall be required to demonstrate that three construction fleet owners/operators in the San Diego Region were contacted and that those owners/operators confirmed Tier 4 equipment could not be located within the San Diego region.
- b. The project shall require the construction contractor to equip all heavy-duty diesel-powered construction equipment 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 or designee shall comply with the Air Quality and Greenhouse Gas 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 grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the applicant fails to comply with this condition.

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

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

MONITORING: The [DPW, BI] shall make sure that the construction contractor complies with the Air Quality requirement of this condition. The [DPW, BI] shall contact the [PDS, PCC] if the applicant fails to comply with and enforce this condition.

Building Permit: *(Prior to approval of any building plan and the issuance of any building permit).*

GHG#-SITE DESIGN AND SUSTAINABILITY MEASURES

INTENT: In order to implement a sustainable project design that would minimize energy consumption, and emissions of criteria air pollutants and greenhouse gases.

DESCRIPTION OF REQUIREMENT: The following design features shall be implemented on all Building Plans for the project.

- a. One (1) Level 2 electric vehicle (EV) charging station shall be installed in all residential unit garage (62 total stations installed).
- b. Two (2) Level 2 EV charging stations shall be installed in the onsite visitor parking area.
- c. All street and area lighting installed shall be high-efficiency LED lighting
- d. At a minimum, one (1) 3kW photovoltaic solar panel system shall be installed on each residential unit. As necessary due to site conditions, the solar panel system on each residence may be greater or less than 3kW so long as, on average, there is the equivalent of a 3kW photovoltaic solar panel system on each residential unit. By way of example, one residential unit may have a 2.5kW photovoltaic solar panel system if another residential unit has a 3.5kW photovoltaic system
- e. Hearths (i.e. wood burning fireplaces and stoves) shall not be installed in any residential units.
- f. Recyclable and green waste receptacles, and recycling/green waste educational material shall be provided for all residential units.
- g. Weather-based irrigation systems, including rain sensing timers shall be installed in all common, landscaped areas.
- h. A landscape document package shall be submitted consistent with the County's Water Conservation in Landscaping Ordinance that demonstrates a 40 percent reduction in outdoor water use.
- i. Low-flow faucets, kitchen faucets, toilets, and showers shall be installed at each residential unit with maximum flow rates of 1.5 gallons per minute at 60 psi.
- j. A minimum of 124 new, trees shall be installed on the project site.
- k. Parking areas shall be designed as "cool paving" and/or light reflective permeable surfaces.

- I. High-efficiency HVAC systems, tankless water heaters, and Low E dual pane windows shall be installed in each residential unit.

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

GHG#5-ALL ELECTRIC RESIDENTIAL UNITS

INTENT: In order to reduce on-site, operational emissions of criteria air pollutants and greenhouse gases. **DESCRIPTION OF REQUIREMENT:** The project will be designed such that all appliances, hearths, and systems shall be electrically powered, and 100 percent of the energy consumed in residential buildings will be electric. **DOCUMENTATION:** The applicant shall comply with the requirements of this condition. **TIMING:** Prior to approval of any building plan or the issuance of any building permit, these design measures shall be implemented on the building plans. **MONITORING:** The [PDS, BPPR] shall make sure that this measure is implemented on all building plans for the project.

Ongoing (implemented throughout the duration of the project)

GHG#6- RIDESHARE COVENANTS

INTENT: In order to reduce single-occupancy vehicle commute trips during project operations. **DESCRIPTION OF REQUIREMENT:** Within the “Project Covenants, Conditions, and Restrictions” of the associated Home Owners Association (HOA), the project will require that the HOA regularly coordinate with SANDAG to provide information materials related to rideshare programs and iCommute San Diego to HOA members and residents. **DOCUMENTATION:** The HOA shall comply with the requirements of this condition. **TIMING:** Throughout the lifetime of the project. **MONITORING:** The [PDS, PCC] shall make sure that this measure is implemented throughout the permit of this project through Code Enforcement.

BIOLOGICAL

Draft Grading Plan Notes:

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

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

INTENT: In order to avoid impacts to nesting birds, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:**

There shall be no brushing, clearing, and/or grading such that none will be allowed within a minimum of 50 feet of nesting habitat of non-raptor bird species and 300 feet for raptor species during the breeding season of nesting birds. The breeding season is defined as occurring between February 1 and August 31. The Director of PDS [PDS, PPD] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no migratory birds or raptors are present within 300 feet of the brushing, clearing or grading as demonstrated by a survey completed no more than 72-hours prior to proposed clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PPD] is received. The [PDS, PPD] shall review the concurrence letter.

CULTURAL

APPROVAL OF MAP: The conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County and where specifically indicated, may be complied with on the Final Map and shall also be complied with prior to approval of any plans, and issuance of any grading or other permits as specified:

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.

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

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

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

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

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, 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.

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

PALEO#2- PALEO RESOURCES REPORT

INTENT: In order to ensure that the Grading Monitoring occurred during the grading, trenching or other excavation phase of the project, a final report shall be prepared.

DESCRIPTION OF REQUIREMENT: A final Paleontological Resources Mitigation Report that documents the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program shall be prepared. The report shall include the following:

- a. If no paleontological resources were discovered, submit a Negative letter report, which states that the monitoring has been completed and that no paleontological resources were discovered.
- b. If resources were discovered and recovered during grading, a detailed report shall be prepared by the Project Paleontologist. The report shall comply with the [County of San Diego's Guidelines for Determining Significance for Paleontological Resources](#). The report shall identify which accredited institution has agreed to accept the curated fossils and include proof of the Transfer of Paleontological Resources, in the form of a letter, from the director of the paleontology department of the accredited institution to the Director of PDS verifying that the curated fossils from the project site have been received by the institution.

DOCUMENTATION: The Project Paleontologist shall prepare the final report and submit it to the [PDS, PPD] for approval. If resources were discovered then the following shall be completed:

- a. Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display; and
- b. The applicant shall submit two hard copies of the final Paleontological Resources Mitigation Report to the [PDS, PPD] for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on a USB disk. In addition, submit one copy of the report to the San Diego Natural History Museum and one copy to the institution that received the fossils.

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 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, FISCAL] to release the bond back to the applicant.

Draft Grading Plan Notes:

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

(CULTURAL RESOURCES)

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.

(PALEONTOLOGICAL RESOURCES)

PALEO-GR#1 PALEONTOLOGICAL MONITORING

INTENT: In order to comply with Mitigation Monitoring and Reporting Program pursuant to PDS2019-TM-5634, a Paleontological Resources Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Paleontologist shall monitor during the original cutting of previously undisturbed deposits for the project, both on and off site, the Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#). **DOCUMENTATION:** The applicant shall have the contracted Project Paleontologist attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall attend the preconstruction conference and confirm the attendance of the approved Project Paleontologist.

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

(CULTURAL RESOURCES)

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.
- g. **Fill Soils.** The Project Archaeologist and Luiseno Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.
- h. **Monthly Reporting.** The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.
- i. **Disagreements.** The County Archaeologist shall make a determination for any disagreements between the Project Archaeologist and the Luiseno Native American monitor related to archaeological monitoring. The County Archaeologist shall consider the viewpoints of both the Project Archaeologist and Native American Tribe(s)

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.

(PALEONTOLOGICAL RESOURCES)

PALEO-GR#2 PALEONTOLOGICAL MONITORING

INTENT: In order to comply with Mitigation Monitoring and Reporting Program pursuant to PDS2019-TM-5634, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall monitor during the original cutting of previously undisturbed deposits for the project, both on and off site. The Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with the following requirements during grading:

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

3. Transport the collected specimens to a laboratory for processing (cleaning, curation, cataloging, etc.).

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

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

(CULTURAL RESOURCES)

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.

(PALEONTOLOGICAL RESOURCES)

PALEO-GR#3 PALEONTOLOGICAL MONITORING

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2019-TM-5634, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Grading Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The Project Paleontologist shall prepare one of the following letters upon completion of the grading activities that require monitoring:

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

DOCUMENTATION: The applicant shall submit the letter report to the [PDS, PPD] for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading Final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the letter report shall be completed. **MONITORING:** The [PDS, PPD] shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDC] 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)**CULT#GR-4- ARCHAEOLOGICAL MONITORING – FINAL GRADING**

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

REQUIREMENT: The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been conveyed as follows:

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

or

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

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

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

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

(PALEONTOLOGICAL RESOURCES)**PALEO-GR#4 PALEONTOLOGICAL MONITORING**

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2019-TM-5634, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Grading Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The Project Paleontologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program if resources were encountered during grading. The report shall include the following:

- a. If paleontological resources were discovered, the following tasks shall be completed by or under the supervision of the Project Paleontologist:
 1. Prepare collected fossil remains for curation, to include cleaning the fossils by removing the enclosing rock material, stabilizing fragile specimens using glues and other hardeners, if necessary, and repairing broken specimens;
 2. Curate, catalog and identify all fossil remains to the lowest taxon possible, inventory specimens, assigning catalog numbers, and enter the appropriate specimen and locality data into a collection database;
 3. Submit a detailed report prepared by the Project Paleontologist in the format provided in Appendix D of the County of San Diego's Guidelines for Determining Significance for Paleontological Resources. The report shall identify which accredited institution has agreed to accept the curated fossils. Submit two hard copies of the final Paleontological Resources Mitigation Report to the Director of PDS for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on an USB drive. In addition, submit one copy of the report to the San Diego Natural History Museum and one copy to the institution that received the fossils.
 4. Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display, and submit Proof of Transfer of Paleontological Resources, in the form of a letter, from the director of the paleontology department of the accredited institution to the Director of PDS verifying that the curated fossils from the project site have been received by the institution.
- b. If no resources were discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning and Land Use by the Project Paleontologist.

DOCUMENTATION: The applicant shall submit the letter report to the [PDS, PPD] for review and approval. **TIMING:** Prior to the occupancy of any structure or use of the

premises, and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)), for TM-5634, the final report shall be completed. **MONITORING:** The [PDS, PPD] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

FIRE CONDITIONS

FIRE#1-FIRE REQUIREMENTS

INTENT: The map shall comply with the fire requirements on the map and the grading plan pursuant to the 2020 San Diego County Consolidated Fire Code and the May 1, 2019 letter from the Vista Fire Protection District. **DESCRIPTION OF REQUIREMENT:** The following requirements shall be included on the map: all fire access roads shall have 24' of unobstructed and paved widths with 13'6" vertical clearance, driveways shall have 16' of paved widths with approved turnarounds if longer than 150', paving shall occur prior to lumber arrival, fire lanes and parking as required, street signage and gates as required, 3 hydrants are required with 1,500 gpm for a 2-hour duration at 20 PSI residual, automatic fire sprinklers shall be installed as required, address signage as required and the response maps shall be updated and fees paid. **DOCUMENTATION:** The applicant shall include the fire requirements on the map and grading plan and obtain a letter of approval from the Vista Fire District. **TIMING:** Prior to recordation of the final map, the applicant shall obtain a letter from the Vista Fire Protection District stating that the above requirements have been satisfied. **MONITORING:** The fire requirements shall be checked by the building inspector prior to occupancy of each building and annual inspections may occur by the Fire District.

FIRE#2-GRADING NOTES – FIRE REQUIREMENTS

INTENT: The grading plan shall include notes with the fire requirements in order to comply with the 2020 San Diego County Consolidated Fire Code and the May 1, 2019 letter from the Vista Fire Protection District. **DESCRIPTION OF REQUIREMENT:** The following requirements shall be included on the map: all fire access roads shall have 24' of unobstructed and paved widths with 13'6" vertical clearance, driveways shall have 16' of paved widths with approved turnarounds if longer than 150', paving shall occur prior to lumber arrival, fire lanes and parking as required, street signage and gates as required, 3 hydrants are required with 1,500 gpm for a 2-hour duration at 20 PSI residual, automatic fire sprinklers shall be installed as required, address signage as required and the response maps shall be updated and fees paid. **DOCUMENTATION:** The applicant shall include the fire requirements on the map and grading plan and obtain a letter of approval from the Vista Fire Protection District. **TIMING:** Prior to issuance of the grading plan, it shall be confirmed that the grading notes are included to demonstrate compliance with all the fire requirements. **MONITORING:** The fire requirements shall be checked by the building inspector prior to occupancy of each structure and annual inspections may occur by the Fire District.

HAZARDS CONDITIONS

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

HAZ #1–LEAD SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with lead based paint (LBP) and lead containing materials (LCM) to mitigate below levels of significance as established in the [County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance](#), the structures identified on the approved plan set for demolition shall be surveyed for the presence of LBP/LCM because the structures were built prior to 1980. **DESCRIPTION OF REQUIREMENT:** A facility survey shall be performed to determine the presence or absence of LBP/LCM in the structures identified for demolition on the approved plan set. The survey shall be completed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence or absence of LBP and LCM located in the structure. The following conditions only apply if LBP and LCM are present:

- a. All LBP and LCM shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 California Code of Regulations [CCR] Division 4.5), the worker health and safety requirements (Title 8 California Code of Regulations Section 1532.1), and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).
- b. All LBP and LCM scheduled for demolition or disturbed during remodeling must comply with applicable regulations for demolition methods and dust suppression.

DOCUMENTATION: The applicant shall submit a letter or report prepared by a California DHS certified lead inspector/risk assessor to the [DEH HAZ MAT, APCD], which certifies that there was no LBP/LCM present, or all lead containing materials have been remediated pursuant to applicable regulations. **TIMING:** Prior to grading or improvement permit (excluding demolition permit), the applicant shall comply with this condition. **MONITORING:** The [DEH HAZ MAT, APCD] shall review the report and any additional evidence for compliance with this condition. The [PDS, PPD] shall review the completion letter from APCD and any additional evidence for compliance with this condition.

HAZ #2–ASBESTOS SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with Asbestos Containing Materials (ACMs) and to mitigate below levels of significance as established by the [County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance](#), the structures identified on the approved plan set for demolition or remodel shall be surveyed for the presence of ACMs. **DESCRIPTION OF REQUIREMENT:** A facility survey shall be performed to determine the presence or absence of ACMs in the structures identified for demolition on the approved plan set. Suspect materials that will be disturbed by the demolition activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to

regulations implementing subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course.

- a. If ACMs are found present, they shall be handled and remediated in compliance with the San Diego County Air Pollution Control District Rule 361.145 – Standard for Demolition and Renovation.

DOCUMENTATION: The applicant shall submit to the [DEH HAZ MAT, APCD] a signed, stamped statement from the person certified to complete the facility survey indicating that the survey has been completed and that either regulated asbestos is present or absent. If regulated asbestos is present, the letter shall describe the procedures taken to remediate the hazard and certify that they have been remediated pursuant to code sections referenced above. **TIMING:** Prior to grading or improvement permit (excluding demolition permit), the applicant shall comply with this condition. **MONITORING:** The [DEH HAZ MAT, APCD] shall review the report and any additional evidence for compliance with this condition. The [PDS, PPD] shall review the completion letter from APCD and any additional evidence for compliance with this condition.

HAZ #3–STRUCTURE AND DEBRIS REMOVAL [PDS, FEE]

INTENT: In order to comply with the proposed project design, structures identified on the approved plan set are to be removed or demolished. **DESCRIPTION OF REQUIREMENT:** The structure(s) as shown on the approved plan set shall be removed or demolished. A Demolition Permit shall be obtained from [PDS, BD]. Compliance with conditions HAZ #1 and HAZ #2 to determine the presence or absence of Lead Containing Materials and Asbestos Containing Materials shall be completed before the County can issue a Demolition Permit. **DOCUMENTATION:** The applicant shall submit to the [PDS, PCC] a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structures have been removed or demolished. The letter report shall also include before and after pictures of the area and structure. **TIMING** Prior to grading or improvement permit (excluding demolition permit), the applicant shall comply with this condition. **MONITORING:** The [PDS, PCC] shall review the statement and, photos, and any additional evidence for compliance with this condition.

LAND DEVELOPMENT CONDITIONS

APPROVAL OF MAP: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A FINAL MAP IS APPROVED BY THE BOARD OF SUPERVISORS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (Where specifically, indicated, conditions shall also be complied with prior to the approval and issuance of grading or other permits as specified).

ROADS#1–PUBLIC ROAD IMPROVEMENTS

INTENT: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.404](#) and the Community Trails Master Plan **Smilax Road** shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. Improve or agree to improve and provide security for **Smilax Road** on the

project side, along the project frontage in accordance with The City of San Marcos for a Road Classification, to a graded width of **forty-two feet (42')** from centerline and to an improved width of **thirty-two feet (32')** from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk/asphalt concrete dike, with face of curb/dike at **thirty-two feet (32')** from centerline. Provide transition for all widenings, tapers, and traffic striping to match existing pavement. All of the above shall be to the satisfaction of the appropriate authority at The City of San Marcos.

- 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 of the above shall be to the satisfaction of the appropriate authority at The City of San Marcos.

All plans and improvements shall be completed pursuant to the **City of San Marcos**. The improvements shall be completed within timeframe identified by the **City of San Marcos** from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **DOCUMENTATION:** The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve **Smilax Road**.
- b. Provide Secured Agreement and post security in accordance with [Subdivision Ordinance Sec. 81.408](#)
- c. Upon approval of the plans, pay all applicable inspection fees/deposits with [DPW, PDC] and/or the **City of San Marcos**.
- d. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- e. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the **Vista Fire Protection District, City of San Marcos** and the [PDS, LDR].

TIMING: Prior to the recordation of the Final Map for the plans, agreements, and securities shall be approved. **MONITORING:** The [PDS, LDR] and the City of San Marcos shall review the plans for consistency with the condition and applicable City Standards. The securities and improvement agreements shall be approved by the **City of San Marcos**.

ROADS#2–PRIVATE ROAD IMPROVEMENTS

INTENT: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.404](#), **Private Drive ‘A’, ‘B’, ‘C’, ‘D’, and ‘F’** shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for the private road easement(s) **Private Drive ‘A’, ‘B’, ‘C’, ‘D’, and ‘F’** as follows:

- a. **Private Drive ‘A’, ‘B’, ‘C’, ‘D’, and ‘F’** shall have a minimum, improved width of **twenty-four feet (24’)** with asphalt concrete pavement over approved base or (six inches (6") of disintegrated granite) with asphalt concrete dike at **twenty-four feet (24’)** from centerline, as shown on the approved tentative map, TM-5634. The improvement and design standards of Section 3.1 of the San Diego County Standards for Private Roads (approved June 30, 1999) shall apply, and private easement road improvements shall be to the satisfaction of the **Vista Fire Protection District**.
- b. Whenever on-street vehicle parking is required, on-street parking shall be provided by increasing the improved width to **thirty-two feet (32’)** for one-side of the road and **forty feet (40’)** for no parking restriction. In which, on-street parking is to be provided pursuant to County Private Road Standards, Section 3.1.C footnote and shall be to the satisfaction of the **Vista Fire Protection District**.
- c. Posted signs, which state “**FIRE LANE, NO PARKING**”, shall be installed. All Fire Lanes shall be marked and identified prior to Certificate of Occupancy.
- d. **Private Drive ‘A’ and ‘B’** shall terminate with an approved fire turnaround to a turning radius of thirty-six feet (36’) when the roadway exceeds 150 feet as directed by the **Vista Fire Protection District**.
- e. Any gate or barrier across a fire access roadway, whether manual or automatic, must meet **Vista Fire Protection District** requirements and have specific plans and permits approved prior to installation. Gates serving more than two residential structures, as well as assembly, educational, hazardous and institutional uses must be automatic.
- f. 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](#), and [San Diego County Standards for Private Roads](#), and the [Land Development Improvement Plan Checking Manual](#). The improvements shall be completed within 24 months from the approval of the improvement plans,

execution of the agreements, and acceptance of the securities.
DOCUMENTATION: The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to construct **Private Drive 'A', 'B', 'C', 'D', and 'F'**.
- b. Provide Secured Agreement and post security in accordance with [Subdivision Ordinance Sec. 81.408](#).
- c. Upon approval of the plans, pay all applicable inspection deposits/fees with [DPW, PDCI].
- d. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

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

ROADS#3–PAVEMENT CUT POLICY

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

DRNG#1–ONSITE & OFFSITE DRAINAGE IMPROVEMENTS

INTENT: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#) and to comply with the [County Flood Damage Prevention Ordinance No. 10091 \(Title 8, Division 11\)](#), [County Watershed Protection Ordinance \(WPO\) No.10410](#), [County Code Section 67.801 et. seq.](#), and the [County Resource Protection Ordinance \(RPO\) No. 9842](#), drainage improvements shall be completed. **DESCRIPTION OF REQUIREMENT:** Improve

or agree to improve and provide security for installation of inlet along **Smilax Road**.

a. Install an inlet along the project frontage sized/restricted to only capture the flow from the newly added or replaced pavement. The flow would be connected to the project drainage system via storm drain pipe sized minimally to convey only said flow, and route through the project biofiltration basin to meet pollutant and flow control requirements. All of the above shall be to the satisfaction of the appropriate authority at **the City of San Marcos**.

All drainage plan improvements shall be prepared and completed pursuant to the following ordinances and current standards: [San Diego County Drainage Design Manual](#), [San Diego County Hydrology Manual](#), [County of San Diego Grading Ordinance](#), [Zoning Ordinance Sections 5300 through 5500](#), [County Resource Protection Ordinance \(RPO\) No. 9842](#), Community Trails Master Plan and Parkland Dedication Ordinance and [County Flood Damage Protection Ordinance No. 10091 \(Title 8, Division 11\)](#), Low Impact Development (LID) and Hydromodification requirements and the [Land Development Improvement Plan Checking Manual](#). **DOCUMENTATION:** The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve **Smilax Road**.
- b. Provide Secured Agreements in accordance with [Subdivision Ordinance Sec. 81.404 \(a\)\(2\)](#).
- c. Upon approval of the plans, pay all applicable inspection fees/deposits with [DPW, PDCI] and/or the **City of San Marcos**.
- d. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

TIMING: Prior to the recordation of the Final Map for the plans, agreements, and securities shall be approved. **MONITORING:** The [PDS, LDR], [DPR, TC] and the **City of San Marcos** shall review the plans for consistency with the condition and City and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS and the appropriate authority at the **City of San Marcos**.

ROADS#4 – PRIVATE ROAD EASEMENT

INTENT: In order to promote orderly development and to comply with the [County Subdivision Ordinance Section 81.402](#) the easement(s) shall be provided.

DESCRIPTION OF REQUIREMENT:

- a. The Final Map shall show a minimum thirty-two (32') wide private road easement, for **Private Drive 'A', 'B', 'C', 'D', and 'F'** as shown on the

approved tentative map, TM-5634.

DOCUMENTATION: The applicant shall show the easements on the Final Map.
TIMING: Prior to approval of the Final Map, the easements shall be shown.
MONITORING: The [PDS, LDR] shall review the Final Map to ensure that the easements is/are indicated pursuant to this condition.

ROADS#5–ROAD DEDICATION (NONCOUNTY)

INTENT: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.402](#), the required road right-of-way shall be dedicated to the **City of San Marcos**. **DESCRIPTION OF REQUIREMENT:** Dedicate on the map to the **City of San Marcos** an easement for road purposes that provides **forty-two feet (42')** along the project frontage in accordance with Standards and Community Trails Master Plan for a four-lane secondary arterial road with a **twelve-foot (12')** through lane and parallel parking stalls [and sidewalk] [and pathway] to a right-of-way width of **forty-two feet (42')** The following shall be placed on the Map pertaining to this easement: " , with the right to construct and maintain slopes and drainage facilities excavation, and embankment slopes beyond the limits of the right-of-way, to the satisfaction of the **City of San Marcos** is accepted hereon. This easement is accepted solely for the purpose of designating **Smilax Road** for public use. The County by this action is not accepting the road into the County Maintained System, and the County will not be responsible for maintenance."

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

ROADS#6–PRIVATE ROAD MAINTENANCE AGREEMENT

INTENT: In order to ensure that the private roads approved with this subdivision are maintained, in accordance with [Subdivision Ordinance Section 81.402\(c\)](#), the applicant shall assume responsibility of the private roads. **DESCRIPTION OF REQUIREMENT:** A maintenance agreement shall be executed that indicates the following:

- a. Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of PDS.
- b. The Director of PDS shall be notified as to the final disposition of title (ownership) to **Private Drive 'A', 'B', 'C', 'D', and 'F'** and **Poinsettia Avenue**, and place a note on the Final Map as to the final title status of said roads.
- c. Access to each lot shall be provided by private road easement not less than

thirty-two feet (32') wide.

DOCUMENTATION: The applicant shall execute the private road maintenance agreement, to the satisfaction of the Director of PDS, and indicate the ownership on the map as indicated above. **TIMING:** Prior to the recordation of the Final Map for the agreement shall be executed and the ownership shall be indicated on the map. **MONITORING:** The [PDS, LDR] shall review the executed agreement and the map for compliance with this condition.

ROADS#7–RELINQUISH ACCESS

INTENT: In order to promote orderly development and to comply with the [Mobility Element of the General Plan](#) and [County Subdivision Ordinance Section 81.401 \(g\)](#), access shall be relinquished along **Smilax Road**. **DESCRIPTION OF REQUIREMENT:** Relinquish access rights onto **Smilax Road**. 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 **Smilax Road**. **DOCUMENTATION:** The applicant shall prepare the pages of the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map for the access shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

STRMWTR#1–STORMWATER MAINTENANCE DOCUMENTATION

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

a. Process a Maintenance Notification Agreement to assure maintenance of the Category 1 Structural BMPs to the satisfaction of the Director of DPW and/or PDS. The Maintenance Notification Agreement shall be signed, notarized and recorded by the applicant.

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

STRMWTR#2–EROSION CONTROL

INTENT: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [State Construction General Permit, Order No. 2009-00090-DWQ](#), or subsequent order and the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#) and all other applicable ordinances and standards for this priority project. **DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion

Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided pursuant to [Subdivision Ordinance 81.408](#), for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the [County of San Diego Grading Ordinance Section 87.304](#). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

DOCUMENTATION: The applicant shall provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR]. **TIMING:** Prior to recordation of the Map and the approval of any plan and the issuance of any permit, the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the agreement and the securities provided adequately satisfy the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDC] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

ROADS#8–TRAFFIC CONTROL PLAN

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

ROADS#9–HAUL ROUTE PLAN

INTENT: In order to ensure the roads are not damaged by heavy loads that loaded trucks place on the construction route (or subsequent operations- use for applicable projects), a Haul Route Plan (HRP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** A HRP shall be prepared that addresses the following, but is not limited to: haul routes, truck types and capacity, number of trips

per day, estimated quantity of import & export, destination, duration of the haul, and hours of operation.

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

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

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).

DEH#1–SEWER ANNEXATION

INTENT: In order to promote orderly development and to the [County of San Diego Regulatory Code Section 68.312](#) the parcel shall be annexed into the **City of Vista/Buena Sanitation** District. **DESCRIPTION OF REQUIREMENT:** Apply for and receive approval from the Local Agency Formation Commission (LAFCO) an annexation into **the Buena Sanitation District**. **DOCUMENTATION:** The applicant shall provide the annexation approval documents to [DEH, LWQ]. **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 applicant shall annex into the sewer district. **MONITORING:** Upon request of the applicant, [DEH, LWQ] shall provide a recommendation to LAFCO for the annexation into the sewer district. The [DEH, LWQ] shall review the annexation documents for compliance with this condition.

IMPROVEMENT PLAN: (Prior to issuance of the City of San Marcos improvement plan

permit, the applicant/developer shall comply with the following conditions).

Land Development Division

1. The applicant/developer shall apply for a public improvement permit compliant with SMMC Chapter 14.16. All plans submitted for public improvements shall conform to applicable codes and engineering handouts, unless explicitly superseded by the conditions contained herein. All appropriate fees shall be paid for the processing of the permit.
2. The applicant/developer shall dedicate to the City easements or rights-of-way for all public streets and appurtenances thereto, and all other interests in real property required by these conditions. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.
3. Improvement plans shall depict a forty-two foot (42'-0") half-width improvement along the project frontage on Smilax Road.
4. The applicant shall dedicate the forty-two-foot (42'-0") half width along Smilax Road on the tentative map and shall be dedicated on the final map.
5. The applicant/developer shall submit plans and appropriate construction notes for improvement of all streets, right of way and drainage facilities to the City Engineer for approval. Plans shall include all off-site improvements as specified by the City Engineer. In addition, a signage and striping plan shall be included with the improvement plans utilizing Caltrans standards and shall be acceptable to the City Engineer. Dedicated bike lane striping is not required along the project frontage.
6. Signage and striping plan shall provide a two-way turn lane along Smilax Road with a minimum width of 10'-0" per Caltrans A20B detail 31 including providing shift and approach tapers to the satisfaction of the City Engineer.
7. The exact depth of any new or improved street structural section and subgrade requirement shall be determined based on subgrade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria" and "Street Excavation Ordinance". Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.

8. Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer and the City's "Urban Street Design Criteria" in effect at the time of project approval.
9. A light emitting diode street lighting system shall be shown on the street improvement plans and shall be installed at locations specified by the City Engineer at no cost to the public. All installations shall be compliant with the City's Street Lighting Standards.
10. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Manager.
11. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way and if applicable, trail easement, to avoid reconstruction or modification of same.
12. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer, water, utility, regional, federal or other approving agency regarding the installation, modification, development, improvement or protection of facilities within the project boundaries. It shall be the applicant/developer's responsibility to determine all agencies with rights of approval for the proposed development.
13. The applicant/developer shall post securities to the City, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public improvements including but not limited to the following: street improvements, storm drain facilities, water quality BMP's, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "approved" public improvements within a period to be specified in the Subdivision Improvement Agreement. For grading

securities, the City may require 10% of said securities to be in the form of cash.

14. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way and if applicable, trail easement, to avoid reconstruction or modification of same.
15. Proof of coverage under the State of California's General Construction Permit shall be provided to the Engineering Division. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.
16. A Storm Water Quality Management Plan (SWQMP) shall be submitted in accordance with the most current version of the City adopted BMP design manual and meet the most current requirements of SDRWQCB. Stormwater from the added and replaced pavement along the property frontage to Smilax Road shall be handled to meet pollutant and flow control requirements. In lieu of installing such systems within the public right-of-way, the developer may install an inlet along the project frontage sized/restricted to capture the equivalent flow from only the newly added or replaced Smilax pavement. This runoff may be routed to the onsite, privately maintained biofiltration basin to meet pollutant and flow control requirements. The biofiltration basin shall be upsized to accommodate the additional flow, and detention calcs shall be updated accordingly to demonstrate no increase in peak flow discharge. Flows in excess of those generated from the widening/replacement area will bypass the inlet and continue north along Smilax Road as they do in the pre-project condition.

CONSTRUCTION PHASE: (During the construction phase of City of San Marcos Public Improvements, the applicant/developer shall comply with the following conditions).

Public Works Construction Inspection Division

1. Prior to any construction activities, a pre-construction meeting shall be held with the Public Works Construction Inspection Division. The applicant/developer shall provide the inspector with a detailed construction schedule which depicts when building occupancy or occupancies will occur and when key public and private infrastructure improvements will be completed. Schedule updates shall be

provided to the Building and Public Works Inspectors at a minimum monthly basis throughout the life of the project.

2. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
3. During construction activities, the applicant/developer shall maintain public and private driveway and/or road access to neighboring properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
4. The applicant/developer shall submit a traffic control plan to the Public Works Inspector for all phases of construction for approval by the City Engineer. Said plan shall include all traffic control devices including traffic signals as required.
5. Construction haul routes must be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible. At the discretion of the Public Works Inspector, the applicant/developer shall document the pre-construction condition of existing roads or offsite properties which may be impacted by construction activities. The applicant/developer shall be responsible in repairing any construction related damages prior to occupancy.
6. A Right-of-Way permit shall be required prior to commencement of any work within the City right-of-way.
7. The applicant/developer shall implement and maintain storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance (Ch. 14.15 S.M.M.C.) will result in Stop Work Orders, Notices of Violations and/or citations with fines. Work on the project may be delayed until the City determines that compliance with storm water requirements has been achieved.

OCCUPANCY: (Prior to the occupancy of any structure, the applicant/developer shall comply with the following conditions).

Land Development Division

1. All improvements including underground conversion of overhead utilities shall be completed in accordance with the approved project plans prior to issuance of the Certificate of Occupancy.

2. All applicable easements and agreements shall be recorded prior to occupancy.
3. Redline As-Built drawings shall be submitted to the Engineering Division for review and approval. All improvements identified on the plans and all undergrounding of utilities shall be completed in accordance with the project plans and these conditions of approval. Record drawing mylar plans shall be submitted and approved prior to the release of any project securities.
4. Any existing broken pavement, concrete curb, gutter or sidewalk or any other facilities damaged during construction of the project, shall be repaired or replaced as directed by the Public Works Inspector.

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 10 of the PDP SWQMP. **DOCUMENTATION:** The applicant shall process the Structural BMP Verification Forms *with [DPW, PDCI] or [PDS, BLDG]*.

TIMING: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; execution of the Structural BMP Verification Form shall be completed. **MONITORING:** The *[PDS, LDR]* and *[DPW, WPP]* shall review the Structural BMP Verification Forms for consistency with the condition and County Standards.

DEH#2–SEWER CONNECTION

INTENT: In order to promote orderly development and to the [County of San Diego Regulatory Code Section 68.312](#) the parcel(s) shall be connected to public sewer. **DESCRIPTION OF REQUIREMENT:** The parcel shall be connected to public sewer in the ***Buena Sanitation District*** and all connection fees and costs shall be paid. **DOCUMENTATION:** The applicant shall obtain a sewer commitment letter from the ***Buena Sanitation District*** and pay all applicable fees and additional costs of connecting to the public sewer system.

The applicant shall comply with the following specific measures:

1. Private Sewer Facilities Requirements:
 - a. Developer shall install an 8-inch private sewer main extension into the site and along the center of the roadway to provide sewer service to the proposed residential development

- b. Each proposed condominium unit shall have an individual, gravity flow, private sewer lateral and cleanout fronting and connecting to the private sewer main.
 - c. Construction Sewer Improvement plans are to be designed and prepared by a Registered Professional Civil Engineer, and construction and inspection of the private sewer main is to be done per Public Standards and/or as directed by the City Engineer, including Pre- & Post-CCTV inspection
 - d. Developer shall prepare, file, execute, and record a 'Private Sewer Maintenance' Agreement.
 - e. All sewer manhole covers shall have "PRIVATE SEWER" cast into the lid, unless otherwise noted.
 - f. Additional requirements may apply pending a formal and complete detailed submittal of the private/public sewer improvement plans. The exact location & geometrics of the proposed private/public sewer facilities design shall be as determined by the City Engineer during formal plan review process.
 - g. APN 217.191.02 is served by public sewer. Developer shall completely remove the existing private sewer lateral, and plugged at the sewer main wye connection per public standards. A NOTE STATING REMOVAL OF THE SEWER MAIN SHALL BE ADDED TO THE PLANS.
2. Public Sewer Easements:
 - a. Sewer Easement Dedication:
 - a. Street "A" shall be dedicated to the Buena Sanitation District as a public sewer easement
 - b. Street "B" thru "F" shall be dedicated to the Buena Sanitation District as a public sewer access easement
3. Final Map Requirements:
 - a. Sewer Easement Acceptance Certificate: Map shall include a 'Buena Sanitation Certificate of Acceptance' and 'Notary Certificate' for acceptance of the public sewer easements, and acceptance of the public sewer facilities.
4. Statewide General Discharge Requirements for Sanitary Systems
Compliance: Developer is to comply with the SWRCB requirements to prevent Sanitary Sewer Overflows (SSOs) and Spills. Compliance can be met by complying with the conditions and requirements noted above, and by performing the required pre- and post-CCTV inspection, and installing approved sewer manholes.
5. Miscellaneous:
 - a. Truck Motion Plan: The developer shall prepare a 'Turning Motion' Plan for Sewer Vector/ Trash Pick-up/ Fire Trucks/ Delivery Trucks. 'Truck Motion' Plan shall be designed and prepared by a

Registered Professional Engineer as part of the Improvement & Grading Plans (Ref. VMC 14.08)

- b. Developer shall post Development Agreement, Bonding, & Securities prior to approval of the Final map, Grading and Improvement plans
- TIMING:** Prior to approval and recordation of the map the site shall be connected to sewer. **MONITORING:** Documentation of completion of the above items shall be provided to [PDS, LDR] for review and all sewer requirements shall be completed to the satisfaction of the Buena Sanitation District.

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

STRMWTR#4–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.

LANDSCAPE CONDITIONS

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).*

LNDSCP#1–LANDSCAPE DOCUMENTATION PACKAGE

INTENT: In order to provide adequate Landscaping, 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](#), 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 [Off-street Parking Design Manual](#) and the County Zoning Ordinance Section 6793.b. Additionally, the following items shall be addressed as part of the Landscape Documentation Package:
 - i. Per Section III.C.1 (a) of the County's Parking Design Manual and Section 6792 of the Zoning Ordinance, the length of the parking space and use of wheel stops shall be implemented in a manner that assures vehicle overhang will avoid contact with abutting objects such as landscaping. Per Section III.C.5 (b) of the Parking Design Manual, vehicular bumper overhang is prohibited in all areas where a parking stall is adjacent to a planter bed, unless the first 3' behind the face of curb is planted with a low-growing groundcover that can be cleared vertically by a vehicle's bumper. The proposed shrubs between the detention basin and the parking stalls in the western portion of the site create a potential conflict with vehicular bumper overhang. Provide either a low-growing groundcover or wheel stops at these parking stalls, as required by Section III.C.5 (b).
 - j. 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 shall 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.

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

LNDSKP#2–CERTIFICATION OF INSTALLATION

INTENT: In order to provide adequate Landscaping 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.

NOISE CONDITIONS

APPROVAL OF MAP: The conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego

County or on the Final map and where specifically indicated, shall also be complied with prior to approval of any plans, and issuance of any grading or other permits as specified:

NOISE#1–NOISE REQUIREMENT [PDS, FEE X2]

INTENT: In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element \(Table N-1 & N-2\)](#), and to mitigate the noise exposure of exterior noise sensitive land uses below levels of significance as evaluated in the [County Noise Guidelines for Determining Significance](#), the following design measures shall be implemented on the building plans and incorporated into 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: Construct a six-foot solid noise barrier along the perimeter of the project site as shown in Figure 2-B of the approved Noise Report prepared by Ldn Consulting, Inc. and dated January 9, 2020.

- a. The applicant shall construct a six-foot solid noise barrier along the perimeter of the project site as shown in Figure 2-B of the approved Noise report prepared by Ldn Consulting, Inc. and dated January 9, 2020. The barrier shall be at the height specified of 6 foot. Barriers will be vinyl, ¾-inch or thick consisting of solid panels on minimum 4x4-inch posts with no cracks or gaps through or below and all seams or cracks will be filled or caulked.
- b. The applicant shall submit photo graphic evidence to the [PDS, BD] for review, verification of the installation of the noise barriers, and approval before the building permits can be issued. To the satisfaction of the [PDS, PCC], the applicant shall revise the building plans or site design to incorporate any additional proposed mitigation measures.

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.

NOISE#2–NOISE RESTRICTION [PDS, FEE X 4]

INTENT: In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element \(Table N-1 & N-2\)](#), and as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#) a noise restriction shall be placed on the entire project site to require the implementation of building design and construction measures to

ensure that the interior noise levels do not exceed 45 dB CNEL. This will ensure that the interior noise levels for noise sensitive land uses are reduced to below levels of significance. **DESCRIPTION OF REQUIREMENT** A Noise Restriction Easement as indicated on the approved Tentative Map and Noise Report, shall be granted on the map, PDS2019-TM-5634, shall comply with the following:

- a. Prior to the approval of any Building Plan and issuance of any Building Permit, a County Approved Acoustical Consultant, shall perform an acoustical analysis, if two-story construction is proposed, which demonstrates proposed noise sensitive land uses will not be exposed to present and anticipated future noise levels exceeding the allowable sound level limit of the General Plan community noise equivalent levels (CNEL) of 45 dBA for interior noise, and a (CNEL) of 60 dBA for exterior noise levels pursuant to [the General Plan Noise Element \(Table N-1 & N-2\)](#).
 1. Future traffic noise level estimates must utilize a Level of Service "C" traffic flow for a major roadway for SR-78, which is its designated General Plan Circulation Element buildout roadway classification.
- b. The exterior-interior acoustical analysis shall make recommendations that shall be implemented in the project design and building plans, so the proposed structures and project site can comply with the noise standards referenced above.
- c. The unauthorized removal of documented noise control measures at a future date after the initial condition is satisfied shall make the affected noise sensitive land use still subject to this building restriction for protection of these uses before subsequent approval of any future building permit.

DOCUMENTATION: The applicant shall prepare the acoustic analysis and incorporate the proposed project design recommendations and mitigation measures, into the Building Plans. The applicant shall submit the acoustical analysis along with the building plans to the [PDS, BD] for review and approval before the building permits can be issued. To the satisfaction of the [PDS, PCC], the applicant shall revise the building plans or site design to incorporate any additional proposed mitigation measures. **TIMING:** Prior to the approval of the map, the requirements of this condition shall be completed. **MONITORING:** The [PDS, BD] shall route the building plans and noise analysis to the [PDS, PCC] for review. The [PDS, PCC] shall review the acoustical analysis and building plans for compliance with this condition and make any recommendations that shall be implemented on the proposed building plans. The [PDS, BPPR], shall verify that the building plans comply with this condition and the recommendations of [PDS, PCC].

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

NOISE#3-TEMPORARY CONSTRUCTION NOISE: [DPW, PDCI].

INTENT: In order to minimize temporary construction noise for grading operations associated with PDS2018-MUP-18-017 and to comply with County Noise Ordinance 36.408 and 36.409. **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, PPD] if the applicant fails to comply with this condition.

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

NOISE#4-NOISE CONTROL DESIGN MEASURES [PDS FEE X3]

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](#) 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 PDS2019-TM-5634 plans:

- a. The applicant shall construct a six-foot solid noise barrier along the perimeter of the project site as shown in Figure 2-B of the approved Noise report prepared by Lnd Consulting, Inc. and dated January 9, 2020. The barrier shall be at the height specified of 6 foot. Barriers will be vinyl, 3/4-inch or thick consisting of solid panels on minimum 4x4-inch posts with no cracks or gaps through or below and all seams or cracks will be filled or caulked.
- b. The applicant shall submit photo graphic evidence to the [PDS, BD] for review, verification of the installation of the noise barriers, and approval before the building permits can be issued. To the satisfaction of the [PDS, PCC], the applicant shall revise the building plans or site design to incorporate any additional proposed mitigation measures.

TIMING: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, 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.

Draft Grading Plan Notes:

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.

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:

NOTICE: The subject property may contain resources 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 resources on the subject property. The agency contact information is provided below.

U.S. Army Corps of Engineers: 915 Wilshire Blvd., Suite 1101, Los Angeles, CA 90017; (213) 452-3333; <http://www.usace.army.mil/>

Regional Water Quality Control Board: 2375 Northside Drive, Suite 100, San Diego, CA 92108; RB9 DredgeFill@waterboards.ca.gov ;<http://www.waterboards.ca.gov/sandiego/>

California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 636-3160; AskR5@wildlife.ca.gov; <http://www.dfg.ca.gov/>

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

NOISE ORDINANCE COMPLIANCE: In order to comply with the [County Noise Ordinance 36.401](#) et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), 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 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.

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

[http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED PROTECTION PROGRAM/susmppdf/lid handbook 2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid%20handbook%202014sm.pdf)

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

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

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

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of movement of material or eight feet (8') of cut/fill per criteria of [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.

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, LO Counter] and provide a copy of the receipt to the [PDS, BO] at time of permit issuance.

The undersigned, as the individual(s) with legal authority to fully represent the above-referenced project, concur with the inclusion of the above-listed amendments as conditions of approval of the referenced project.

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:jm