



*The County of San Diego*

# Planning Commission Hearing Report

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<b>Date:</b>	June 14, 2024	<b>Case/File No.:</b>	Otay Majestic - PDS2022-SPA-22-001; PDS2023-STP-23-007 PDS2023-VTM (5651) and PDS2022-ER-98-19-013I
<b>Place:</b>	County Conference Center 5520 Overland Avenue San Diego, CA 92123	<b>Project:</b>	Amendments to Specific Plan to revert land use back to Light Industrial and associated development regulation, Site Plan, and Vested Tentative Map
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	North of Otay Mesa Road between Harvest Road and Vann Centre Blvd.
<b>Agenda Item:</b>	#1	<b>General Plan:</b>	Specific Plan Area (SPA) – East Otay Mesa Business Park Specific Plan
<b>Appeal Status:</b>	Not applicable; Approval by the Board of Supervisors	<b>Zoning:</b>	Specific Plan (S88)
<b>Applicant/Owner:</b>	Majestic Realty Co. / Sunroad Otay Partners, LP	<b>Community:</b>	Otay Subregional Plan
<b>Environmental:</b>	CEQA § 15162 and 15164(e) Addendum	<b>APN:</b>	646-310-17, 646-080-26 thru 29, 646-080-31 thru 33 and 646-240-30

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## **A. OVERVIEW**

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider an amendment to the East Otay Mesa Business Park Specific Plan (PDS2022-SPA-22-001) (Specific Plan) and environmental findings prepared in accordance with the California Environmental Quality Act (CEQA).

The East Otay Mesa Business Park Specific Plan (EOMSP) area is comprised of approximately 3,000 acres and is located just north of the US/Mexico border within unincorporated San Diego County. The Specific Plan was first developed by the County of San Diego in 1994 and sets forth a comprehensive vision for the area as a regional industrial center, with supporting commercial, technology business park, and residential uses and establishes the distribution of land use designations, road networks, trail alignments and conservation and open space areas. The Specific Plan includes development standards

to regulate site planning, landscaping standards, and architectural standards for the entire Specific Plan area.

The Otay Majestic Project (Project) is located on approximately 253 acres. The Project proposes the construction of up to 2,850,000 square feet of industrial warehouse buildings (Parcels 1 to 12) and roads spread out over five phases. The Project would include approximately 51.3 acres of permanently conserved biological open space at the northeastern corner of the site (Parcel D) northeast of Lone Star Road, and a combination of permanently conserved open space and manufactured slopes on 13.1 acres (Parcels A, B, and C) southwest of the future intersection of Lone Star Road and Zinser Road. Compared to the prior 2018 entitlement, natural open space conservation on the site would increase by approximately 8 acres. The Project's internal street pattern would match the existing grid pattern of the surrounding area within the Otay Subregional Plan Area.

The Project would require the extension of utility lines including water, sewer, electric, and gas. Water would be provided by Otay Water District, sewer by the San Diego County Sanitation District, and gas and electric service would be provided by San Diego Gas & Electric. Fire protection services would be provided by the San Diego County Fire Protection District (CSA 135).

There is an existing Tentative Map 5607RTE on the Project site that was associated with the previous residential project known as Otay 250. This project was initially approved by the Board of Supervisors on July 25, 2018, with a Tentative Map (TM), General Plan Amendment, Specific Plan Amendment, and conditions of approval, which were subsequently modified in 2021 under a Revised TM, (TM 5607R). A Time Extension (TM 5607RTE) was approved on March 24, 2023, for an additional six years to 2029, which relies on an Addendum to the Environmental Impact Report for the Otay 250 Specific Plan Amendment (PDS2015-ER-15-98-190-13G) and the East Otay Mesa Specific Plan EIR (ER 93-19-6). Upon approval and recording of the new Vesting Tentative Map, the approval will supersede and replace the prior map and associated approvals. If the new map is legally challenged, and results in a need to rescind the approval, then the prior map and associated approvals shall still be valid under the remaining term of that map.

The sections contained in this report describe the following: Project description, analysis and discussion, community planning group and public input, CEQA compliance, and the Planning & Development Services (PDS) recommendation. PDS analyzed the Project for consistency with the General Plan, Otay Subregional Plan Area, the EOMSP, and other applicable regulations, policies, and ordinances, and reviewed the Project's potential impacts on the environment in accordance with CEQA.

## **B. REQUESTED ACTIONS**

This is a request for the Planning Commission to evaluate the Otay Majestic Project for an industrial warehouse campus, determine if the required findings can be made and, if so, make the following recommendations to the Board of Supervisors:

1. Adopt the Environmental Findings, which concludes that the previously adopted Environmental Impact Reports (EIRs) are adequate with an Addendum. PDS2022-ER-98-19-013I (Attachment F)
2. Adopt the Resolution of Approval of the Vesting Tentative Map PDS2023-VTM-5651, which includes those requirements and conditions necessary to ensure that the Project is implemented

in a manner consistent with State law and County of San Diego regulations, as well as to rescind the previously approved Tentative Map 5607RTE. (Attachment B)

3. Adopt the Resolution of the San Diego County Board of Supervisors Approving Specific Plan Amendment PDS2022-SPA-22-001 East Otay Mesa Business Park Specific Plan which includes those modifications and conditions necessary to ensure that the Project is implemented in a manner consistent with State law and County of San Diego Regulations. (Attachment C)
4. Grant the Site Plan PDS2023-STP-23-007, which includes those requirements and conditions set forth in the Site Plan Form of Decision. (Attachment D)

**C. REGIONAL SETTING AND PROJECT LOCATION**

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

The EOMSP is located in the southwestern portion of San Diego County immediately adjacent to the U.S./Mexico border (Figure 1). It lies between the Otay River Valley to the north (City of Chula Vista further to the north), the international border with Mexico to the south, the San Ysidro Mountains to the east, and the City of San Diego to the west. The area consists of a relatively flat mesa with a steep mountainous area on the eastern edge and a major river valley and tributary canyon to the north.

To the west of the EOMSP is the City of San Diego's Otay Mesa Community Plan area, which is planned for predominantly industrial and residential land uses with commercial nodes at the U.S./Mexico border, including the San Ysidro Border Crossing. Brown Field, a public airport, is also located to the west in the City of San Diego.

Donovan State Correctional Facility, operated by the State of California Department of Corrections, is located north of the EOMSP, and north of that is the George F. Bailey Detention Facility operated by the County Sheriff's Department. Both the Donovan State Correctional Facility and the George F. Bailey Detention Facility are geographically separated from the project site by Johnson Canyon and O'Neal Canyon. East of the EOMSP is vacant land and the Otay Landfill. To the south is the U.S./Mexico International Border and the Tijuana International Airport. Figure 2 shows the Project site and the surrounding vicinity.

The Project site's adjacency to the international border makes development within the EOMSP well-situated for potential light industrial uses. Access to the Project is provided by Otay Mesa Road, Harvest Road, and Vann Centre Blvd., as well as internal privately maintained roadway circulation to these public roadways.

The General Plan Regional Category for the site is Specific Plan and the General Plan Land Use Designation is Specific Planning Area. The Specific Planning Area Land Use Designation implements the East Otay Mesa Business Park Specific Plan Area which designates the property for Specific Plan. Zoning for the site is Specific Plan. Light Industrial uses are permitted within the use designation. Please refer to Attachment A – Planning Documentation, for maps of surrounding land uses and zoning designations.

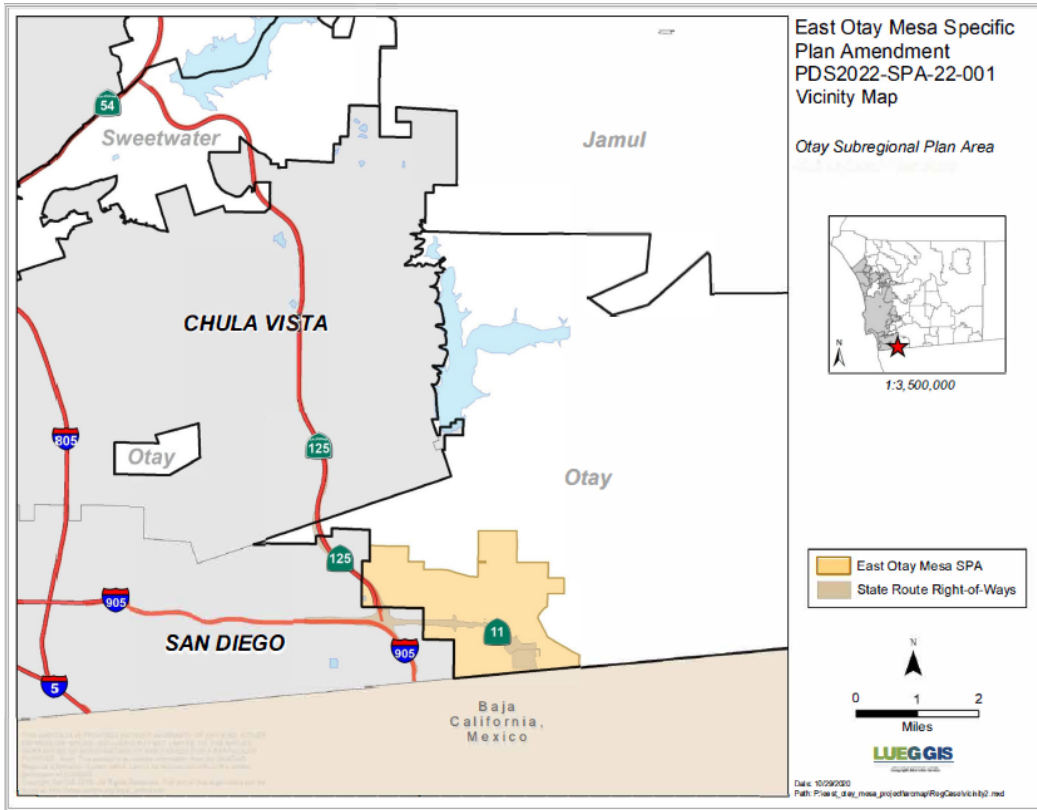


Figure -1: Vicinity Map

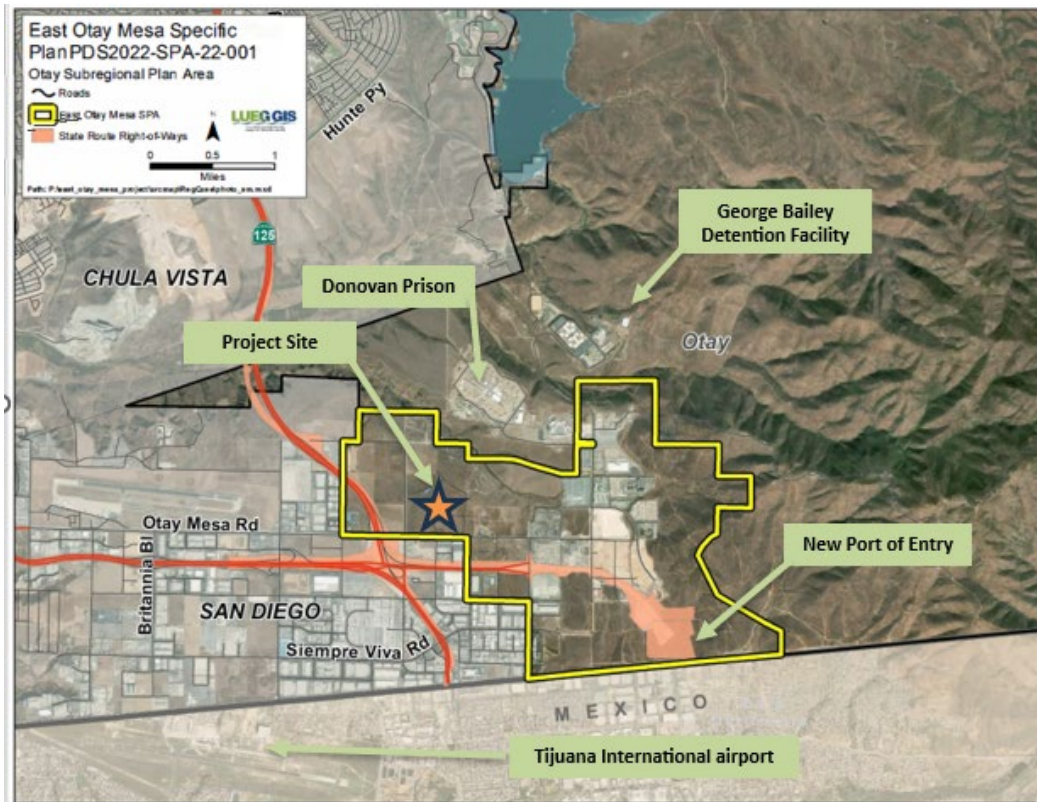


Figure 2: Aerial Vicinity Map

Table -1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Specific Plan Area	Specific Planning Area (S88)	Zinzer Road & Lone Star Road	Open Space
East	Specific Plan Area	Specific Planning Area (S88)	Van Center Drive	Light Industrial
South	N/A, City of San Diego	N/A, City of San Diego	Otay Mesa Road	Light Industrial
West	Specific Plan Area	Specific Planning Area (S88)	Harvest Road	Light Industrial

**2. East Otay Mesa Business Park Specific Plan**

On July 27, 1994, the Board of Supervisors (Board) adopted the East Otay Mesa Business Park Specific Plan (EOMSP) 93-004 and the Specific Plan EIR. Since that time, an additional nine amendments were processed and adopted, including the Otay 250 project, approved by the Board on July 25, 2018, and introduced a maximum of 3,158 dwelling units for this site. The current development application for this Project is the same property as the residential Otay 250. The Project proposes to amend the East Otay Mesa Business Park Specific Plan (EOMSP) to revert the land uses back to what was originally contemplated, which was Light Industrial uses. Figure 3 shows the proposed land use designations.

Since the adoption of the EOMSP, the County has processed discretionary applications that have contributed to the build-out of infrastructure and public roads, e-commerce warehouses, and public safety facilities such as a local fire station, and material storage facilities (salvage yards). In the past several years, the County has also reviewed and approved several permits for industrial manufacturing storage and logistics warehouse projects.

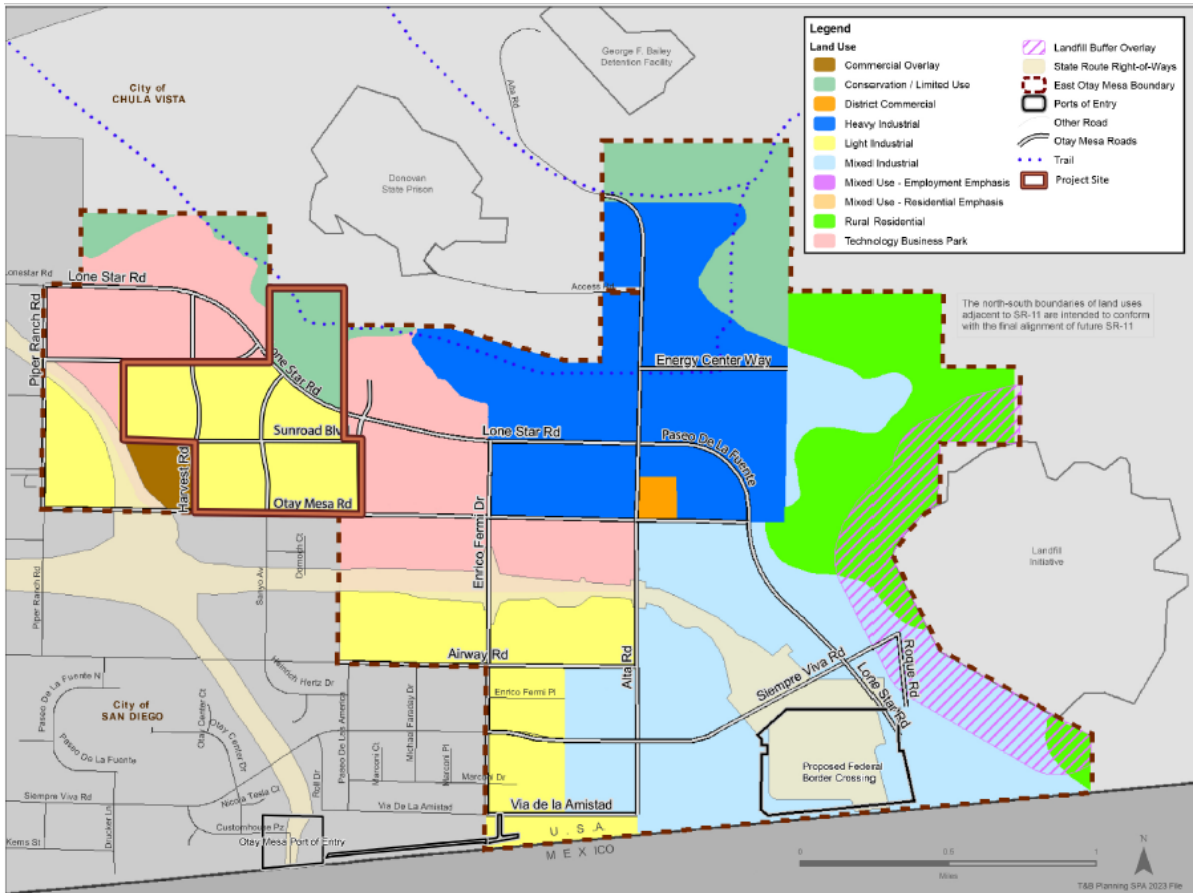


Figure 3 – Proposed Land Use Designations for Project Site.

**D. DEVELOPMENT PROPOSAL**

The Project proposes to amend the EOMSP to allow the proposed Light Industrial uses through a Site Plan (STP) and Vesting Tentative Map (VTM). The Project includes changes to land uses and specific road network standards applicable to “only” this project site, the land use matrix and development regulations, and miscellaneous typographical and editorial updates to text, tables, and figures.

The land use changes proposed are based on market trends and would provide for additional land uses that are currently in demand. Additional changes to the EOMSP are intended to increase economic growth in the unincorporated area by providing for additional land uses, flexible operational performance standards, and various sizes of industrial spaces.

The EOMSP includes regulatory provisions that establish the policies, procedures, and standards for implementing the plan, including land use regulations and development standards. These criteria are categorized as site planning, landscaping, and architectural standards. Proposed changes include:

1. Removal of residential uses from the Specific Plan, specifically the Mixed-Use Designation (Residential Emphasis) and Mixed-use Village Core, and replace them with Light Industrial land uses and design,
2. Removal of Mixed-Use Road design standards. The Specific Plan Amendment will replace and modify certain roadway standards that establish specific project roadway criteria that are

- permitted “only” for the proposed Project. These modified roadway standards will not apply to other parcels within the EOMSP area.
3. Removal of certain roadways associated with the previous Otay 250 Project and replacement with specific roadway standards related to the proposed Light Industrial uses,
  4. Removal of Mixed-Use residential design standards and increased driveway widths to accommodate truck operations.
  5. Removal of Mixed-Use Village Core urban design, site planning, landscape, and architectural standards related to residential uses.
  6. Updates to reflect changes in the alignment of State Route 11 and 125, as well as the new Port of Entry.
  7. Removal of the Public Facilities Financing Plan and Financial Impact Analysis for the Mixed-Use Village Core. The required extensions of public infrastructure and roadways will be constructed and funded by the Applicant.
  8. Modification to the Specific Plan Amendment under the Site Planning Standards, “Materials” Section, Table 3.2.1 to allow a specific design standard for installation of a black vinyl coated chain link fence for only the Otay Majestic project.

## **Project Description**

Otay Majestic includes a request for the construction of up to 2,850,000 square feet of industrial warehouse buildings (which may include ancillary office facilities based on the type of operations) and roads spread out over five phases. Project construction operations are supported with labor agreements with the Laborers’ International Union of North America (LIUNA). The Project would include approximately 51.3 acres of permanently conserved biological open space at the northeastern corner of the site (Parcel D) northeast of Lone Star Road, and a combination of permanently conserved open space and manufactured slopes on 13.1 acres (Parcels A, B, and C) southwest of the future intersection of Lone Star Road and Zinser Road. Compared to the prior 2018 entitlement, natural open space conservation on the site would increase by approximately 8 acres. The Project’s internal street pattern would match the existing grid pattern of the surrounding area. The Project is located on an approximately 253-acre site within the EOMSP and Otay Subregional Plan Area. The Project has been designed with a 0.34 Floor Area Ratio (FAR), which is under the current Specific Plan maximum of 0.50 FAR,

The Project also proposes 2,435 parking spaces and 832 designated for trailer stalls for a total of 3,259 Parking spaces including 473 electric vehicle (EV) designated spaces (of which 125 EV parking spaces will have charging stations installed and the remaining parking spaces will have conduit installed to meet future tenant needs and requirements). Employee shifts may run from 6:30 a.m. to 5:00 pm. The Project includes outdoor employee patios for each building area with shade structures and trees.

Grading associated with the Project is necessary for the construction and installation of the infrastructure, slopes, basins, parking, roadways, open spaces, and landscaping. Earthwork for the Project consists of 2,401,945 cubic yards of cut and 2,445,422 cubic yards of fill with approximately 43,477 cubic yards of material being exported. Most of the grading required for the site involves the construction of the buildings, parking areas, biofiltration basin, and internal roadways.

Refer to Attachment A – Planning Documentation, to view the Plot Plans, Elevations, Preliminary Grading Plans, and Conceptual Landscape Plans.



Figure 4: Proposed Project layout



Figure 5: Proposed Building Elevation





Figure 6: Proposed Building Elevation

## E. ANALYSIS AND DISCUSSION

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

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

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

### 2. **Project Analysis**

#### Specific Plan Amendment

The Project proposes to amend the East Otay Mesa Business Park Specific Plan (EOMSP) to change the property from residential to industrial uses. PDS has conducted a comprehensive evaluation of the Project, environmental analysis in accordance with CEQA, General Plan conformance, Otay Subregional Plan conformance; the EOMSP conformance, and the County's Zoning Ordinance. The Project was analyzed based on the following factors: how the project will implement the General Plan vision and guiding principles; how the project will implement the EOMSP vision and purpose; an environmental evaluation in compliance with CEQA; conformance with the Otay Subregional Plan; and compliance with the Zoning Ordinance.

#### Vesting Tentative Map

The project includes a Vesting Tentative Map (VTM 5651) application for the subdivision of approximately 253-acre site into 12 light industrial lots and related roads, parking areas, and biofiltration basins. The remaining number of lots will be used for preserving vernal pools, establishing buffers, and the permanently conserved biological open space. The Vesting Tentative Map also includes a preliminary grading and utility plan, which specifies approximate grading

quantities and drainage facilities to serve the entire project. The development lots will vary in size and building construction, as tenants pursue leasing options for the individual buildings. Each building may have one tenant or more depending on operational characteristics and availability of space.

## Site Plan

The project includes a Site Plan (STP) application for the phasing of the project as noted below:

- Phase 1 – consists of approximately 721,000 square feet within four buildings on 9.5 acres with 736 parking spaces and 206 trailer stalls.
- Phase 2 – consists of approximately 535,000 square feet within three buildings on 15.0 acres with 538 parking spaces and 149 trailer stalls.
- Phase 3 - consists of approximately 291,000 square feet within one building on 15.0 acres with 295 parking spaces and 78 trailer stalls.
- Phase 4- consists of approximately 534,000 square feet within two buildings on 20.0 acres with 535 parking spaces and 130 trailer stalls.
- Phase 5- consists of approximately 322,000 square feet within two buildings on 12.0 acres with 323 parking spaces and 269 trailer stalls.

Overall, the proposed development will include approximately 161 acres of development for buildings, landscaping, employee outdoor areas, parking, and internal circulation, 28.3 acres of roadways, 51.3 acres of biological open space, and 13 acres of open space.

## Reliance on the Previous EIRs (Addendum)

The Project entails a proposal to implement light industrial land uses on the portions of the site designated for development and consistent with the light industrial land use designation previously approved for the site in the East Otay Mesa Business Park Specific Plan and evaluated in the 1994 Environmental Impact Report (EIR), 2000 Supplemental EIR (SEIR), 2003 EIR Addendum, and 2012 EIR Addendum. Thus, for the discussion and comparative analysis of environmental impacts related to the topics of land use and operation of the land uses, the Project Addendum primarily tiers from the original 1994 EIR, 2000 SEIR, 2003 Addendum, and 2012 Addendum.

The most recent evaluations of on-site physical conditions and impacts occurred as part of the 2018 SEIR (Otay 250 project) which evaluated the site for development of mixed-use development within the same (and greater) physical impact footprint as the Project. Thus, it is appropriate for the discussion and analysis in the Project Addendum to primarily tier from the 2018 SEIR for the evaluation of physical ground-disturbing impacts (the Project would physically disturb approximately 8.0 fewer on-site acres than the approved project analyzed in the 2018 SEIR and add an off-site sewer connection, resulting in a net reduction in physical disturbance area.)

The 1994 EIR found effects to several issue areas would be mitigated to a level of less than significant and that there would be significant and unmitigable impacts to Biological Resources and Noise requiring a Statement of Overriding Considerations. The 2000 SEIR found new significant and unmitigable impacts to Transportation/Circulation and Air Quality that required a Statement of Overriding Considerations. The 2018 SEIR for Otay 250 found all issue areas could be mitigated to a level of less than significant except for Air Quality, which required a Statement of Overriding Considerations.

The Project does not result in new significant environmental effects or an increase in the severity of the effects analyzed in previous documents either due to project changes, change in circumstances, or new information of substantial importance as addressed in the Addendum for the Project. Relevant and applicable mitigation measures developed and identified in the 1994 EIR, 2000 SEIR, and 2018 SEIR are carried forward to the Project. The previous Addendum documents (including this document) do not propose new or substantially revised mitigation measures not already identified in the 1994 EIR and 2000 and 2018 SEIRs.

Appendix C contains a summary of applicable Mitigation Measures from the 1994 EIR, 2000 SEIR, and 2018 SEIR projects. The analysis in the 2003 and 2012 EIR Addenda relied on the mitigation measures in the 1994 EIR and 2000 SEIR; thus, mitigation measures for these documents are not listed separately. None of the language or requirements of the mitigation measures applicable to the Project have changed from the original approved CEQA documents.

#### Traffic and Transportation

The proposed Project generates less ADT compared to what was assumed for the operation of the residential uses, will not result in operational issues associated with traffic based on conditions and coordination with the City of San Diego, and does not result in additional impacts that were not analyzed by the previous EIR identified. Thus, the proposed Project will not result in new traffic impacts. Traffic and Transportation

Senate Bill 743 (SB 743) was passed in 2013, which required that by July 1, 2020, a project's transportation impacts be evaluated based on a Vehicle Miles Traveled (VMT) measure, instead of evaluating impacts based on Level of Service (LOS) criteria. The Natural Resources Agency finalized updates to the CEQA Guidelines in January 2019 that were approved by the Office of Administrative Law and are currently in effect. CEQA Guidelines § 15064.3(b) now includes specific considerations for evaluating a project's transportation impacts using a VMT measure. However, the appropriate methodology for analyzing the project evaluated herein remains LOS.

The Project is not located within a Vehicle Miles Traveled (VMT) Efficient or Infill Area. However, because the Project is tiering off previous CEQA documents that were approved prior to VMT taking effect, the Project is not required to analyze the impacts of VMT. CEQA Guidelines state that if an environmental document meets the content requirements in effect when the document is sent out for public review, the document shall not need to be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved (CEQA Guidelines Section 15007(c)). The most recent EIR for the project site was certified in 2018, prior to the VMT effective July 1, 2020.

A Traffic Analysis was prepared for the Project to determine whether the Project would have new, or substantially more severe transportation impacts as compared to the previously approved projects by comparing the average daily trips (ADT) from the Project to previously approved projects on the site. This analysis determined the Project would generate 6,569 ADT. In comparison, the previously approved project analyzed in the 2000 SEIR for light industrial and commercial uses was determined to generate 26,780 ADT. Therefore, the Project would reduce trips by 20,211 ADT. Similarly, the previously approved project analyzed in the 2018 SEIR for mixed uses would generate 34,124 ADT.

In comparison, the Project would reduce trips by 27,555 ADT. Therefore, the Project would have a less than significant impact on traffic.

## Greenhouse Gas (GHG)

Project design features and other sustainability measures would result in the reduction of GHG emissions over previously approved projects on this site, including over 400 EV charging stations, no natural gas, over 3,000 trees being planted, electric operations, operational measures for idling trucks, and others related to Title 24 requirements.

The Applicant has included additional aspirational features to their site design and building to reduce greenhouse gas emissions, including no chilled or freezer warehouse spaces, no natural gas installations, internal energy-efficient features, implementation of water conservation measures, and that operational cargo equipment will be electric. Based on the proposed Project's fewer average daily trips as compared to the previously approved project on this site, GHG emissions would be reduced.

## Air Quality

Development of the Project would disturb slightly less land area than analyzed under previous approvals for the site and would include a similar amount of building space. Thus, the short-term construction emissions would be similar to those previously approved, and incrementally reduced due to more restrictive federal, state, and local regulations pertaining to construction equipment fleets than were in place in the prior approvals.

The emissions reductions provided by stricter regulations would not, however, be sufficient to avoid the significant and unavoidable air pollutant impacts that were disclosed in the previously certified 1994 EIR, 2000 SEIR, and 2018 SEIR. Therefore, although the Project would result in fewer operational air pollutants as compared to the impacts disclosed for the previously approved project, impacts would remain significant and unavoidable.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant air quality impacts. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more air quality impacts.

## Biology/Multiple Species Conservation Program (MSCP)

As compared to the previously approved project, the Project would result in similar impacts to biological resources. The limits of disturbance for the Project would impact less on-site biological resources than under the previously approved project and the Project would avoid direct impacts to aquatic resources that include disturbed wetlands.

Project impacts to non-native grassland in the area adjacent to these disturbed wetlands would also be reduced. Off-site impacts associated with the sewer connection west of the Project site were not addressed in previous biological resource studies; however, installation of the off-site sewer connection would impact approximately 0.7-acre of non-native grassland and approximately 0.1-acre of disturbed habitat off-site west of Zinser Road which would be more than compensated for by the

Project's reduced on-site impact footprint of an estimated 8.0 acres of non-native grassland as compared to the previously approved project evaluated in the 2018 SEIR.

Furthermore, the Project would not adversely affect wildlife corridors, which is the same conclusion found in the 2018 SEIR for the previously approved project. In summary, the Project would result in fewer impacts to biological resources compared to those identified in the 2018 SEIR and no additional mitigation would be required. Therefore, the Project would result in fewer impacts to sensitive plant and wildlife species as compared to the impacts disclosed for the previously approved project.

### Specific Plan Amendment - Road Changes

The Project proposes to define the internal roadway design standards that will be unique to this Specific Plan area. The interface and connection with public roadways will be constructed to County roadway standards. The applicant has submitted two Design Exception Requests (DER's), one is for a waiver to reduce the distance between driveway separation and one to eliminate the requirement for a raised median island on Sunroad Blvd., north of Otay Mesa Road.

The following roadway design standards will be incorporated directly into the Specific Plan Amendment for the proposed Project "only" and will not apply to any other parcels within the EOMSP area.

- Harvest Road (public)  
The Project includes half-width improvements to Harvest Road from Otay Mesa Road to Sunroad Boulevard. Harvest Road is proposed to have a total 97-foot right-of-way (ROW) width, with a 76-foot curb-to-curb width. Parking would not be allowed on this segment of Harvest Road.
- Otay Mesa Road (public)  
The Project includes half-width improvements to Otay Mesa Road along the Project's frontage from Harvest Road to Vann Centre Boulevard. The roadway would have a 67-foot half-width ROW with a 57-foot curb-to-curb half-width.
- Vann Center Blvd. (public)  
The Project includes half-width improvements to Vann Centre Boulevard from Otay Mesa Road to Lone Star Road. Vann Centre Boulevard is proposed to have a total 96-foot ROW width, with a 76-foot curb-to-curb width.
- Sunroad Blvd. (private)  
Sunroad Boulevard extends from Otay Mesa Road, Sunroad Boulevard is proposed to have a 96-foot ROW width, with a 76-foot curb-to-curb width.
- Zinzer Road (public)  
From Sunroad Boulevard to the Project's eastern boundary, Zinzer Road is proposed to have a 96-foot ROW width, with a 76-foot curb-to-curb width.
- Future Road (private)  
From Sunroad Boulevard to Lone Star Road, Future Road 'A' is proposed to have a 96-foot ROW width, with a 76-foot curb-to-curb width.

- Lone Star Road (public)

The Project includes improvements to Lone Star Road along the Project's frontage. The roadway would have a 98-foot ROW width with a 78-foot curb-to-curb width. Parking would not be allowed on this segment of Lone Star Road.

### Outdoor Open Space

The Specific Plan currently requires that all non-residential development provide outdoor passive or recreational areas of no less than 2,000 square feet for every 10 acres of development area, regardless of the type of use or the number of employees. The proposed Project would be required to provide approximately 18,000 square feet and proposes approximately 23,000 square feet. Subsequently, the Project meets the requirements for outdoor open space.

### Fencing Requirements

The Specific Plan design guidelines require a wrought iron or masonry type of perimeter fencing within setback areas, with certain limitations to material, and generally prohibits the use of chain link fence except in certain circumstances. The Applicant has requested that the Specific Plan Amendment "Materials" Section under Table 3.2.1, Site Planning Standards be modified to allow a higher quality black vinyl coated chain link fence for the Otay Majestic property only. The proposed Project may install several types of fencing and designs depending on location and function.

### Landscape Requirements

The Specific Plan requires native and/or drought-tolerant plant materials for all types of projects and uses. The proposed Project will increase the allowance of inorganic ground cover to be incorporated within the landscape design under certain circumstances. The Project's landscape design will comply with the County's efforts to have a sustainable landscape and reduced reliance on water.

### Regional Housing Needs Allocation (RHNA)

The approved Otay 250 residential (2018) project represents 663 residential units of the County's current Housing Site Inventory of 2,896 units. The Housing Element Site Inventory for 2023 currently provides a buffer of 1,063 units (36% buffer) for lower-income RHNA units (with Otay 250). The removal of density from Otay 250, which would reduce 663 units inventory the County would still have a buffer of 400 lower-income units (14% buffer).

The no-net-loss requirement mandates that the County maintain a Site Inventory that can accommodate our unmet lower-income RHNA at all times shows our lower-income RHNA allocation (2,826 units). After removing units previously produced and ADUs projections, the County has a balance of 1,833 unmet lower-income RHNA units that must be included in the Site Inventory.

As long as the remaining RHNA allocation of 1,833 units is less than the remaining housing capacity on remaining RHNA sites (2,896 units), RHNA sites can be developed at less than the listed capacity for an RHNA site. Removing RHNA units from the Project site would reduce the remaining capacity from 2,896 low-income units to 2,233 low-income units. This leaves about a surplus capacity of 400 units, as shown in this calculation: 2,233 (remaining RHNA capacity) – 1,833 (remaining RHNA allocation) = 400 units.

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

The Project has been reviewed for compliance with the CEQA. An EIR Addendum dated January 18, 2024, relies on the analysis from the 1994 EIR, 2000 SEIR, 2003 and 2012 EIR Addenda, and 2018 SEIR. These are on file with Planning & Development Services. It has been determined that the proposed Project, as designed, will not cause any significant impacts to the environment which require mitigation measures that were not previously analyzed in the previously certified EIR's and Addendums. There are no substantial changes to the Project, changes in circumstances, or new information that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects from what was analyzed in the certified EIR's or Addendums.

**4. Applicable County Regulations**

Table 3 Applicable Regulations

County Regulation Policy	Explanation of Project Conformance
a. Resource Protection Ordinance (RPO)	The Project has been found to comply with the RPO because it will not impact any wetlands, floodplains/floodways, steep slopes, or sensitive habitat lands.
b. County Consolidated Fire Code	The Project has been reviewed by the San Diego County Fire Protection District and has been accepted in compliance with the County Consolidated Fire Code.
c. Noise Ordinance	The Project as conditioned will not generate significant noise levels that exceed the allowable limits of the County Noise Element or Noise Ordinance.
d. Light Pollution Code	The Project will implement outdoor lighting and glare controls which will ensure compliance with the Light Pollution Code.
e. Watershed Protection Ordinance (WPO)	A Stormwater Quality Management Plan (SWQMP) was prepared for the Proposed Project in compliance with the WPO. The Project site has been subject to several grading permits which required the preparation of stormwater management plans. The Project will require the installation of BMPs.
f. Multiple Species Conservation Program (MSCP)	The Project proposes development on land identified as a Minor Amendment Area within the MSCP and was previously approved by the Wildlife Agency and demonstrated that the Project conforms with the MSCP Subarea Plan.

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

The Project is located within the County's Otay Subregional Plan Area. Since this Subregional Plan Area has no established Community Planning Group (CPG) or Sponsor Group (CSG). Therefore, no recommendations from a CPG or a CSG were received. The Applicant met with both the Otay Mesa Property Owners Association and Otay Mesa Chamber of Commerce regarding this proposed project and no issues or concerns were raised.

**G. PUBLIC INPUT**

Throughout the planning process of this Project, there has been interest by the public and correspondence has been received.

1. Per County policies, the draft Specific Plan Amendment was circulated to the general public for 45 days from January 18, 2024, to March 4, 2024. Due to noticing issues, the County initiated an additional 45-day public review period from May 7, 2023, to April 22, 2024. During the public review period of the draft Specific Plan Amendment, a total of two comment correspondence (one from the San Diego Archaeological Society (supporting) and one from the Sierra Club. The County has reviewed and responded to all the comments and concerns submitted on the Project during public review and they do not raise any concerns or issues that were not addressed under the previous EIRs. Please refer to Attachment G for the comments and County responses.

After the public review period concluded the County received two correspondences in support of the project, 1) Otay Mesa Chamber of Commerce and 2) a joint letter from the Otay Mesa Property Owners Association and the East Otay Mesa Property Owner Association. Refer to Attachment G.

---

**Report Prepared By:**  
 Greg Mattson, AICP, Project Manager  
 (619) 895-7177  
[gregory.mattson@sdcounty.ca.gov](mailto:gregory.mattson@sdcounty.ca.gov)

---

**Report Approved By:**  
 Dahvia Lynch, Director  
 (858) 694-2962  
[dahvia.lynch@sdcounty.ca.gov](mailto:dahvia.lynch@sdcounty.ca.gov)

---

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

DAHVIA LYNCH, DIRECTOR

**ATTACHMENTS:**

- Attachment A – Planning Documentation
- Attachment B – Resolution Approving Vesting Tentative Map PDS2024-VTM 5651
- Attachment C – Resolution Approving Specific Plan Amendment PDS2022-SPA-22-001
- Attachment D – Grant Site Plan Form of Decision PDS2023-STP-23-007
- Attachment E - Environmental Documentation
- Attachment F– Environmental Findings
- Attachment G – Public Documentation
- Attachment H – Service Availability Forms
- Attachment I – Ownership Disclosure



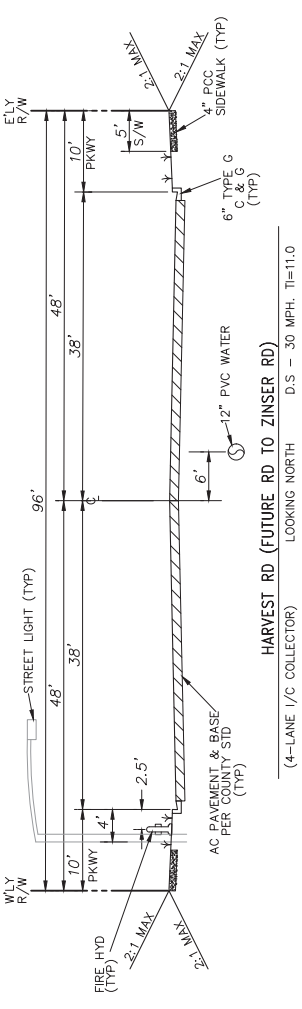
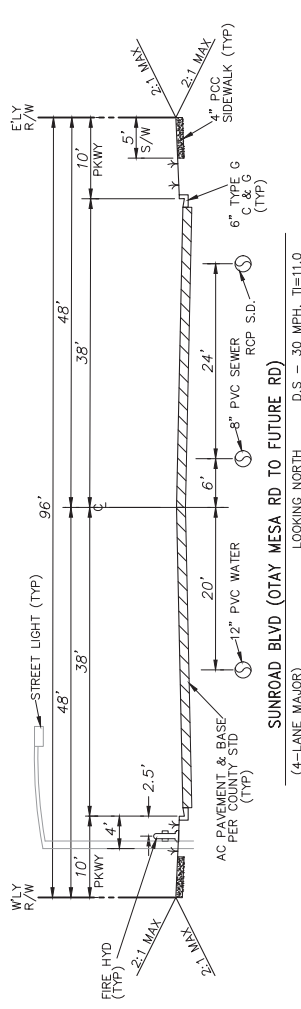
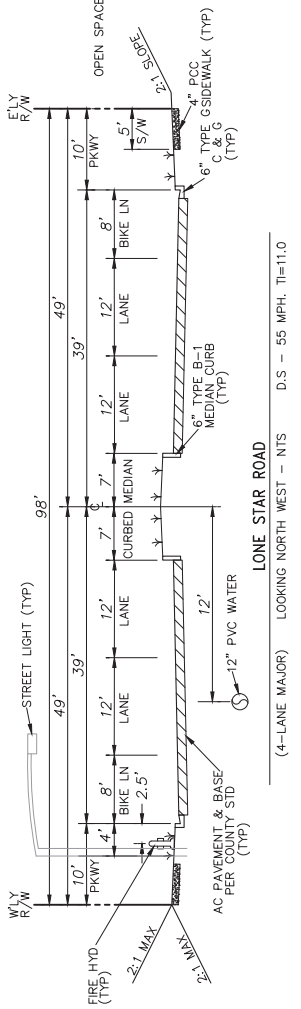
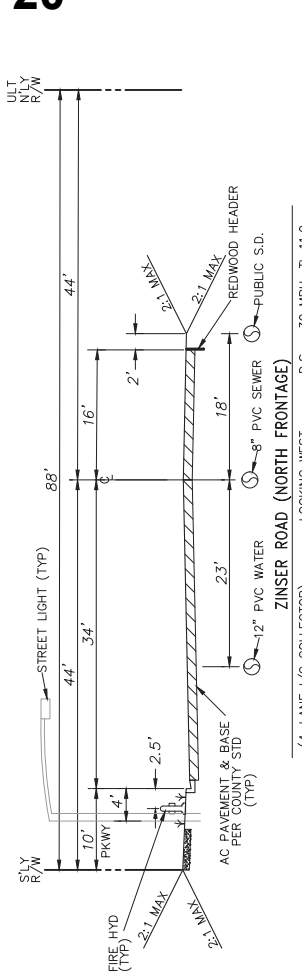
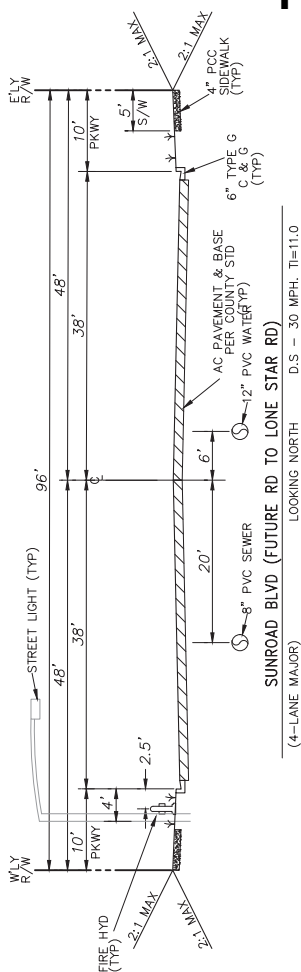
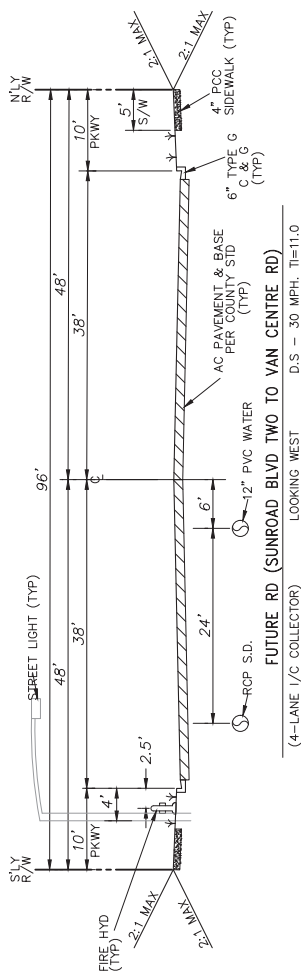
**Attachment A –  
PLANNING DOCUMENTATION**

**The Specific Plan Amendment  
for Otay Majestic is available at:**

**[https://  
www.sandiegocounty.gov/  
pds/ceqa/SPA-22-001.html](https://www.sandiegocounty.gov/pds/ceqa/SPA-22-001.html)**



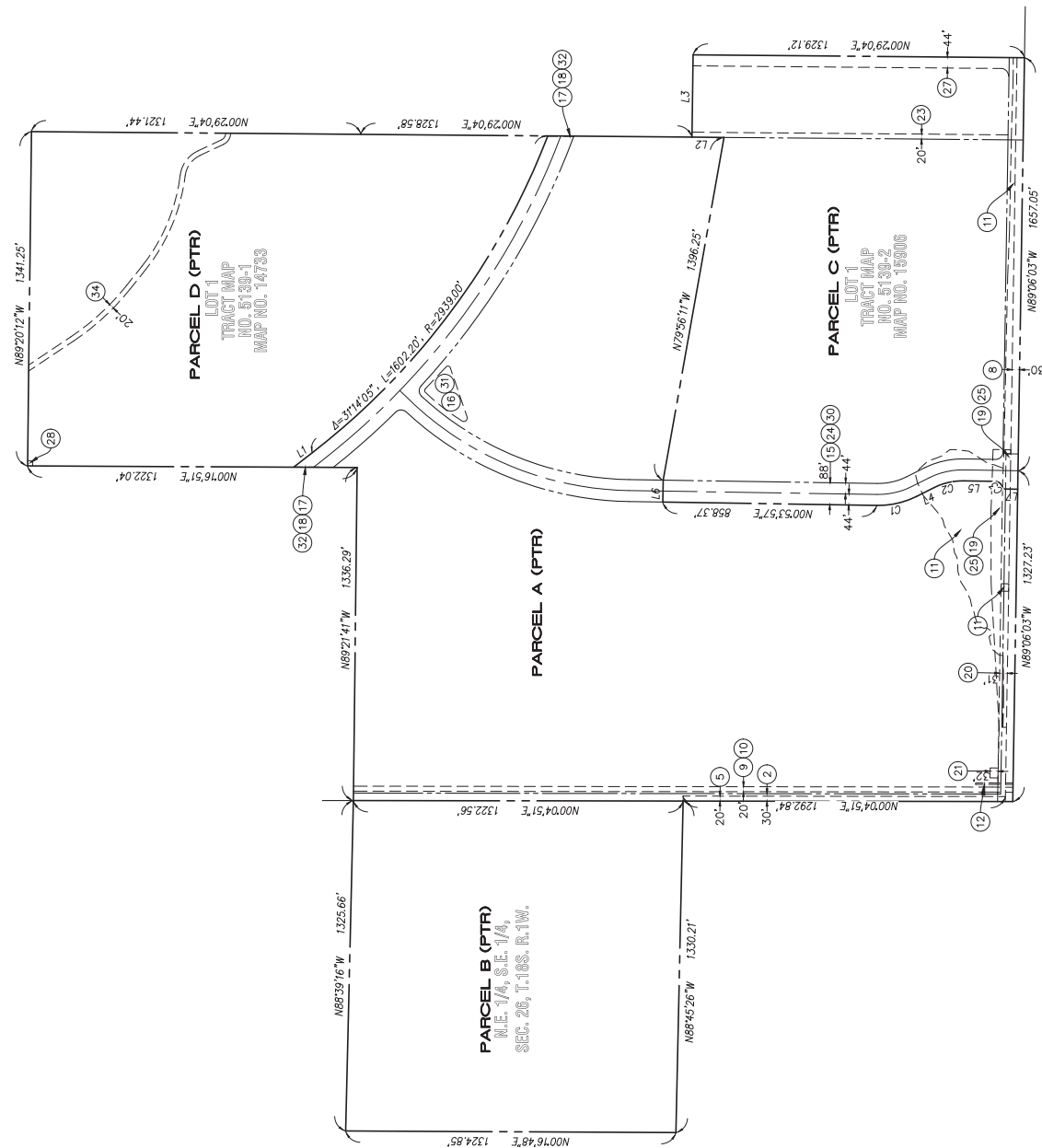




PREPARED BY:  
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 PELLA ENGINEERING, INC.  
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 LA JOLLA, CALIF. 92037  
 (619) 451-7777

*Amor Levine*  
 SLOPE LEVISEE RCE 45926  
 DATE 11/30/43

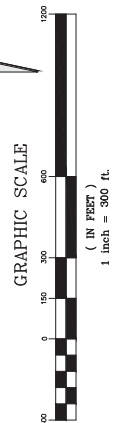
**TYPICAL SECTIONS**  
**VESTING TENTATIVE MAP**  
**OTAY 250**  
 COUNTY OF SAN DIEGO, CALIFORNIA



Line Table		
LINE	BEARING	DISTANCE
L1	N37°46'30"W	95.68'
L2	N00°29'04"E	128.44'
L3	N89°12'55"W	330.00'
L4	N26°34'03"W	79.01'
L5	N00°53'56"E	126.19'
L6	N89°06'03"W	68.00'
L7	N00°53'57"E	61.00'

Curve Table			
Curve #	Delta	Radius	Length
C1	27°28'01"	344.00'	164.91'
C2	27°28'00"	256.00'	122.72'
C3	90°00'01"	30.00'	47.12'

SEE SHEET 5 FOR EASEMENT DESCRIPTIONS



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 (619) 444-7777

*John Lewis*  
 JOHN LEWIS, P.E. 45926 DATE 11/30/13

SHEET 4 OF 15

**BOUNDARY VESTING TENTATIVE MAP OTAY 250**

COUNTY OF SAN DIEGO, CALIFORNIA

TITLE REPORT EXCEPTIONS

EASEMENTS ARE PLOTTED HEREON WITH REFERENCE TO SCHEDULE B EXCEPTION NUMBER. EXAMPLE = 2 SCHEDULE B EXCEPTION NUMBER.

- 2. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: COUNTY OF SAN DIEGO  
 PURPOSE: PUBLIC ROAD PURPOSES  
 RECORDED: AUGUST 22, 1986 IN BOOK 255, PAGE 29 OF DEEDS  
 AFFECTS: PUBLIC HIGHWAY AFFECTS A PORTION OF SAID PARCEL B AND IS MORE FULLY DESCRIBED IN SAID DOCUMENT.
- 6. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: COUNTY OF SAN DIEGO  
 PURPOSE: PUBLIC ROAD PURPOSES  
 RECORDED: JANUARY 15, 1965 AS INSTRUMENT NO. 8248 OF OFFICIAL RECORDS  
 AFFECTS: THE ROUTE THEREOF AFFECTS A PORTION OF SAID PARCEL A AND IS MORE FULLY DESCRIBED IN SAID DOCUMENT.
- 9. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 SAID INSTRUMENT ADDITIONALLY CONTAINS THE PRIVILEGE AND RIGHT TO EXTEND DRAINAGE STRUCTURES AND EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMITS WHERE REQUIRED FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR THEREOF.  
 GRANTED TO: SAN DIEGO GAS AND ELECTRIC COMPANY  
 PURPOSE: PUBLIC UTILITIES, INGRESS, EGRESS  
 RECORDED: MAY 28, 1986 AS INSTRUMENT NO. 86-211629 OF OFFICIAL RECORDS  
 AFFECTS: THE ROUTE AFFECTS A PORTION OF SAID PARCEL A
- 10. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: SAN DIEGO GAS AND ELECTRIC COMPANY  
 PURPOSE: PUBLIC UTILITIES, INGRESS, EGRESS  
 RECORDED: MAY 28, 1986 AS INSTRUMENT NO. 86-211630 OF OFFICIAL RECORDS  
 AFFECTS: THE ROUTE AFFECTS A PORTION OF SAID PARCEL A
- 11. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: COUNTY OF SAN DIEGO  
 PURPOSE: FLOWAGE OF WATER, SLOPES AND DRAINAGE  
 RECORDED: JANUARY 15, 1965 AS INSTRUMENT NO. 85-047246 OF OFFICIAL RECORDS  
 AFFECTS: THE ROUTE AFFECTS A PORTION OF SAID PARCEL A
- 12. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: SAN DIEGO GAS AND ELECTRIC COMPANY  
 PURPOSE: PUBLIC UTILITIES, INGRESS, EGRESS  
 RECORDED: MAY 28, 1986 AS INSTRUMENT NO. 86-211629 OF OFFICIAL RECORDS  
 AFFECTS: THE ROUTE AFFECTS A PORTION OF SAID PARCEL A
- 14. THE EFFECT, IF ANY, OF RECORD OF SURVEY NO. 16998, RECORDED MAY 18, 2001 AS FILE NO. 2001-0318502, OFFICIAL RECORDS.
- 15. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: COUNTY OF SAN DIEGO  
 PURPOSE: PUBLIC ROAD PURPOSES  
 RECORDED: NOVEMBER 20, 2003 AS INSTRUMENT NO. 2003-1392966 OF OFFICIAL RECORDS  
 AFFECTS: COUNTY HIGHWAY (OTAY MESA ROAD, SUNROAD BOULEVARD AND LOAN STAR ROAD)
- 16. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 SAID INSTRUMENT ADDITIONALLY CONTAINS THE PRIVILEGE AND RIGHT TO EXTEND DRAINAGE STRUCTURES AND EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMITS WHERE REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE THEREOF.  
 GRANTED TO: COUNTY OF SAN DIEGO  
 PURPOSE: OPEN SPACE (BIOLOGICAL RESOURCES/HABITAT CONSERVATION)  
 RECORDED: NOVEMBER 20, 2003 AS INSTRUMENT NO. 2003-1392967 OF OFFICIAL RECORDS  
 AFFECTS: PARCEL A
- 17. AN IRREVOCABLE OFFER TO DEDICATE A PORTION OF SAID LAND FOR THE PURPOSES STATED HEREIN.  
 IN FAVOR OF: THE COUNTY OF SAN DIEGO  
 THE PRIVILEGE AND RIGHT TO EXTEND DRAINAGE STRUCTURES AND EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMITS WHERE REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE THEREOF.  
 RECORDED: NOVEMBER 20, 2003 AS INSTRUMENT NO. 2003-1392968 OF OFFICIAL RECORDS  
 AFFECTS: PARCEL A
- 18. THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET, HIGHWAY, OR FREEWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN SEVERED FROM SAID LAND BY THE DOCUMENT.  
 RECORDED: NOVEMBER 20, 2003 AS INSTRUMENT NO. 2003-1392969 OF OFFICIAL RECORDS  
 AFFECTS: PORTIONS OF PARCEL A, ADJACENT TO LONE STAR ROAD, AS SET FORTH THEREIN
- 19. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: STATE OF CALIFORNIA  
 PURPOSE: PUBLIC HIGHWAY, EMBANKMENT SLOPES AND DRAINAGE  
 RECORDED: OCTOBER 31, 2006 AS INSTRUMENT NO. 2006-077933 OF OFFICIAL RECORDS  
 AFFECTS: THE ROUTE THEREOF AFFECTS A PORTION OF SAID LAND AND IS MORE FULLY DESCRIBED IN SAID DOCUMENT.
- 20. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: COUNTY OF SAN DIEGO  
 PURPOSE: PUBLIC ROAD PURPOSES  
 RECORDED: SEPTEMBER 12, 2008 AS INSTRUMENT NO. 2008-0486464 OF OFFICIAL RECORDS  
 AFFECTS: PARCEL A
- 21. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: SAN DIEGO GAS AND ELECTRIC COMPANY  
 PURPOSE: PUBLIC UTILITIES, INGRESS, EGRESS  
 RECORDED: SEPTEMBER 12, 2008 AS INSTRUMENT NO. 2008-0486464 OF OFFICIAL RECORDS  
 AFFECTS: PARCEL A
- 23. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: OTAY MUNICIPAL WATER DISTRICT  
 PURPOSE: WATER SUPPLY AND DISTRIBUTION, INCLUDING THE INSTALLATION OF CONDUITS AND CABLES FOR POWER TRANSMISSION AND COMMUNICATION  
 RECORDED: OCTOBER 3, 2006 AS INSTRUMENT NO. 164658 OF OFFICIAL RECORDS  
 AFFECTS: LOT 1, AS SHOWN ON MAP NO. 15906
- 24. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: THE COUNTY OF SAN DIEGO  
 PURPOSE: PUBLIC ROAD  
 RECORDED: NOVEMBER 20, 2003 AS INSTRUMENT NO. 2003-1392966 OF OFFICIAL RECORDS  
 AFFECTS: LOT 1, AS SHOWN ON MAP NO. 15906
- 25. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: STATE OF CALIFORNIA  
 PURPOSE: PUBLIC HIGHWAY AND EMBANKMENT SLOPE AND DRAINAGE  
 RECORDED: OCTOBER 31, 2006 AS INSTRUMENT NO. 2006-077933 OF OFFICIAL RECORDS  
 AFFECTS: LOT 1, AS SHOWN ON MAP NO. 15906
- 26. AN IRREVOCABLE OFFER TO DEDICATE A PORTION OF SAID LAND FOR THE PURPOSE(S) STATED HEREIN.  
 RECORDED: APRIL 12, 2012  
 AFFECTS: LOT 1, AS SHOWN ON MAP NO. 15906
- 28. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: SAN DIEGO GAS AND ELECTRIC COMPANY  
 PURPOSE: PUBLIC UTILITIES, INGRESS, EGRESS  
 RECORDED: OCTOBER 23, 1986 AS FILE NO. 86-478958, OFFICIAL RECORDS
- 29. INTENTIONALLY OMITTED
- 30. THE PRIVILEGE AND RIGHT TO EXTEND DRAINAGE STRUCTURES AND EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMITS WHERE REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE THEREOF.  
 SAID ROAD, AS CONTAINED IN THE DEED RECORDED NOVEMBER 20, 2003 AS FILE NO. 2003-1392969, OFFICIAL RECORDS.
- 31. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: THE COUNTY OF SAN DIEGO  
 PURPOSE: OPEN SPACE (BIOLOGICAL RESOURCES/HABITAT CONSERVATION)  
 RECORDED: NOVEMBER 20, 2003 AS INSTRUMENT NO. 2003-1392967 OF OFFICIAL RECORDS  
 AFFECTS: DESCRIBED IN SAID DOCUMENT.
- 32. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: THE COUNTY OF SAN DIEGO  
 PURPOSE: PUBLIC ROAD PURPOSES  
 RECORDED: NOVEMBER 20, 2003 AS INSTRUMENT NO. 2003-1392968 OF OFFICIAL RECORDS  
 AFFECTS: SAID INSTRUMENT ADDITIONALLY CONTAINS THE PRIVILEGE AND RIGHT TO EXTEND DRAINAGE STRUCTURES AND EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMITS WHERE REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE THEREOF
- 33. THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET, HIGHWAY, OR FREEWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED ON MAP NO. 14753
- 34. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.  
 GRANTED TO: COUNTY OF SAN DIEGO  
 PURPOSE: NON-MOTORIZED MULTI-USE RECREATIONAL TRAIL  
 RECORDED: SEPTEMBER 12, 2008 AS INSTRUMENT NO. 2008-0486464 OF OFFICIAL RECORDS  
 AFFECTS: THE ROUTE THEREOF AFFECTS A PORTION OF SAID LAND AND IS MORE FULLY DESCRIBED IN SAID DOCUMENT.



PREPARED BY:

*Sharon Lewis*  
SHARON LEWIS RCE 45926

DATE

11/30/13

**EASEMENTS**  
**VESTING TENTATIVE MAP**  
**OTAY 250**  
 COUNTY OF SAN DIEGO, CALIFORNIA

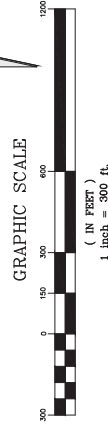
SHEET 5 OF 15



**EXISTING SLOPE ANALYSIS**

SLOPES TABLE		
COLOR	RANGE	SQUARE FEET % of AREA
	0-15%	12,371,931' 86.37
	15-25%	963,152' 6.72
	25-50%	850,627' 5.94
	50-100%	138,650' 0.97

**NOTE:**  
 NO STEEP SLOPES ARE  
 PRESENT IN AREAS OF  
 PROPOSED DEVELOPMENT.



PREPARED BY:  
  
**PBLA ENGINEERING, INC.**  
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 SAN ANTONIO, TEXAS 78202  
 (512) 744-0000 • (760) 997-1744

*James Lewis*  
 JAMES LEWIS, P.E. 45926  
 11/30/13  
 DATE

**SLOPE ANALYSIS**  
**VESTING TENTATIVE MAP**  
**OTAY 250**  
 COUNTY OF SAN DIEGO, CALIFORNIA

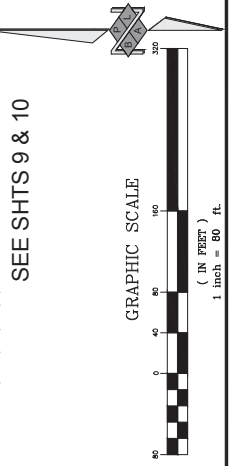
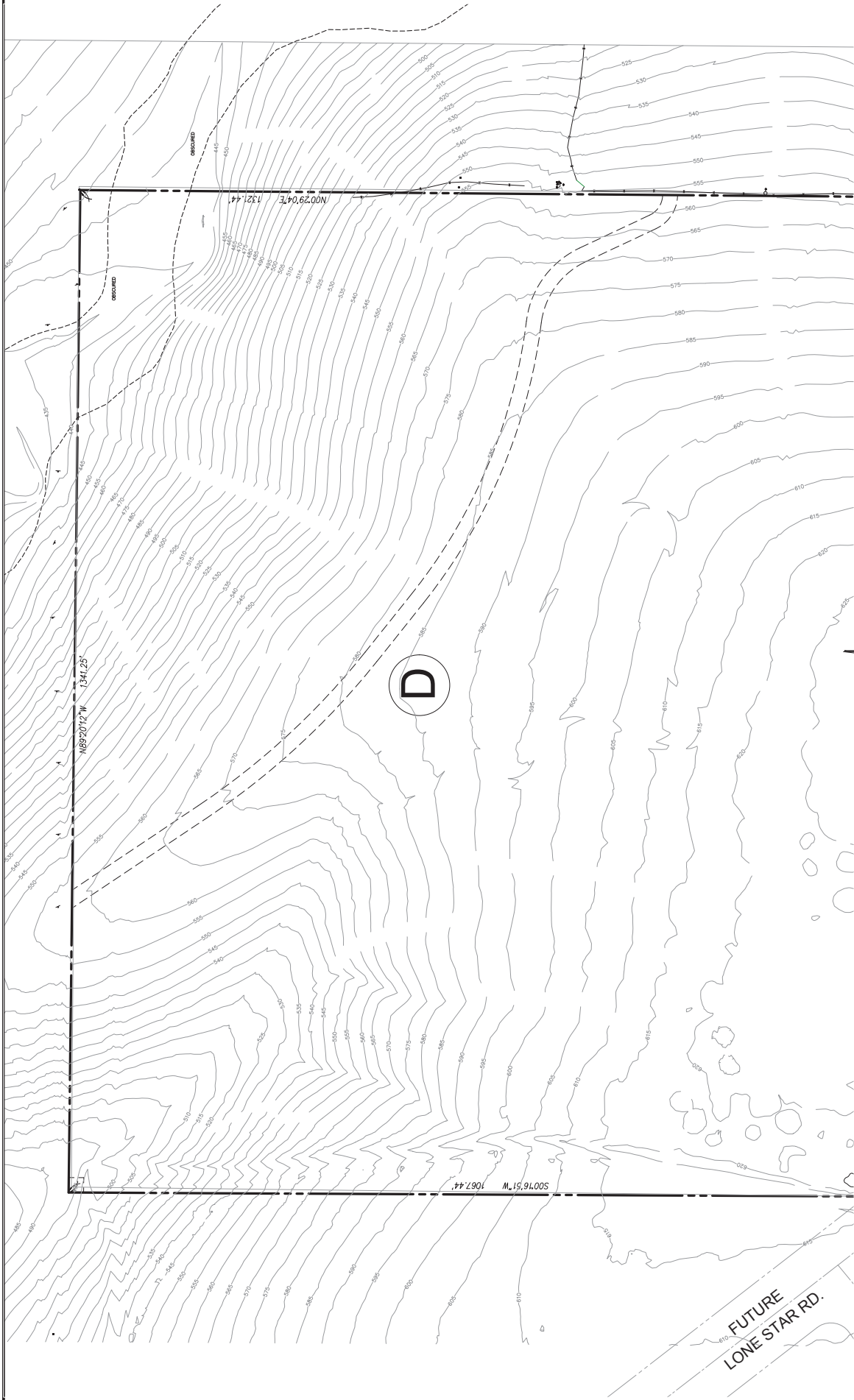
SHEET **6** OF **15**

PLAT DATE: **Nov 30 2013**

# VESTING TENTATIVE MAP OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA

PREPARED BY:  
**PBL ENGINEERING, INC.**  
100 E. JONES BLVD., SUITE 200  
SAN DIEGO, CALIF. 92116  
619-444-7700 ext 100  
www.pbl-engineering.com

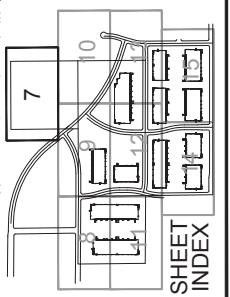
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SHEP LEVINE  
SLOPE LEVISEE REC 45926



SEE SHTS 9 & 10

### LEGEND

- 7 — PARCEL NO.
- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED SD



SHEET INDEX

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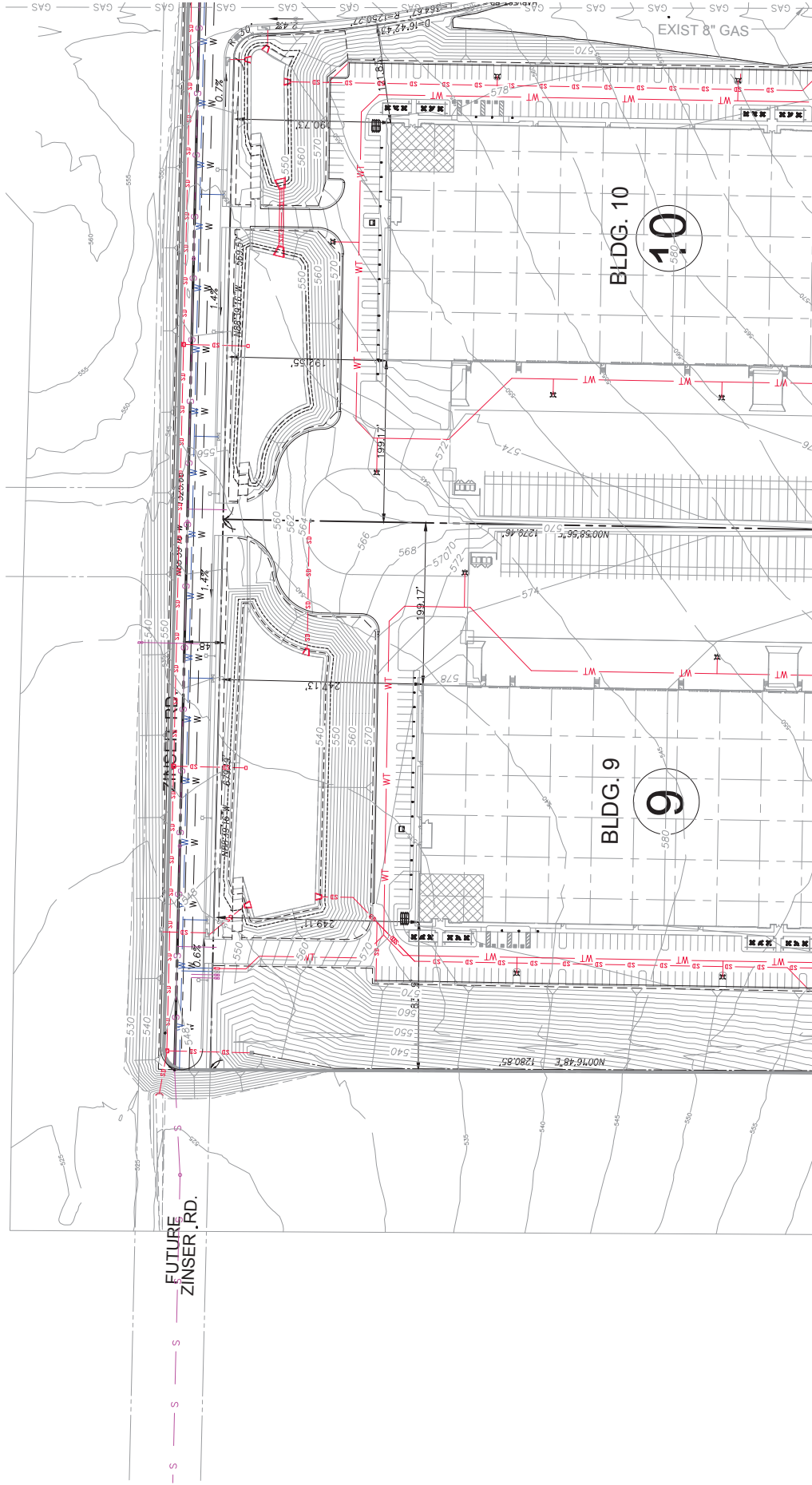
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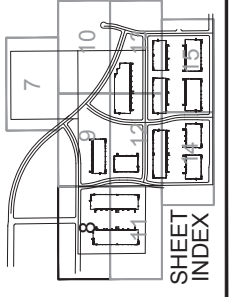
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FUTURE  
LONE STAR RD.





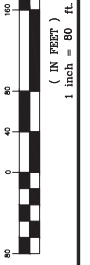
SEE SHT 11



LEGEND

- ⑦ — PARCEL NO.
- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED SD

GRAPHIC SCALE

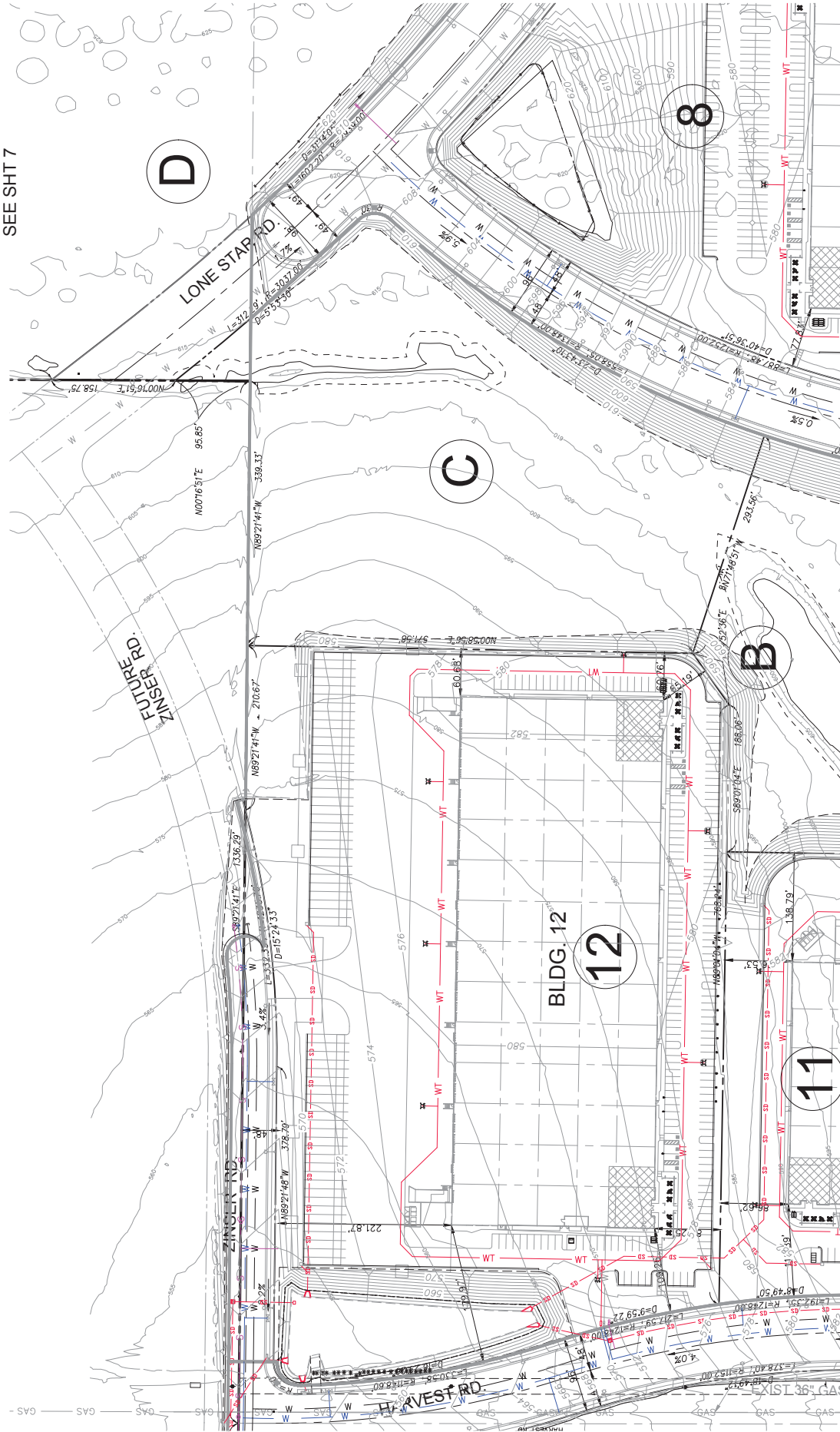


PREPARED BY:

PBL ENGINEERING, INC.  
 3800 S. DAVIS ROAD, SUITE 200  
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 (512) 343-1111

*Amber Lawrence*  
 AMBER LAWRENCE, P.E.  
 11/30/13 DATE  
 SHEET LEVISEE RCE 45926

SEE SHT 7



SEE SHT 8

SEE SHT 12

SHEET 9 OF 15

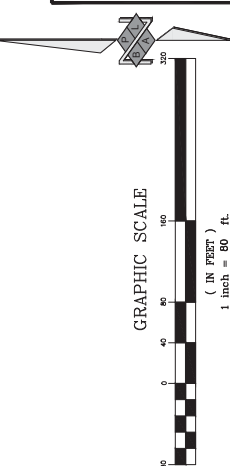
**VESTING TENTATIVE MAP  
OTAY 250**  
COUNTY OF SAN DIEGO, CALIFORNIA

PLOT DATE: Nov 30 2023

PREPARED BY:

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 www.pbl-engineering.com

*John J. ...*  
 JOHN J. ...  
 CIVIL ENGINEER  
 LICENSE NO. 45926  
 DATE: 11/30/23



**LEGEND**

- ⑦ — PARCEL NO.
- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED SD

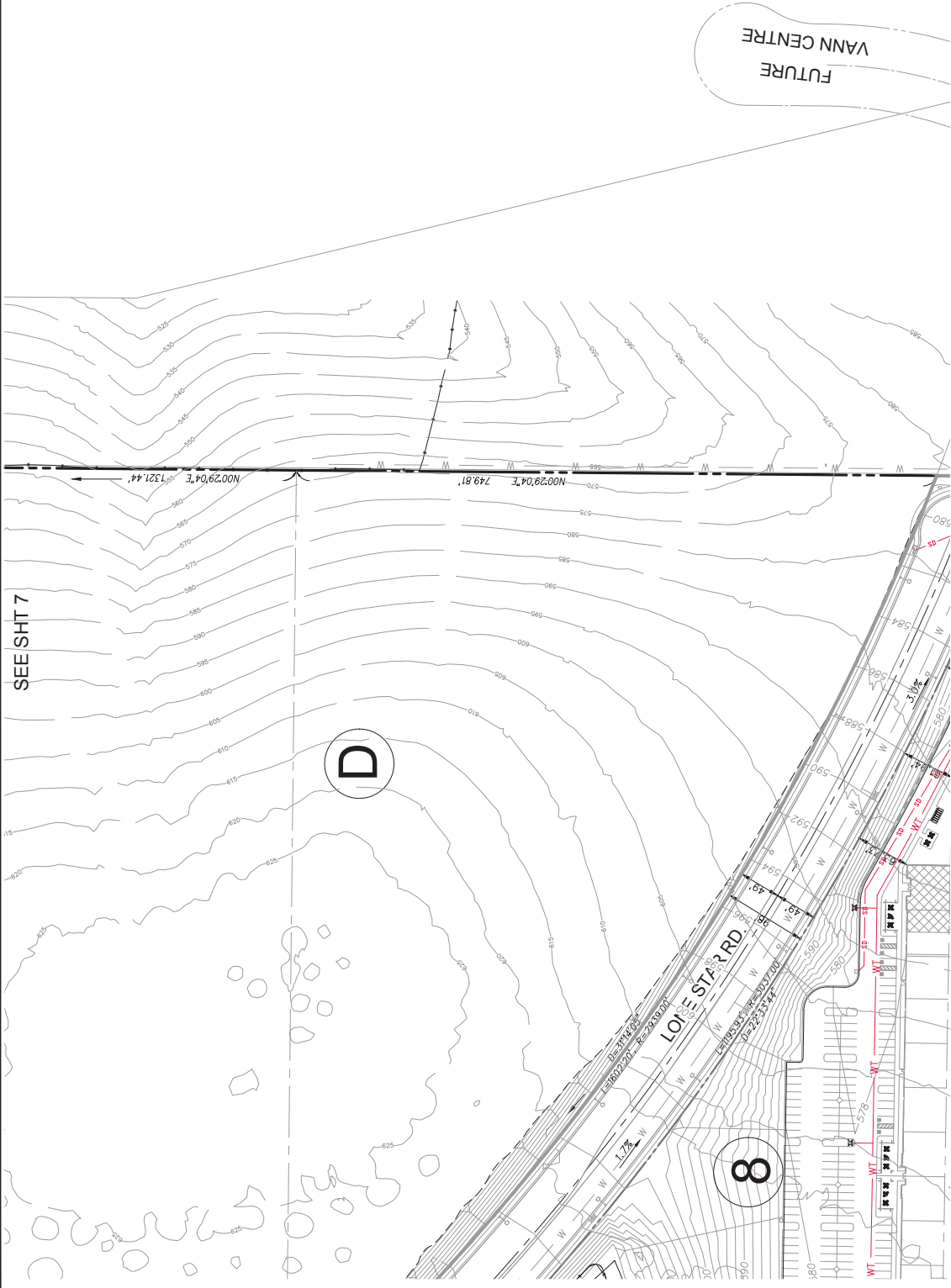


SHEET INDEX

# VESTING TENTATIVE MAP OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA

PREPARED BY:  
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P B L ENGINEERING, INC.  
1000 E. JONES ROAD, SUITE 200  
SAN MARINO, CALIF. 91766  
909-774-0600 • PBL@PBL-ENGINEERING.COM

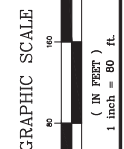
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DATE: 11/30/23  
SLOPE LEVISEE RCE 45926



SEE SHT 7

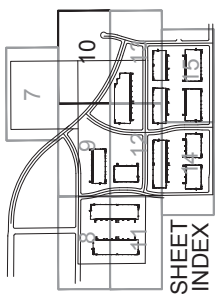
SEE SHT 9

SEE SHT 13



### LEGEND

- 7 — PARCEL NO.
- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED SD

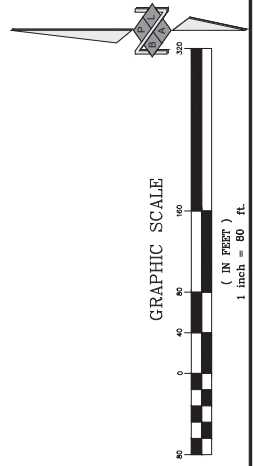


SHEET INDEX

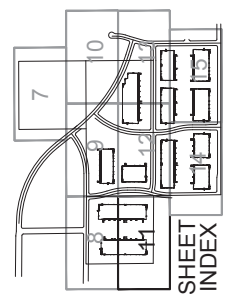
VESTING TENTATIVE MAP  
OTAY 250  
COUNTY OF SAN DIEGO, CALIFORNIA

PREPARED BY:  
**P B L**  
P B L ENGINEERING, INC.  
380 E. JONES ROAD, SUITE 200  
SAN MARINO, CALIF. 92583  
951-746-0600 • PBL@PBL-ENG.COM

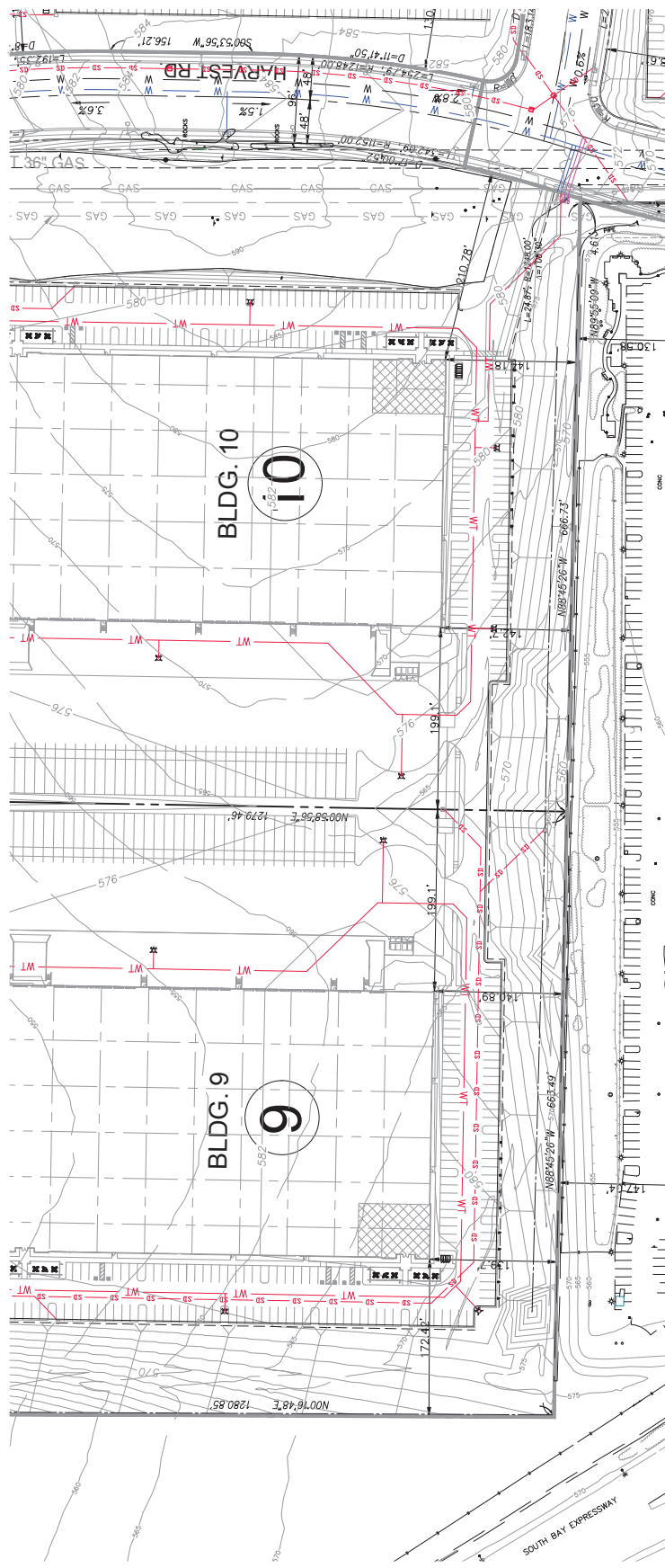
*Amber Lawrence*  
SLIPE LEVISEE RCE 45926 DATE 11/30/23



- LEGEND**
- 7 — PARCEL NO.
  - PROPOSED WATER
  - PROPOSED SEWER
  - PROPOSED SD



SEE SHT 8



BLDG. 10

BLDG. 9

SEE SHT 12

SEE SHT 14

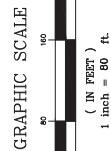
SOUTH BAY EXPRESSWAY

# VESTING TENTATIVE MAP OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA



PREPARED BY:

*Amber Lewis*  
AMBER LEWIS, P.E. 45926 DATE: 11/30/23



SEE SHT 14

### LEGEND

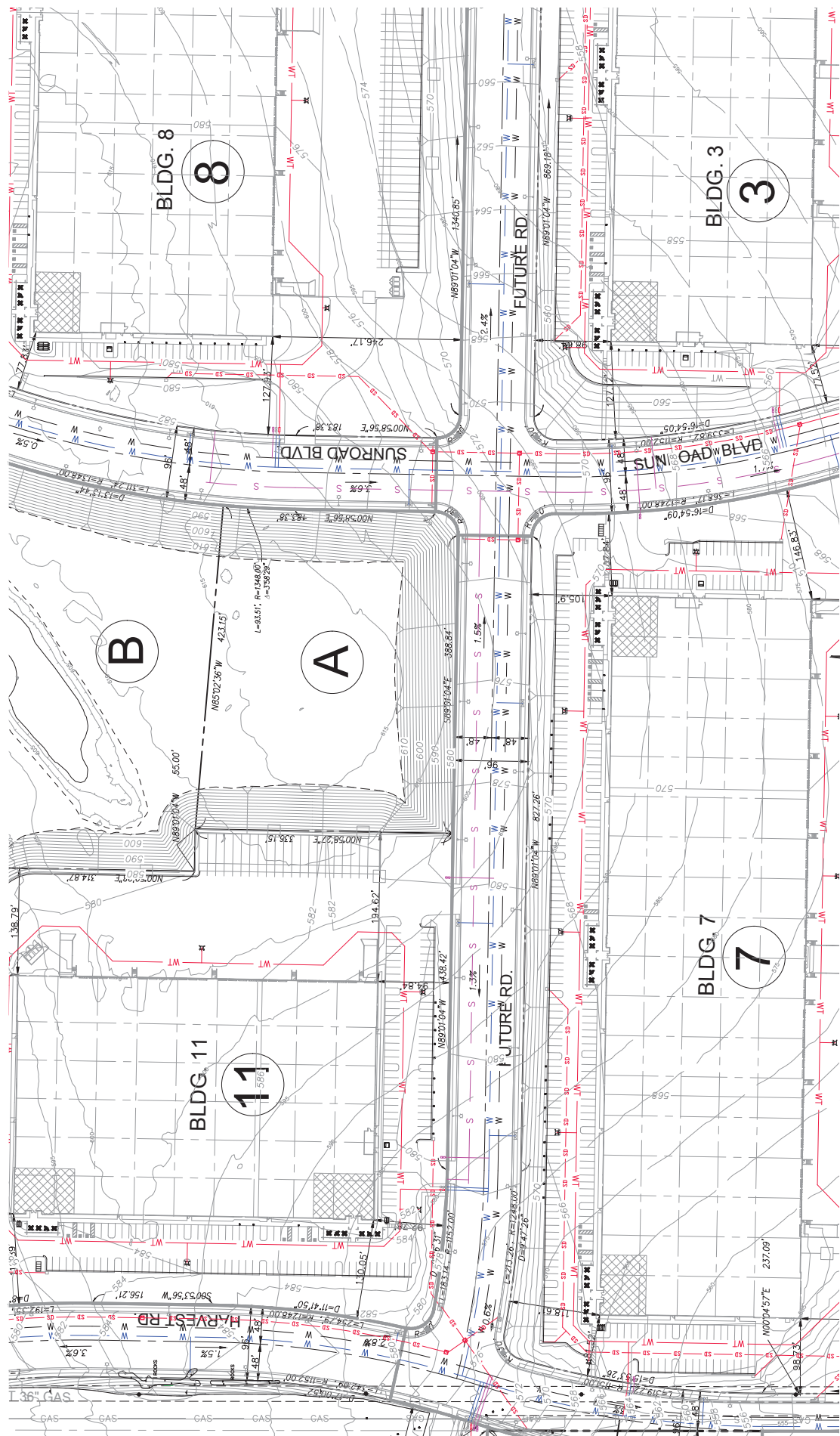
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- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED SD



SHEET INDEX

SEE SHT 9

SEE SHT 11



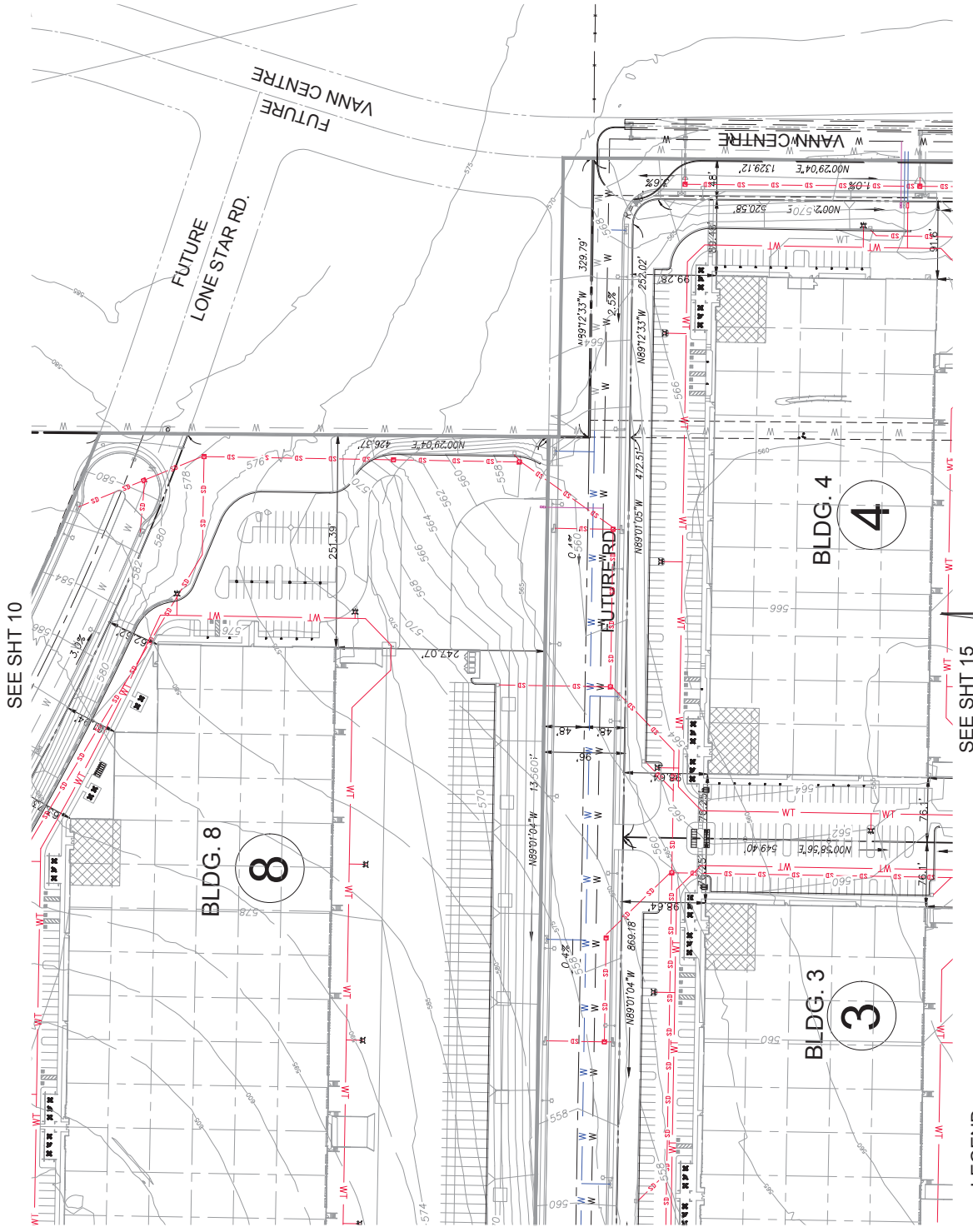
VESTING TENTATIVE MAP  
OTAY 250  
COUNTY OF SAN DIEGO, CALIFORNIA

PREPARED BY:



PBLA ENGINEERING, INC.  
10000 JONES ROAD, SUITE 200  
SAN DIEGO, CALIF. 92131  
OFFICE: 760-596-7700

DATE: 11/30/23  
SLOPE LEVISEE RCE 45926  
*Amber Lewis*



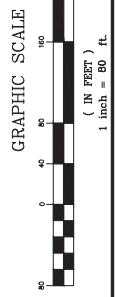
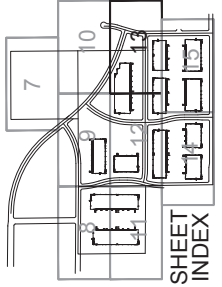
SEE SHT 10

SEE SHT 12

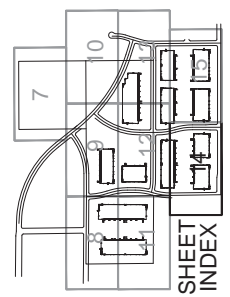
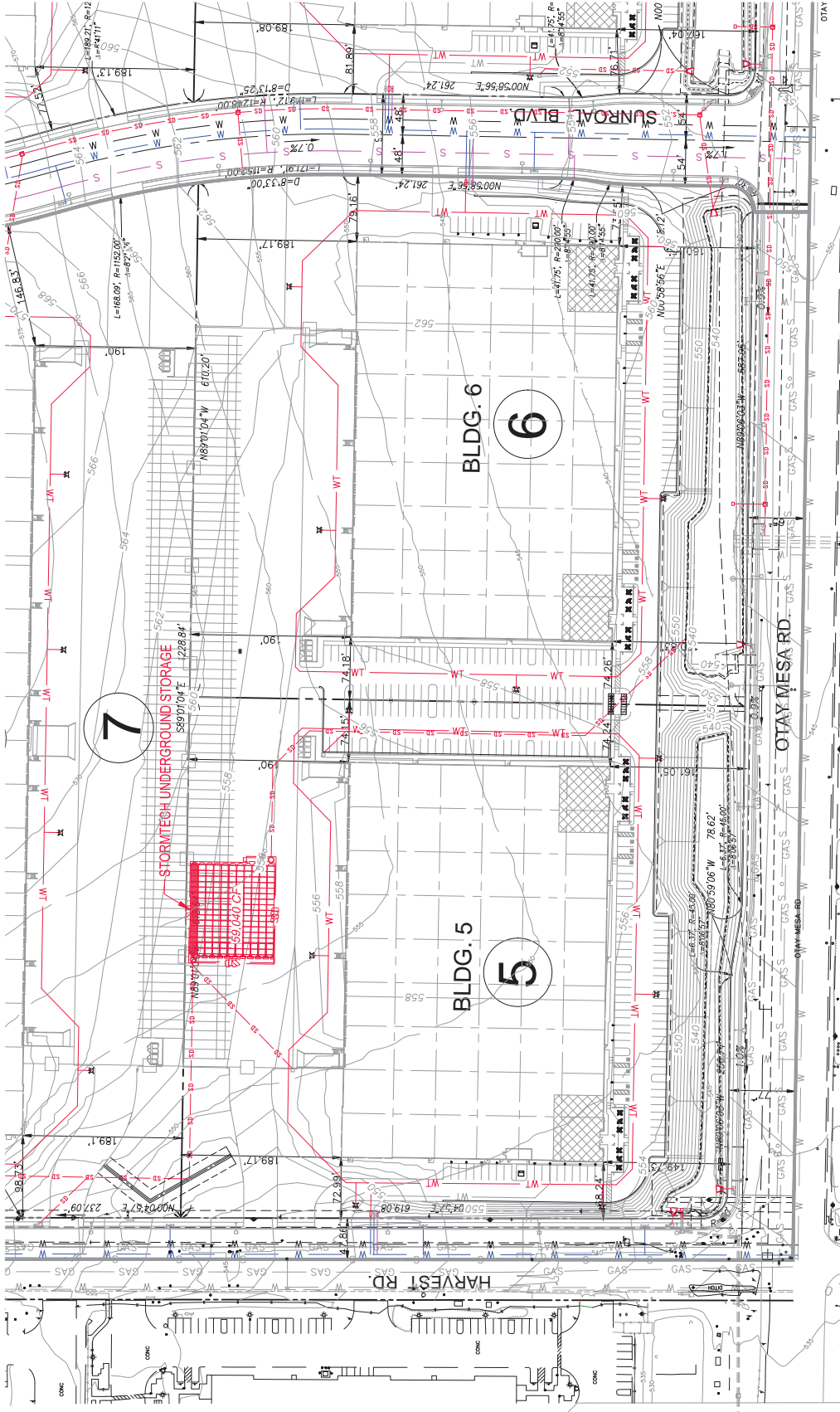
SEE SHT 15

LEGEND

- ⑦ — PARCEL NO.
- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED SD

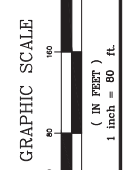


SEE SHT 12



LEGEND

- ⑦ — PARCEL NO.
- — PROPOSED WATER
- — PROPOSED SEWER
- — PROPOSED SD



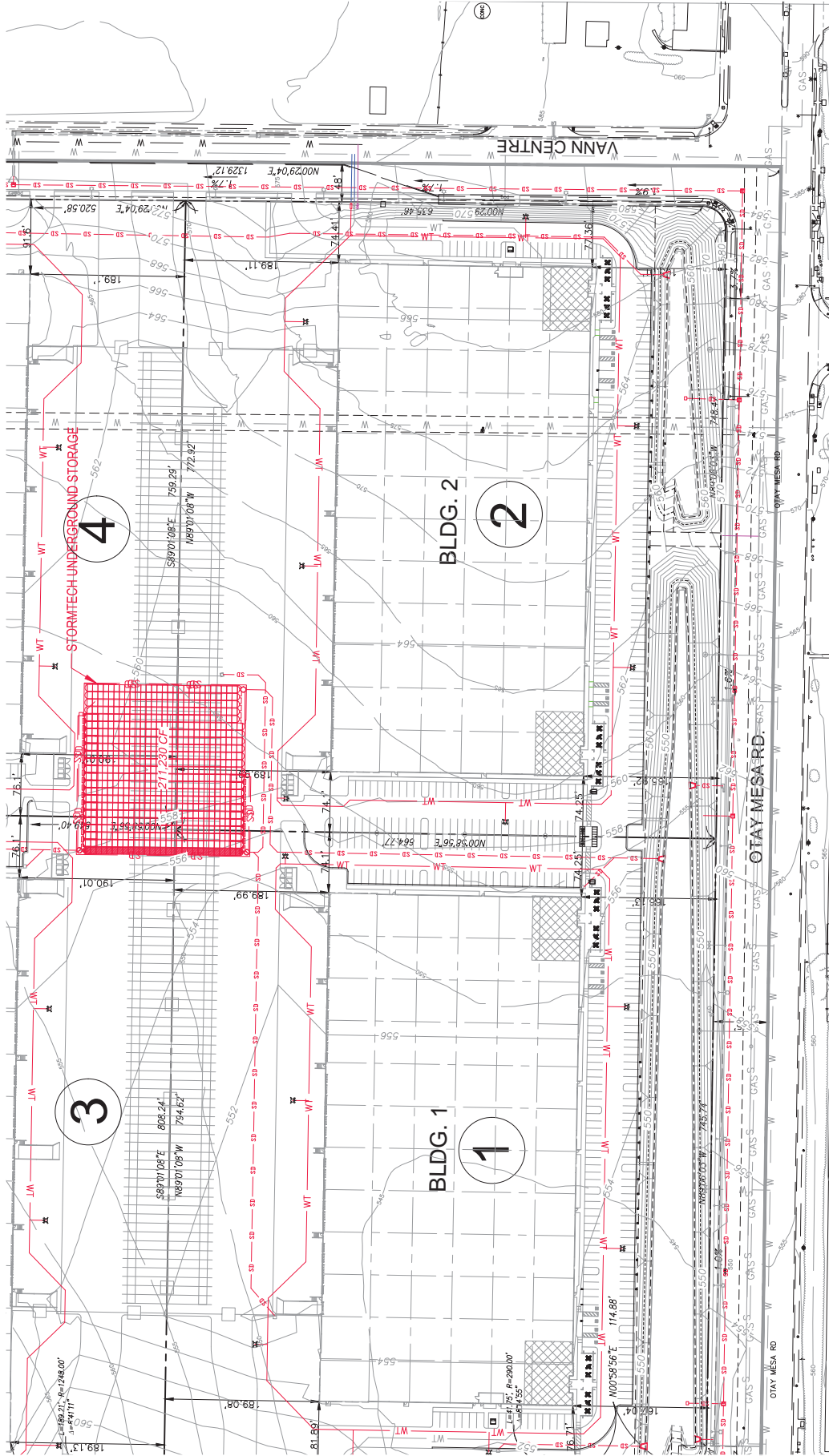
PREPARED BY:

PBLA ENGINEERING, INC.  
 3800 S. GARDEN ROAD, SUITE 200  
 SAN ANTONIO, TEXAS 78249  
 (512) 380-1100

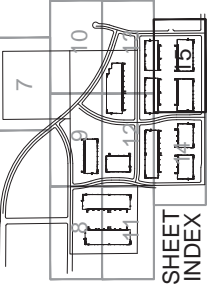
*Shirley Lewis*  
 SHIRLEY LEWIS, P.E. 45926 DATE 11/30/43

VESTING TENTATIVE MAP  
 OTAY 250  
 COUNTY OF SAN DIEGO, CALIFORNIA

SEE SHT 13



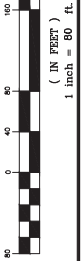
SEE SHT 14



LEGEND

- ⑦ PARCEL NO.
- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED SD

GRAPHIC SCALE



PREPARED BY:

**PELLA ENGINEERING, INC.**  
 100 E. JONES ROAD, SUITE 200  
 SAN ANTONIO, TEXAS 78216  
 (512) 341-1111  
 WWW.PELLA-ENGINEERING.COM

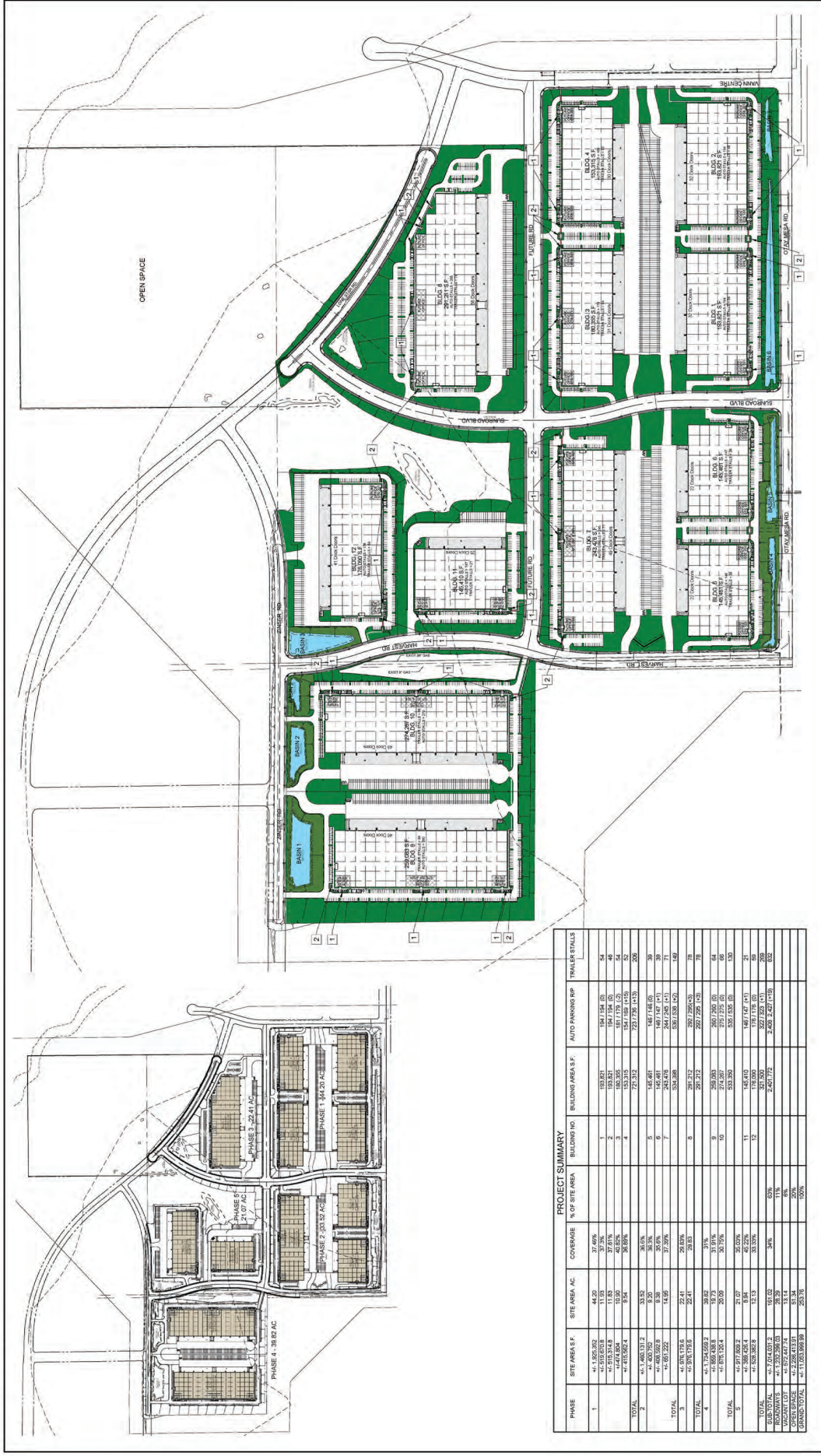
*Shirley Lewis*  
 SHIRLEY LEVISEE RICE 45926 DATE 11/30/13

TENTATIVE PARCEL MAP  
 VESTING TENTATIVE MAP  
 OTAY 250  
 COUNTY OF SAN DIEGO, CALIFORNIA



JANUARY 2024

PROJECT AMENDMENT (SPA-22-001)  
OTAY MAJESTIC 250



Attachment D

Project Site Plan

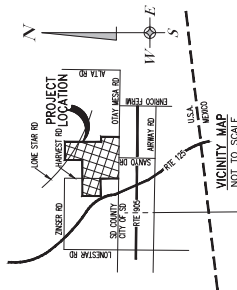
Source(s): Commerce Construction Co. (11-28-2023)



Not to Scale



# CONCEPT GRADING & UTILITY PLAN OTAY 250



THE BEARING OF NORTH 70°34'48" WEST, SHOWN AS THE NORTH LINE OF SECTION 31, TOWNSHIP 11 NORTH, RANGE 19 WEST, SAN BERNARDINO COUNTY, CALIFORNIA, ON RECORD OF SURVEY NO. 3792, FILED IN THE COUNTY OF SAN BERNARDINO, CALIFORNIA, ON 08/28/2018, IS THE BASIS OF THIS PLAN. THE BEARING OF NORTH 11°17'00" WEST, SHOWN AS THE NORTH LINE OF SECTION 31, TOWNSHIP 11 NORTH, RANGE 19 WEST, SAN BERNARDINO COUNTY, CALIFORNIA, ON RECORD OF SURVEY NO. 3792, FILED IN THE COUNTY OF SAN BERNARDINO, CALIFORNIA, ON 08/28/2018, IS THE BASIS OF THIS PLAN.

BENCHMARK: TOP OF 1"7" REBAR WITH PLASTIC CAP TAGGED LS 4381 FOR THE NORTHWEST CORNER OF PARCEL 17 AS SHOWN ON RECORD OF SURVEY NO. 3792.

ELEVATION = 571.648' (NAVD 88 DATUM)

NOTE: THIS PLAN IS PROVIDED TO ALLOW FOR FILL AND ADEQUATE DISCRETIONARY REVIEW OF THE PROPOSED CONCEPT GRADING AND UTILITY PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES AND AGENCIES OF THE STATE OF CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES AND AGENCIES OF THE STATE OF CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES AND AGENCIES OF THE STATE OF CALIFORNIA.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL A, APN: 646-240-30-00, 646-240-30-01, 646-240-30-02, 646-240-30-03, 646-240-30-04, 646-240-30-05, 646-240-30-06, 646-240-30-07, 646-240-30-08, 646-240-30-09, 646-240-30-10, 646-240-30-11, 646-240-30-12, 646-240-30-13, 646-240-30-14, 646-240-30-15, 646-240-30-16, 646-240-30-17, 646-240-30-18, 646-240-30-19, 646-240-30-20, 646-240-30-21, 646-240-30-22, 646-240-30-23, 646-240-30-24, 646-240-30-25, 646-240-30-26, 646-240-30-27, 646-240-30-28, 646-240-30-29, 646-240-30-30, 646-240-30-31, 646-240-30-32, 646-240-30-33, 646-240-30-34, 646-240-30-35, 646-240-30-36, 646-240-30-37, 646-240-30-38, 646-240-30-39, 646-240-30-40, 646-240-30-41, 646-240-30-42, 646-240-30-43, 646-240-30-44, 646-240-30-45, 646-240-30-46, 646-240-30-47, 646-240-30-48, 646-240-30-49, 646-240-30-50, 646-240-30-51, 646-240-30-52, 646-240-30-53, 646-240-30-54, 646-240-30-55, 646-240-30-56, 646-240-30-57, 646-240-30-58, 646-240-30-59, 646-240-30-60, 646-240-30-61, 646-240-30-62, 646-240-30-63, 646-240-30-64, 646-240-30-65, 646-240-30-66, 646-240-30-67, 646-240-30-68, 646-240-30-69, 646-240-30-70, 646-240-30-71, 646-240-30-72, 646-240-30-73, 646-240-30-74, 646-240-30-75, 646-240-30-76, 646-240-30-77, 646-240-30-78, 646-240-30-79, 646-240-30-80, 646-240-30-81, 646-240-30-82, 646-240-30-83, 646-240-30-84, 646-240-30-85, 646-240-30-86, 646-240-30-87, 646-240-30-88, 646-240-30-89, 646-240-30-90, 646-240-30-91, 646-240-30-92, 646-240-30-93, 646-240-30-94, 646-240-30-95, 646-240-30-96, 646-240-30-97, 646-240-30-98, 646-240-30-99, 646-240-30-100.

PARCEL B, APN: 646-240-30-00, 646-240-30-01, 646-240-30-02, 646-240-30-03, 646-240-30-04, 646-240-30-05, 646-240-30-06, 646-240-30-07, 646-240-30-08, 646-240-30-09, 646-240-30-10, 646-240-30-11, 646-240-30-12, 646-240-30-13, 646-240-30-14, 646-240-30-15, 646-240-30-16, 646-240-30-17, 646-240-30-18, 646-240-30-19, 646-240-30-20, 646-240-30-21, 646-240-30-22, 646-240-30-23, 646-240-30-24, 646-240-30-25, 646-240-30-26, 646-240-30-27, 646-240-30-28, 646-240-30-29, 646-240-30-30, 646-240-30-31, 646-240-30-32, 646-240-30-33, 646-240-30-34, 646-240-30-35, 646-240-30-36, 646-240-30-37, 646-240-30-38, 646-240-30-39, 646-240-30-40, 646-240-30-41, 646-240-30-42, 646-240-30-43, 646-240-30-44, 646-240-30-45, 646-240-30-46, 646-240-30-47, 646-240-30-48, 646-240-30-49, 646-240-30-50, 646-240-30-51, 646-240-30-52, 646-240-30-53, 646-240-30-54, 646-240-30-55, 646-240-30-56, 646-240-30-57, 646-240-30-58, 646-240-30-59, 646-240-30-60, 646-240-30-61, 646-240-30-62, 646-240-30-63, 646-240-30-64, 646-240-30-65, 646-240-30-66, 646-240-30-67, 646-240-30-68, 646-240-30-69, 646-240-30-70, 646-240-30-71, 646-240-30-72, 646-240-30-73, 646-240-30-74, 646-240-30-75, 646-240-30-76, 646-240-30-77, 646-240-30-78, 646-240-30-79, 646-240-30-80, 646-240-30-81, 646-240-30-82, 646-240-30-83, 646-240-30-84, 646-240-30-85, 646-240-30-86, 646-240-30-87, 646-240-30-88, 646-240-30-89, 646-240-30-90, 646-240-30-91, 646-240-30-92, 646-240-30-93, 646-240-30-94, 646-240-30-95, 646-240-30-96, 646-240-30-97, 646-240-30-98, 646-240-30-99, 646-240-30-100.

NOTICE: THE SUBJECT PROPERTY CONTAINS METALS, A LAKE, A STREAM, AND/OR WATERS OF THE U.S. AND/OR FEDERAL WATER QUALITY CONTROL BOARD, OF SAN BERNARDINO COUNTY, CALIFORNIA, AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES AND AGENCIES OF THE STATE OF CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES AND AGENCIES OF THE STATE OF CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES AND AGENCIES OF THE STATE OF CALIFORNIA.

DESCRIPTION	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5	TOTALS
CONCRETE	21,181 SF	2,379 SF	2,147 SF	3,944 SF	11,099 SF	41,748 SF
WOOD	1,028 SF	1,028 SF	1,028 SF	1,028 SF	1,028 SF	5,112 SF
STEEL	27,801 SF	14,018 SF	77,948 SF	19,170 SF	102,024 SF	237,961 SF
GLASS	13,587 SF	13,587 SF	13,587 SF	13,587 SF	13,587 SF	67,935 SF
MECHANICAL	3,348 SF	3,348 SF	3,348 SF	3,348 SF	3,348 SF	16,740 SF
ELECTRICAL	3,348 SF	3,348 SF	3,348 SF	3,348 SF	3,348 SF	16,740 SF
PLUMBING	3,348 SF	3,348 SF	3,348 SF	3,348 SF	3,348 SF	16,740 SF
PAINT	3,348 SF	3,348 SF	3,348 SF	3,348 SF	3,348 SF	16,740 SF
LANDSCAPE	3,348 SF	3,348 SF	3,348 SF	3,348 SF	3,348 SF	16,740 SF
OTHER	3,348 SF	3,348 SF	3,348 SF	3,348 SF	3,348 SF	16,740 SF

DESCRIPTION/LEGEND	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5	TOTALS
PUBLIC STORM DRAIN	5,175 LF	676 LF	213 LF	2,446 LF	186 LF	8,686 LF
5" SEWER	1,735 LF	921 LF	568 LF	1,500 LF	608 LF	5,332 LF
6" WATERMAIN	4,056 LF	2,994 LF	1,357 LF	3,034 LF	638 LF	11,607 LF
8" FIRE HYDRANT	10 EA	7 EA	4 EA	9 EA	2 EA	32 EA
9" STREET LIGHT	23 EA	20 EA	16 EA	12 EA	4 EA	75 EA

DESCRIPTION/LEGEND	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5	TOTALS
PROPOSED STORM DRAIN	5,093 LF	2,773 LF	1,501 LF	2,978 LF	1,650 LF	13,993 LF
5" SEWER	2,346 LF	1,070 LF	667 LF	1,427 LF	573 LF	6,083 LF
6" WATERMAIN	1,070 LF	205 LF	94 LF	158 LF	138 LF	1,665 LF
8" FIRE HYDRANT	5,004 LF	6,797 LF	2,908 LF	6,200 LF	4,128 LF	29,037 LF
9" STREET LIGHT	28 LF	20 LF	10 LF	19 LF	13 LF	80 LF
10" DETECTOR CHECK VALVE	4 EA	3 EA	1 EA	2 EA	2 EA	12 EA
2" DOMESTIC WATER METER & BF	4 EA	3 EA	1 EA	2 EA	2 EA	12 EA
2" RECYCLED WATER METER & BF	4 EA	4 EA	3 EA	5 EA	3 EA	19 EA

**INDEX MAP**  
SCALE: 1" = 150'  
CONCEPT GRADING & UTILITY PLAN  
SHEET NUMBERS

SDC PDS R01D 12-08-23  
SPA22-001

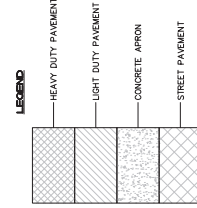
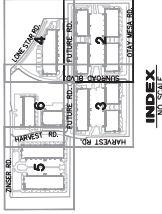


NOV 29 2023

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**COMMERCE CONSTRUCTION CO., LP.**  
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Telephone: (619) 488-0843  
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WO 100-160  
TITLE SHEET  
OTAY 250  
841 OF 11



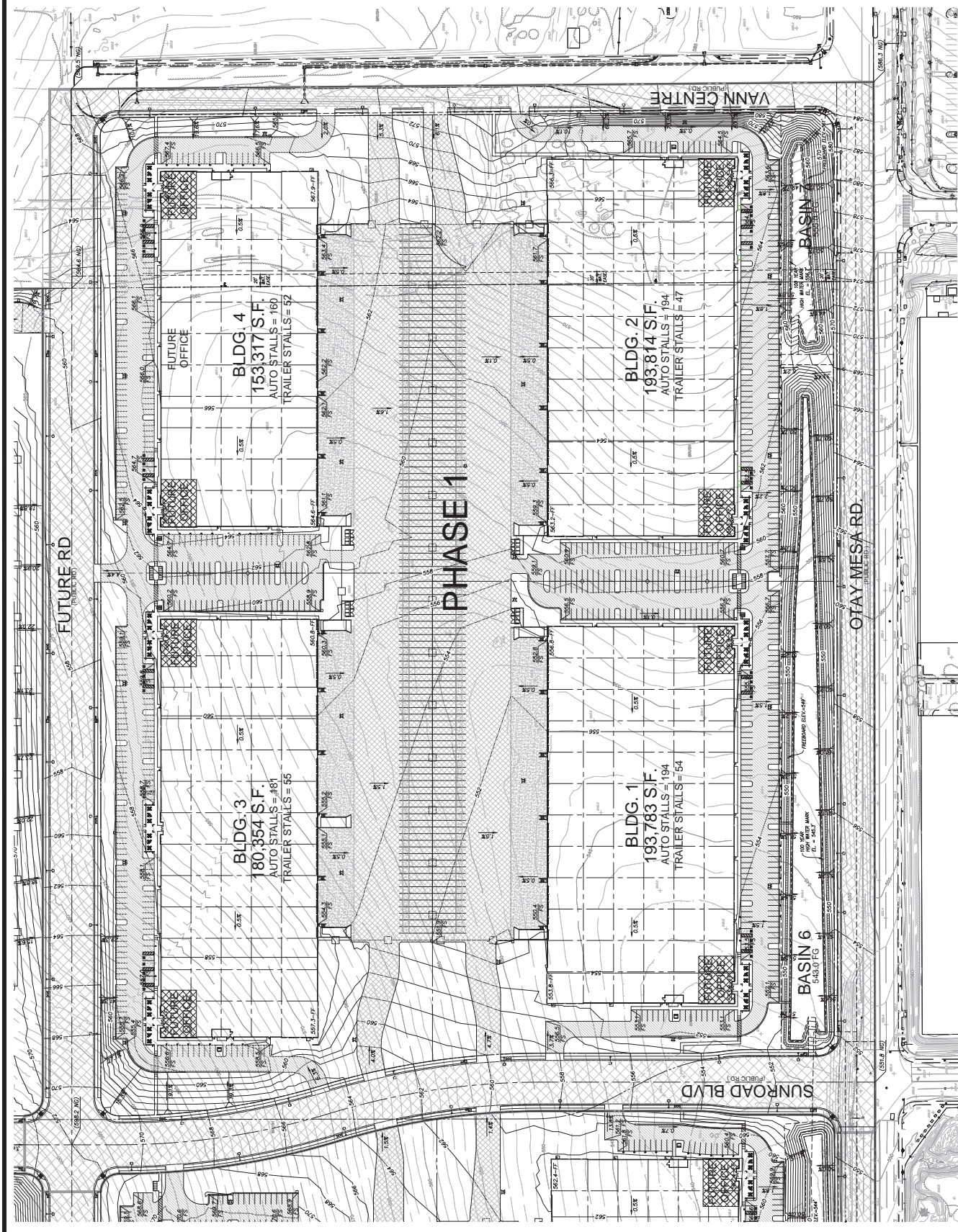
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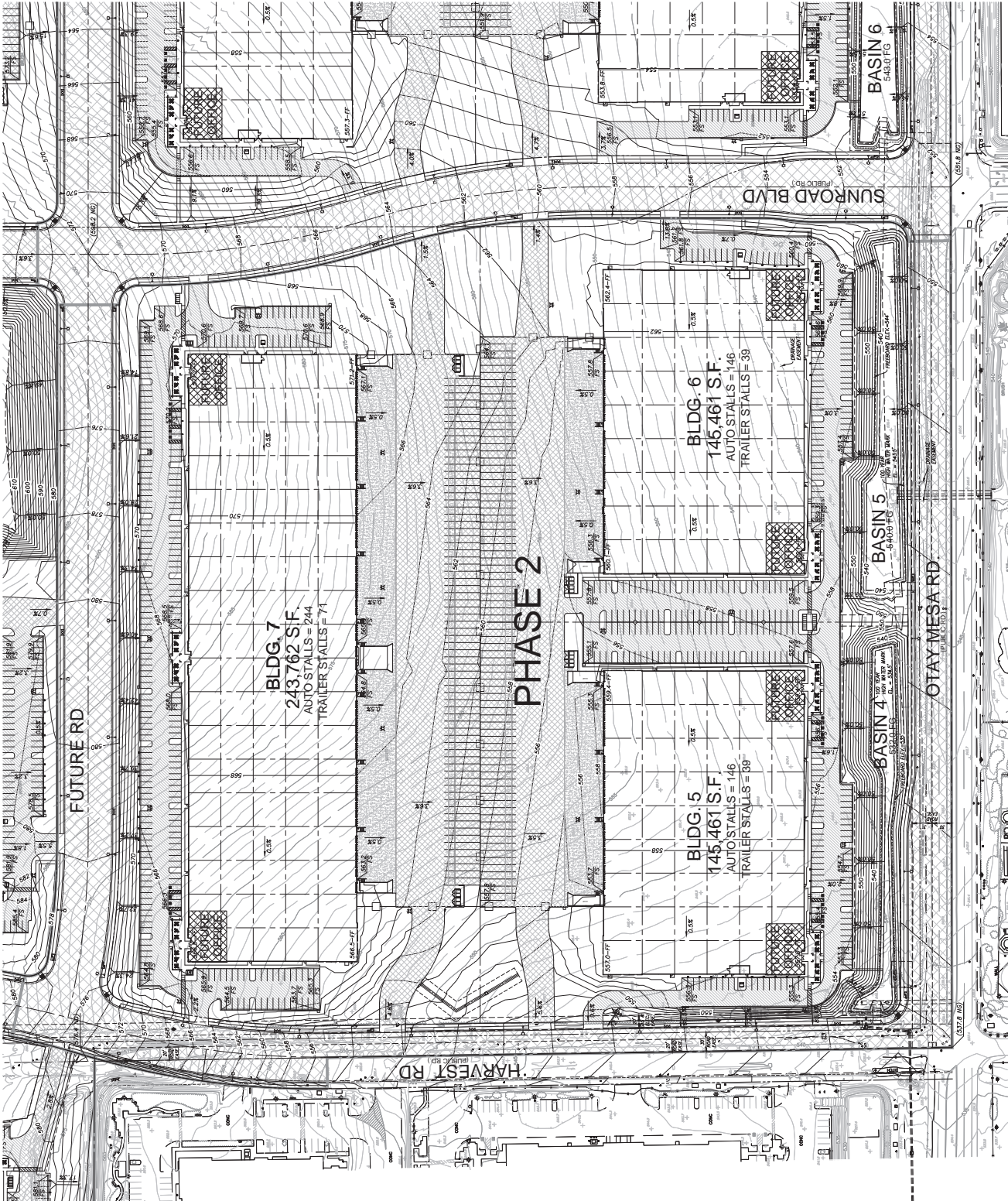
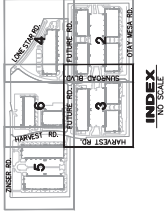
TOPOGRAPHY DATE 11/10/22  
 COUNTY OF SAN DIEGO  
 WO 100-160  
**CONCEPT GRADING PLAN**  
**OTAY 260**  
 SHEET 2 OF 11



PREPARED FOR  
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 13317 Commercial Center Blvd., Suite 200  
 San Diego, California 92121-3497  
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 Fax: (619) 594-0443

Nov 29 2023



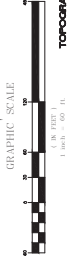
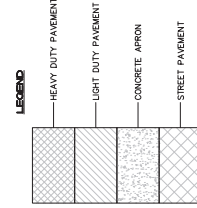


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 COUNTY OF SAN DIEGO  
 100-160  
**CONCEPT GRADING PLAN**  
**OTAY 260**  
 SHEET 3 OF 11

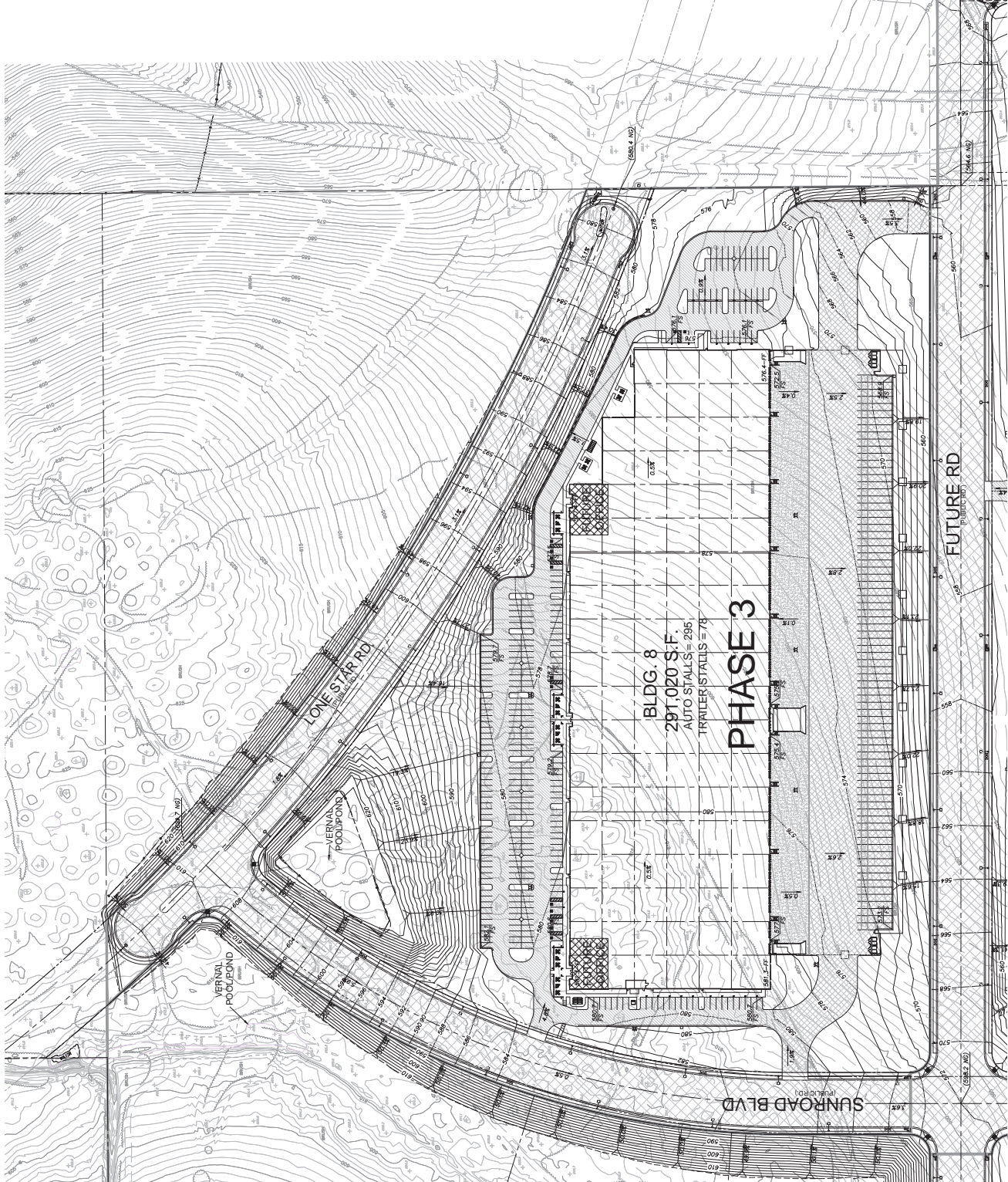
PREPARED BY:  
**PELLA ENGINEERING, INC.**  
 1331 Commercial Street, Suite 201  
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Nov 29 2023



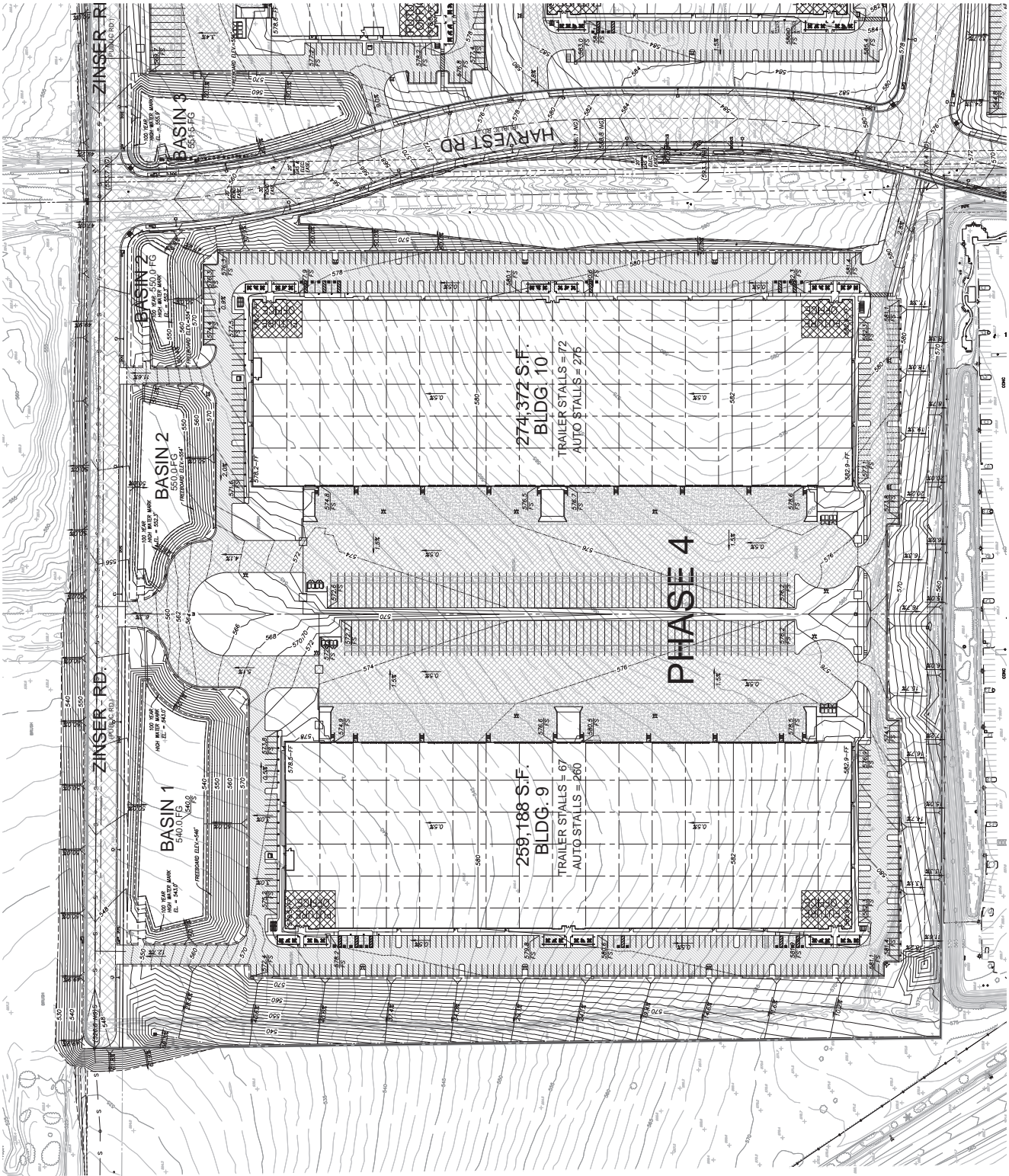
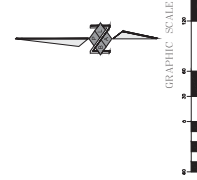
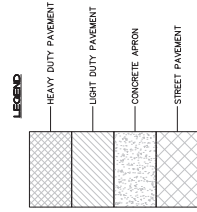
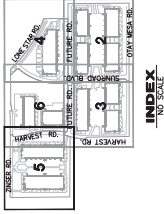
TOPOGRAPHY DATE 11/16/22  
 COUNTY OF SAN DIEGO  
 100-160  
**CONCEPT GRADING PLAN**  
 OTAY 260  
 SHEET 4 OF 11



PREPARED BY:  
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 MAIL: 714-842-1714/842-1001 FAX

Nov 29 2023

PREPARED FOR:  
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 1311 Commercial Blvd., Suite 200  
 Escondido, California 92025-3497  
 Telephone: (951) 599-0463  
 Internet: www.combinc.com



TOPOGRAPHY DATE: 11/11/22

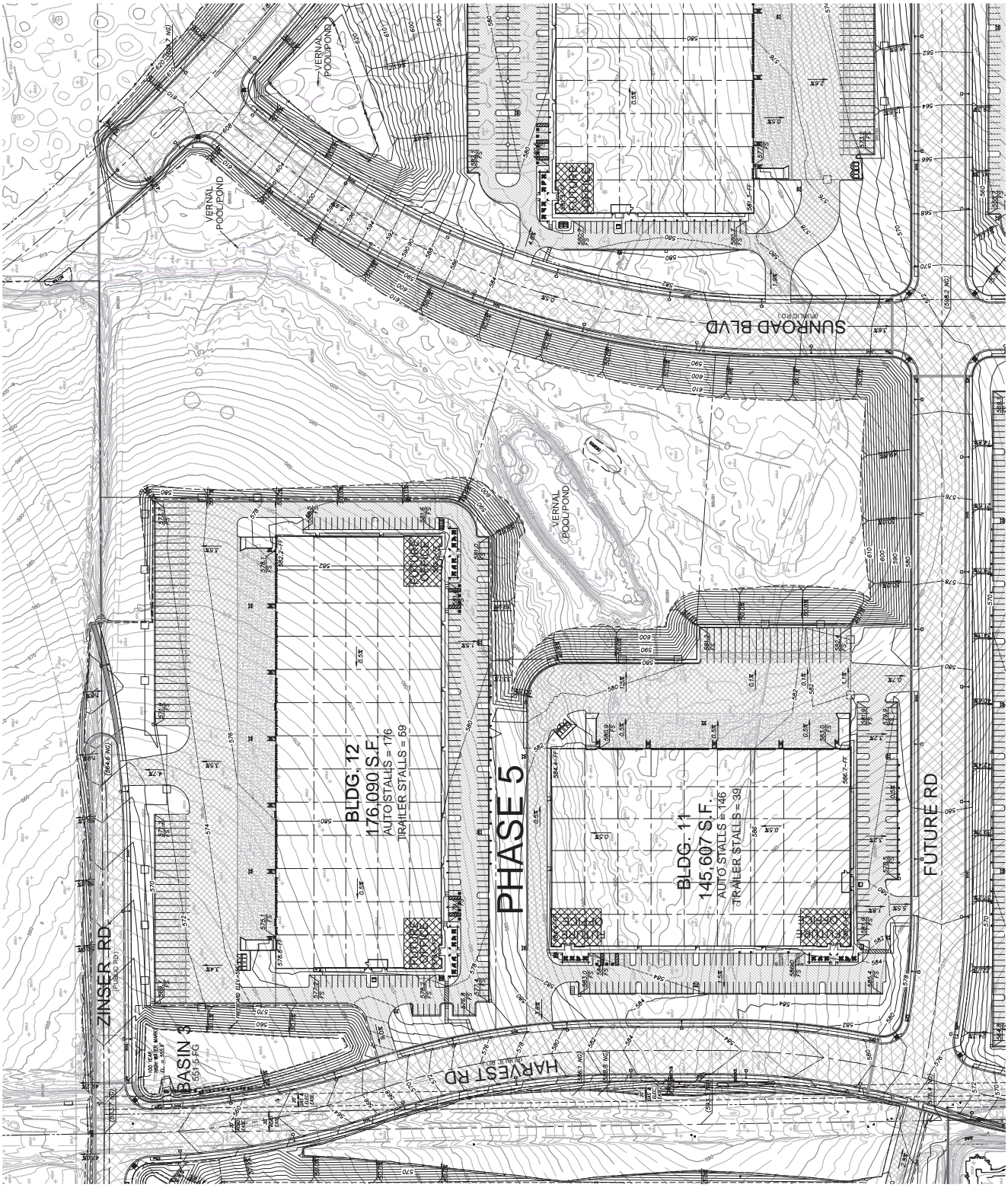
WO 100-160

CONCEPT GRADING PLAN OTAY 260

PREPARED BY: **COMMERCE CONSTRUCTION CO., L.P.**  
13311 Commerce Center Blvd., Suite 200  
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Fax: (951) 898-0463

NOV 29 2022

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Orange, CA 92667  
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Fax: 714-962-1744



NOV 29 2023

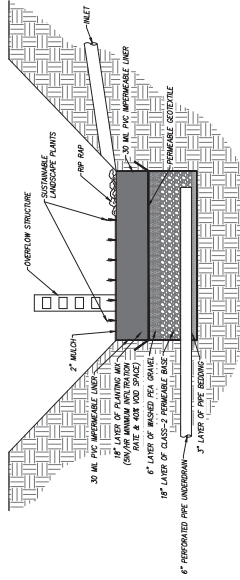
PREPARED FOR  
**COMMERCIAL CONSTRUCTION CO., L.P.**  
 1331 Commercial Center Blvd.  
 City of Industry, California 91746-3497  
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PREPARED BY  
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 Denver, Colorado 80232  
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 Fax: (303) 755-8802

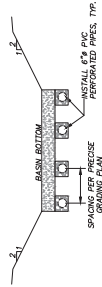
TOPOGRAPHY DATE 11/16/22  
 COUNTY OF SAN DIEGO  
 100-160  
**CONCEPT GRADING PLAN**  
 OTAY 260  
 SHEET 1 OF 11



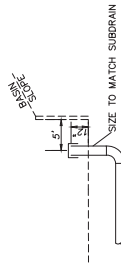




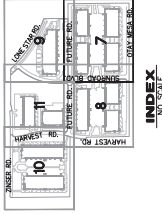
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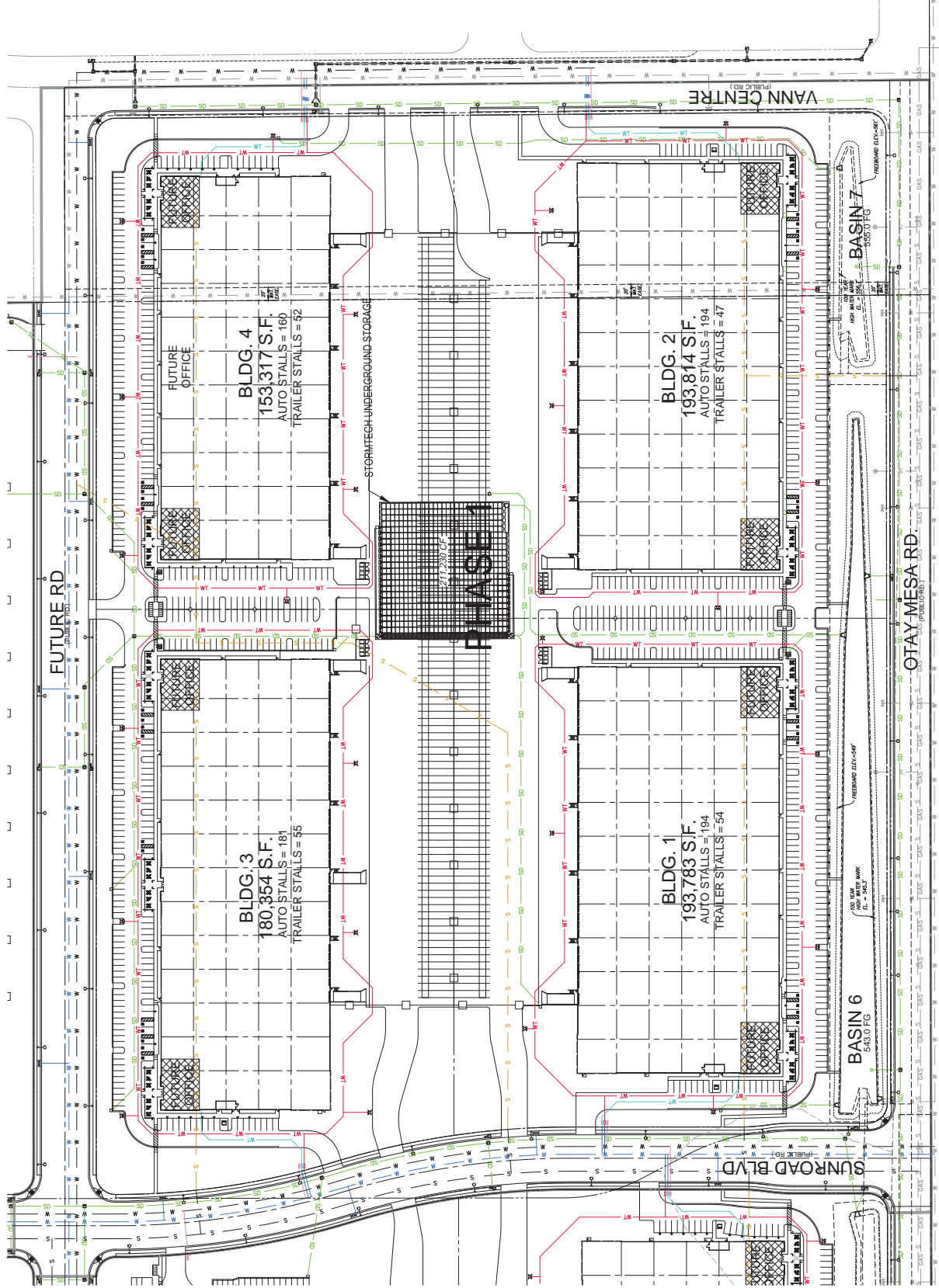
**BIOFILTRATION BMP DETAIL**  
NOT TO SCALE



**BIOFILTRATION CLEANOUT DETAIL**  
NOT TO SCALE  
(TO BE INSTALLED AT UPSTREAM  
END OF EACH SUBDRAIN LATERAL)



- PUBLIC UTILITY LEGEND**
- S 8" STORM DRAIN
  - W 8" WATER
  - WT 8" RECLAIMED WATER
  - WT 8" STREET LIGHT
- PRIVATE UTILITY LEGEND**
- S 8" STORM DRAIN
  - W 8" DOMESTIC WATER
  - WT 8" RECLAIMED SERVICE
  - WT 8" FIRE WATER LATERAL
  - WT 8" FIRE W/PRANT
  - WT 10" DETECTOR CHECK VALVE
  - WT 2" DOMESTIC WATER METER & BF
  - WT 2" RECYCLED WATER METER & BF

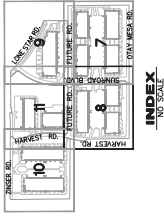


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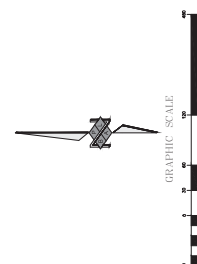
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 Fax: (714) 832-1744

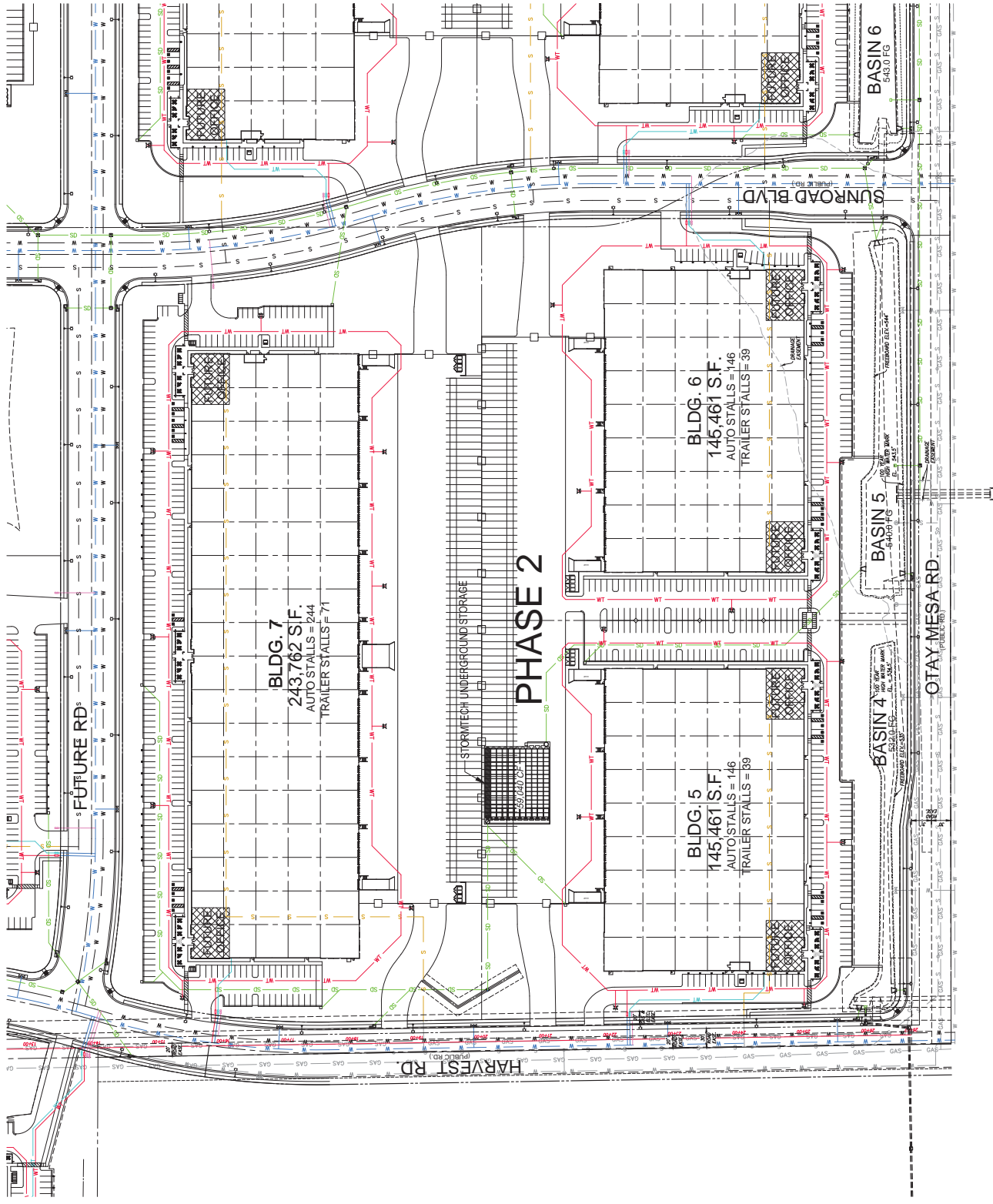
TOPOGRAPHY DATE: 11/16/22  
 WO 100-160  
**CONCEPT UTILITY PLAN**  
**OTAY 260**  
 #43 of 11



- PUBLIC UTILITY LEGEND**
- 12" STORM DRAIN
  - 8" SEWER
  - 8" WATER
  - 8" RECLAIMED WATER
  - 8" FIRE WATER
  - 8" STREET LIGHT
- PRIVATE UTILITY LEGEND**
- 12" STORM DRAIN
  - 8" SEWER
  - 8" DOMESTIC WATER
  - 8" RECLAIMED SERVICE
  - 8" FIRE WATER LATERAL
  - 8" FIRE HYDRANT
  - 10" DETECTOR CHECK VALVE
  - 2" DOMESTIC WATER METER & BF
  - 2" RECLAIMED WATER METER & BF



TOPOGRAPHY DATE 11/10/22  
 COUNTY OF SAN DIEGO  
**CONCEPT UTILITY PLAN**  
 OTAY 260  
 WO 100-160  
 BK 9 OF 11



NOV 29 2023

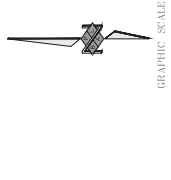
PREPARED FOR  
**COMBINE CONSTRUCTION CO., LP.**  
 1377 Comstock Rd, Suite 200  
 San Diego, California 92116-3497  
 Telephone: (619) 596-0463  
 Fax: (619) 596-0424

PREPARED BY  
 PELLA ENGINEERS, INC.  
 10000 San Diego Ave., Suite 200  
 San Diego, California 92126  
 Telephone: (619) 444-1100  
 Fax: (619) 444-1101

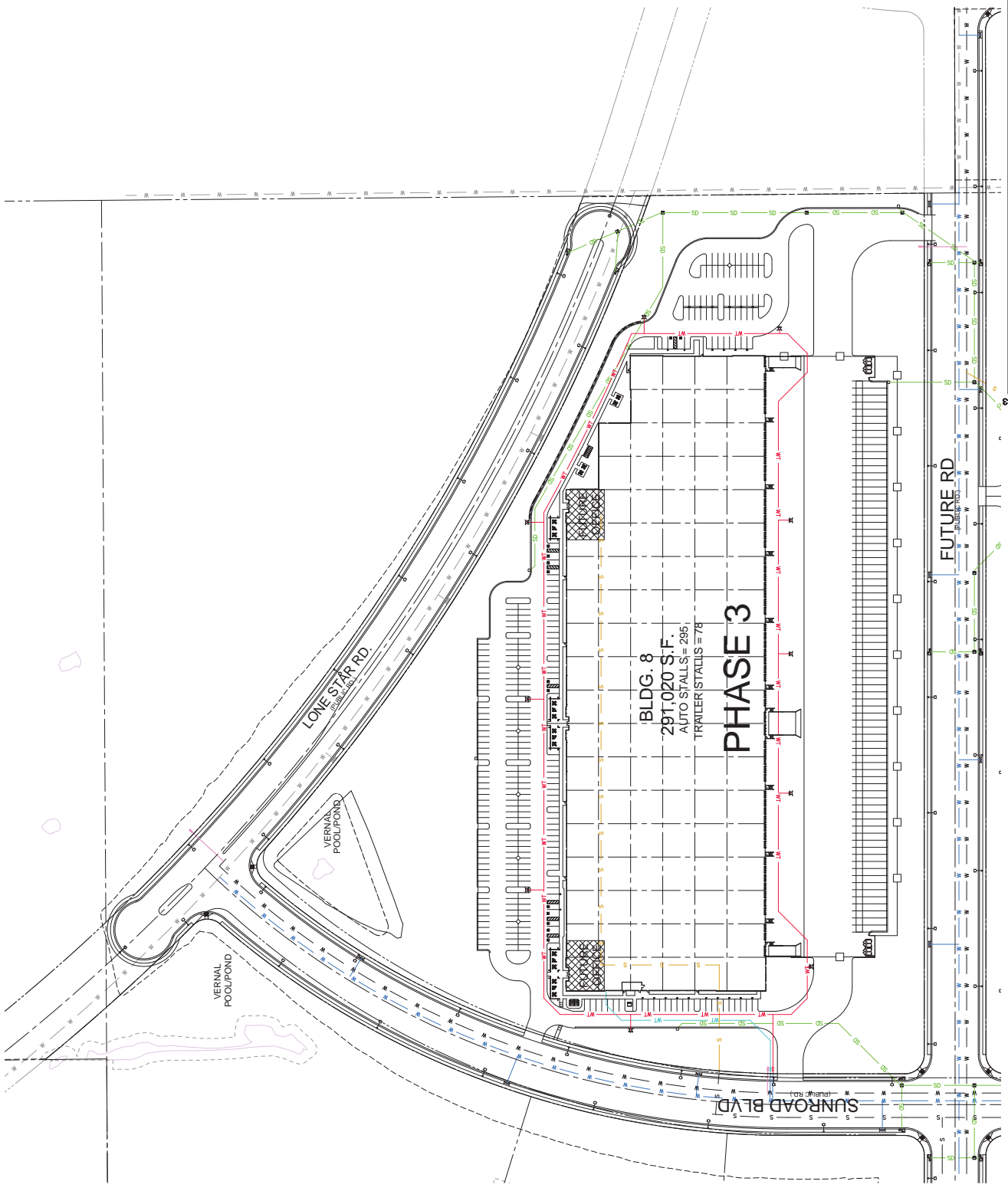


INDEX  
NOT SCALE

- PUBLIC UTILITY LEGEND**
- S 12" STORM DRAIN
  - S 8" SEWER
  - W 8" WATER
  - W 6" RECLAIMED WATER
  - W 4" FIRE WATER LATERAL
  - W 4" STREET LIGHT
- PRIVATE UTILITY LEGEND**
- S 12" STORM DRAIN
  - S 8" SEWER
  - W 8" DOMESTIC WATER
  - W 6" RECLAIMED SERVICE
  - W 4" FIRE WATER LATERAL
  - W 4" FIRE HYDRANT
  - W 10" DETECTOR CHECK VALVE
  - W 2" DOMESTIC WATER METER & BF
  - W 2" RECLAIMED WATER METER & BF



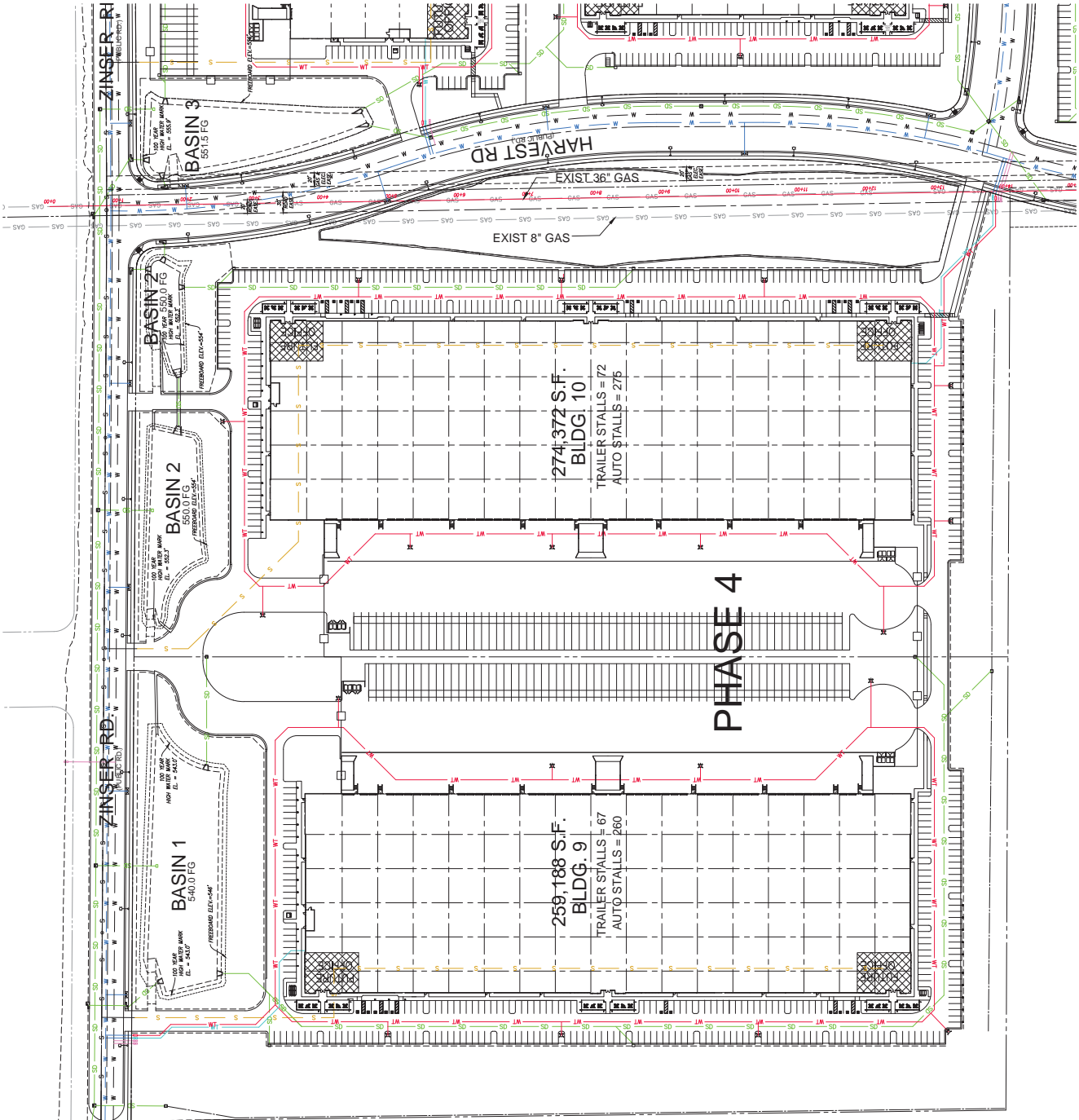
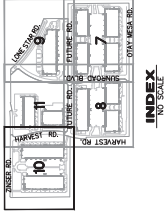
TOPOGRAPHY DATE: 11/16/22  
 COUNTY OF SAN DIEGO  
 WO 100-160  
 CONCEPT UTILITY PLAN  
 OTAY 260  
 SHEET 10 OF 11



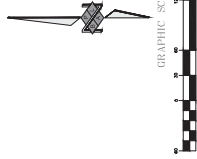
PREPARED FOR:  
**COMMERCE CONSTRUCTION CO., L.P.**  
 1317 Commerce Parkway North  
 City of Industry, California 91746-3497  
 Telephone: (951) 899-0463  
 Fax: (951) 899-0464

NOV 29 2023

PREPARED BY:  
**PELLA ENGINEERING, INC.**  
 10000 El Camino Real, Suite 200  
 San Diego, CA 92126  
 Phone: 619-441-1111  
 Fax: 619-441-1112



- PUBLIC UTILITY LEGEND**
- 10" STORM DRAIN
  - 8" SEWER
  - 8" WATER
  - 8" RECLAIMED WATER
  - 8" FIRE WATER
  - 8" STREET LIGHT
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  - 8" DOMESTIC WATER
  - 8" RECLAIMED WATER
  - 8" FIRE WATER LATERAL
  - 8" FIRE HYDRANT
  - 10" DETECTOR CHECK VALVE
  - 2" DOMESTIC WATER METER & BF
  - 2" RECLAIMED WATER METER & BF



TOPOGRAPHY DATE 11/16/22  
 COUNTY OF SAN DIEGO  
**CONCEPT UTILITY PLAN**  
**OTAY 260**

PREPARED BY:  
**COMBINE CONSTRUCTION CO., LP.**  
 1331 Comstock Road, Suite 200  
 Escondido, California 91744-3497  
 Telephone: (951) 699-0463  
 Fax: (951) 699-0464

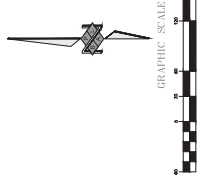
NOV 29 2023



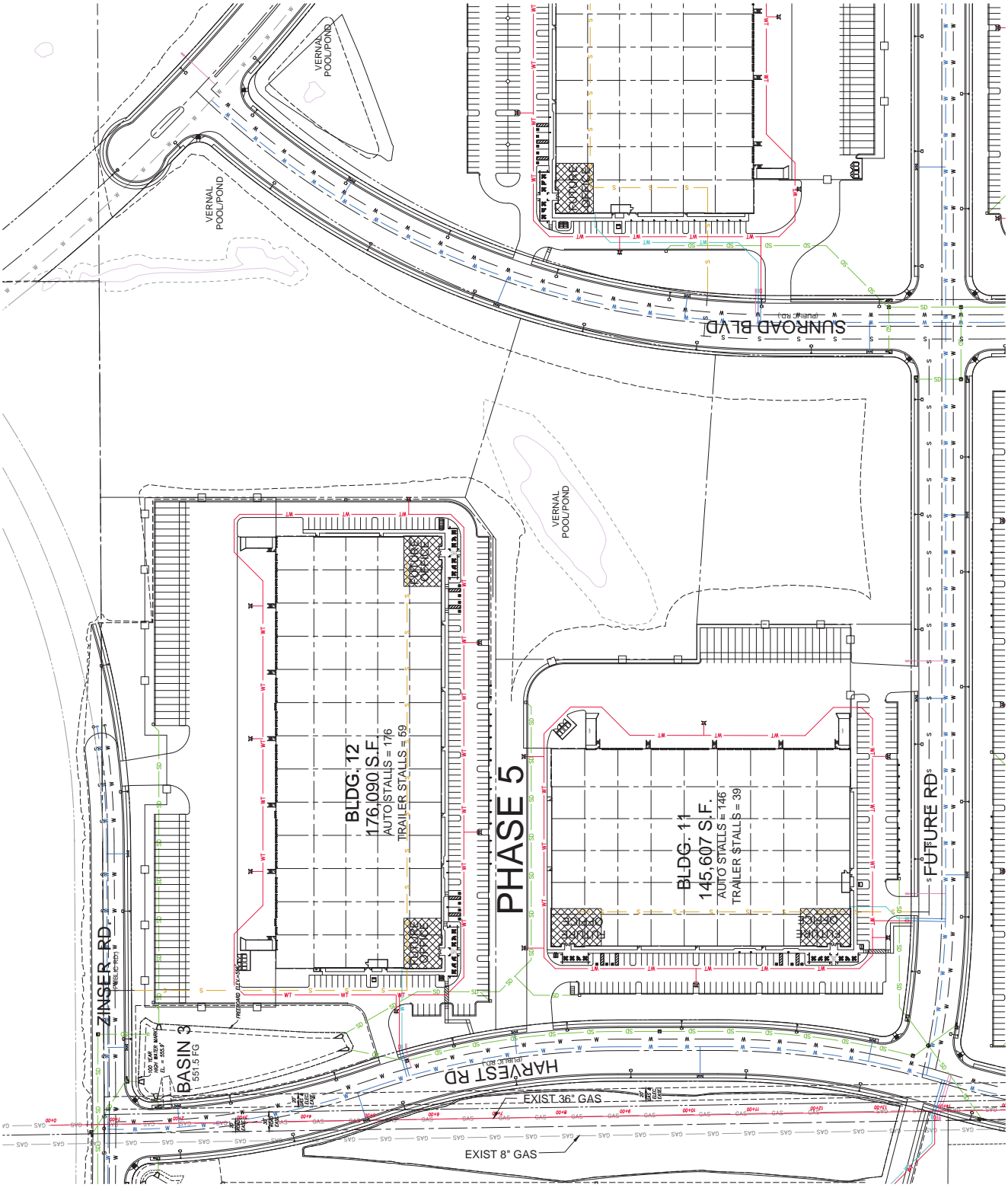
PREPARED FOR:  
**COMBINE CONSTRUCTION CO., LP.**  
 1331 Comstock Road, Suite 200  
 Escondido, California 91744-3497  
 Telephone: (951) 699-0463  
 Fax: (951) 699-0464



- PUBLIC UTILITY LEGEND**
- 10" STORM DRAIN
  - 8" SEWER
  - 8" WATER
  - 8" RECLAIMED WATER
  - 8" FIRE WATER
  - 8"-4" STREET LIGHT
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TOPOGRAPHY DATE: 11/10/22  
 WO 100-160  
 COUNTY OF SAN DIEGO  
**CONCEPT UTILITY PLAN**  
 OTAY 260  
 SHEET 12 OF 12



NOV 29 2022

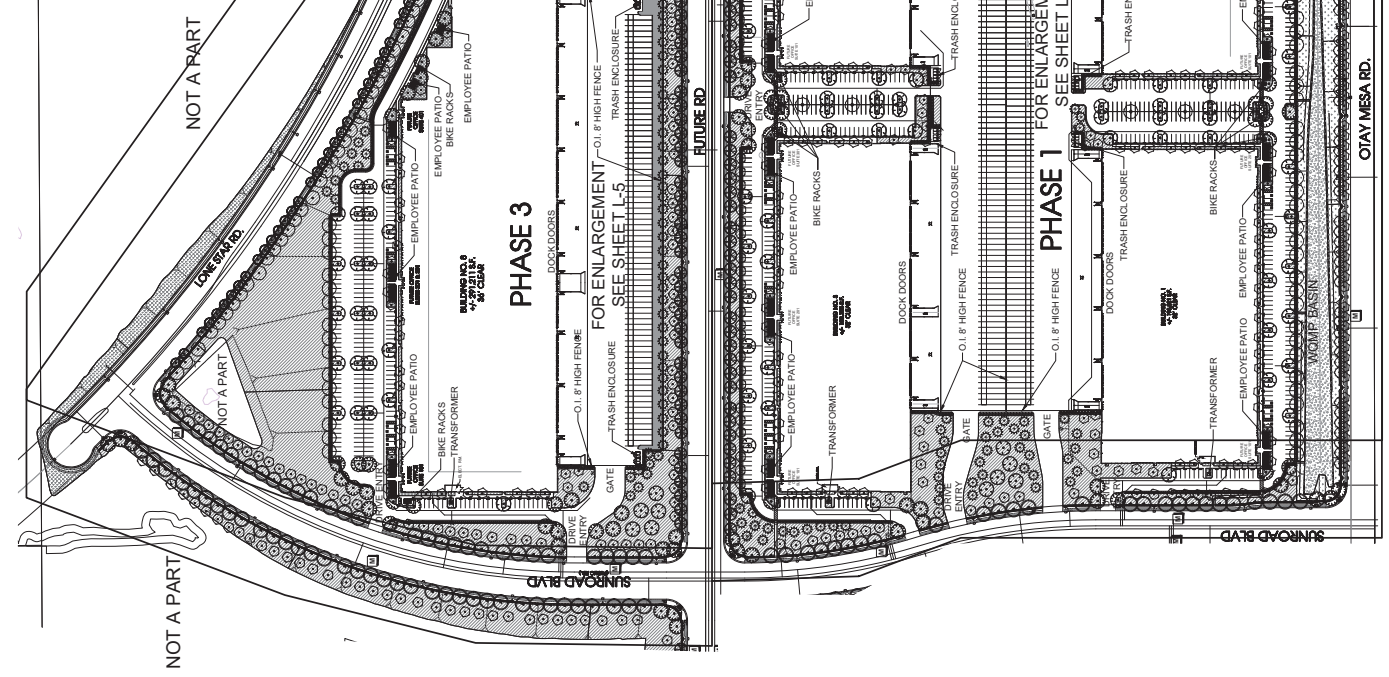
PREPARED FOR:  
**COMBUSTION CONSTRUCTION CO., L.P.**  
 1311 Comstock Road  
 City of Industry, California 91744-3497  
 Telephone: (951) 899-0463  
 Fax: (951) 899-0426

PREPARED BY:  
**PELLA ENGINEERING, INC.**  
 10000 El Camino Real, Suite 200  
 San Diego, CA 92121  
 Telephone: (619) 444-1111  
 Fax: (619) 444-1112

- NOTES**
- ALL TREES WITHIN 5' OF HEDGEWIRE SHALL BE IN A SHAWTOWN LINEN (WRAP AROUND NOT ALLOWED) ROOT BARRIER 24" HIGH LINEAR ROOT BARRIER SHALL BE CENTERED ON TREE AND EXTEND 5' IN BOTH DIRECTIONS.
  - NOTE CONTRACTOR TO INSTALL CONCRETE MONOLITHS TO DEFINE THE FOLLOWING AREAS:
    - BETWEEN GRVEL AND PAVING AREAS.
    - BETWEEN DRIVEWAYS AND DRIVEWAYS.
    - BETWEEN DRIVEWAYS AND SIDEWALKS.
    - BETWEEN DRIVEWAYS AND DRIVEWAYS.
  - NOTE QUANTITIES AND AREA CALCULATIONS SHOWN IN LEGEND ARE FOR REFERENCE ONLY. CONTRACTOR TO VERIFY ALL QUANTITIES AND AREA CALCULATIONS BEFORE ORDERING MATERIALS TO SITE. DETERMINING COST AND DELIVERY OF MATERIALS TO SITE.
  - NOTE WHERE POSSIBLE ALL TREES SHALL BE MINIMUM OF 9' FROM PAVED EDGE.
  - NOTE ALL TREES TO BE PLANTED WITH AN ANNUAL VERTICAL CLEARANCE OF 12'-6" FOR FIRE ACCESS.
  - OWNER WILL BE RESPONSIBLE FOR ON-GOING MAINTENANCE OF THE LANDSCAPING.
- SHREDDED MULCH NOTE**
- ALL WATER AREAS TO RECEIVE 4" OF LAYER OF SHREDDED COVER MULCH AVAILABLE FROM EARLY THROUGH 09/17/2020

**REFERENCE NOTES SCHEDULE**

SYMBOL	DESCRIPTION
[Pattern]	TRUCK, 50% NATURAL COLORED ORANGE ROCK OVER WEED MAT
[Pattern]	BASE
[Pattern]	BRAIN BOTTOM PER CIVIL ENGINEER



**PLANT SCHEDULE**

SYMBOL	SIZE	CULTURE	QUANTITY
[Symbol]	24" BOX	LOW	42
[Symbol]	24" BOX	LOW	203
[Symbol]	24" BOX	MED	207
[Symbol]	24" BOX	MED	232
[Symbol]	24" BOX	MED	552
[Symbol]	24" BOX	MED	237
[Symbol]	24" BOX	MED	490
[Symbol]	24" BOX	LOW	245
[Symbol]	24" BOX	MED	601

**CONCEPT PLANT SCHEDULE**

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**METHOD OF IRRIGATION**

This landscape design groups plants with similar water needs together into distinct zones. Each zone will be watered by a separate irrigation system. Each zone will have a separate irrigation valve and the controller will be ET Based with rain shut-off and flow monitoring capability. A 3" layer of mulch will be used to retain moisture and reduce weeds. Respected water will be used for irrigation if possible.

**NOTE: THE IRRIGATION SYSTEM WILL BE A WEATHER-BASED AUTOMATIC SYSTEM. THE IRRIGATION SENSORS WILL BE INSTALLED FOR EACH INFILTRATION SYSTEM.**

**MAINTENANCE NOTE:**  
CONTINUED LANDSCAPE MAINTENANCE FOR ON-SITE AND OFF-SITE WITHIN RIGHT OF WAY TO BE PROVIDED BY XXX

**NOTE: ALL BUILDING SETBACKS ARE 20' EXCEPT FOR OTAY MESA ROAD WHERE THEY ARE 25'**



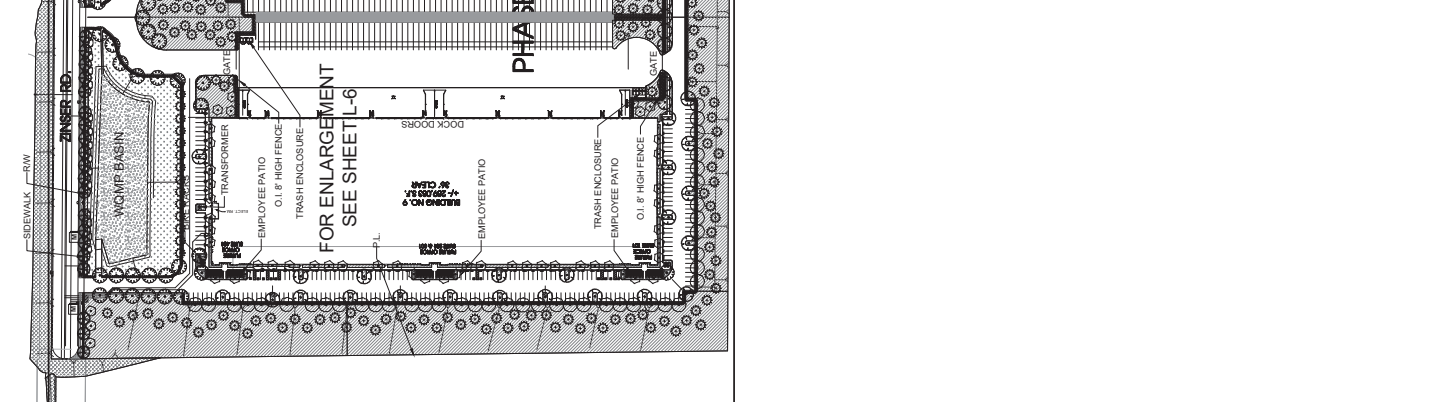
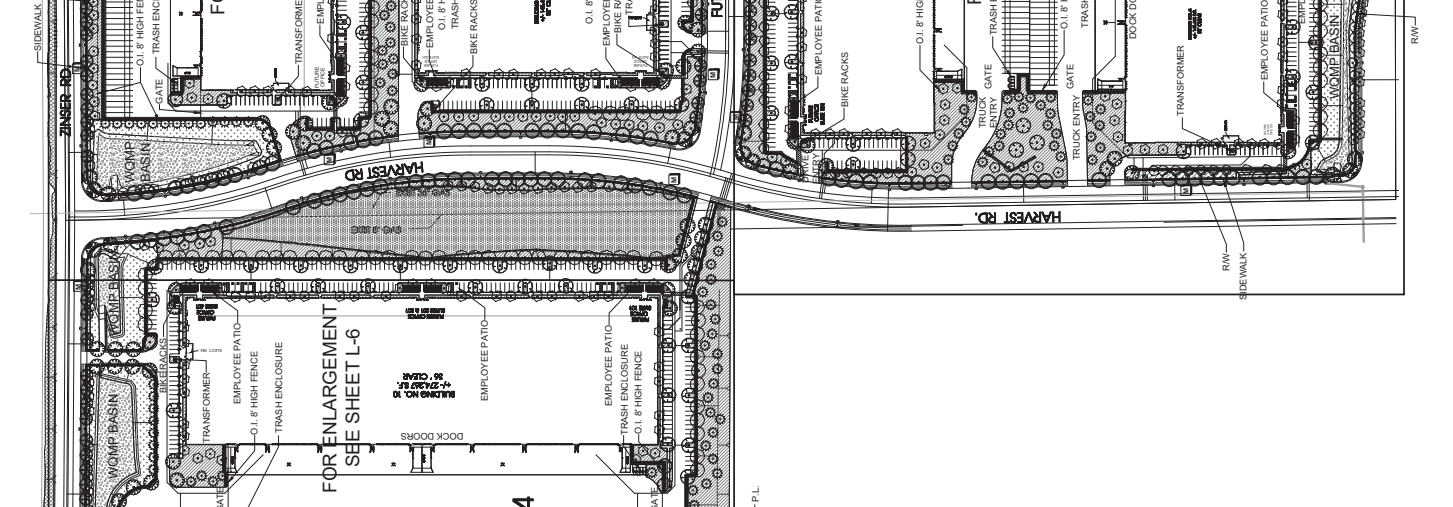
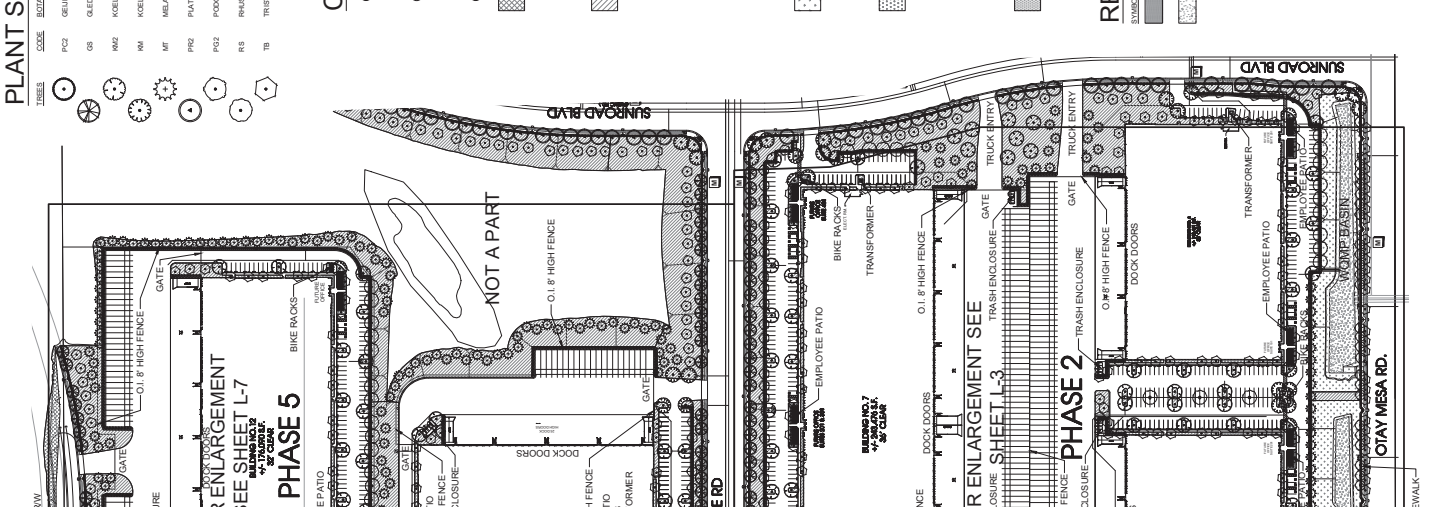


PLANT SCHEDULE

SYMBOL	PLANT	SIZE	MARKING
[Symbol]	GLADIOLUS	24" BOX	LOW
[Symbol]	GEUM	24" BOX	LOW
[Symbol]	HELIX	24" BOX	MED
[Symbol]	HELIX	36" BOX	MED
[Symbol]	MELALEUCA	24" BOX	MED
[Symbol]	PLANTANUS	24" BOX	MED
[Symbol]	PRODRACAPUS	24" BOX	MED
[Symbol]	RHYS LANCEA	24" BOX	LOW
[Symbol]	TRISTANTIA	24" BOX	MED

**CONCEPT PLANT SCHEDULE**

- FOR ENLARGEMENT SEE SHEET L-7: 1. LANTANA VERA, 2. ZANTHOXIDEA BICOLOR, 3. CLIBOTRIS BRUNNEA, 4. ...
- FOR ENLARGEMENT SEE SHEET L-6: 1. LANTANA VERA, 2. ZANTHOXIDEA BICOLOR, 3. CLIBOTRIS BRUNNEA, 4. ...
- FOR ENLARGEMENT SEE SHEET L-5: 1. LANTANA VERA, 2. ZANTHOXIDEA BICOLOR, 3. CLIBOTRIS BRUNNEA, 4. ...
- FOR ENLARGEMENT SEE SHEET L-3: 1. LANTANA VERA, 2. ZANTHOXIDEA BICOLOR, 3. CLIBOTRIS BRUNNEA, 4. ...
- FOR ENLARGEMENT SEE SHEET L-2: 1. LANTANA VERA, 2. ZANTHOXIDEA BICOLOR, 3. CLIBOTRIS BRUNNEA, 4. ...
- FOR ENLARGEMENT SEE SHEET L-6: 1. LANTANA VERA, 2. ZANTHOXIDEA BICOLOR, 3. CLIBOTRIS BRUNNEA, 4. ...



**REFERENCE NOTES SCHEDULE**

- [Symbol] 1" PLANK NATURAL COLORED COURSED ROCK OVER WEED
- [Symbol] BARBER
- [Symbol] BARS IN STOP PER CITE ENGINEER



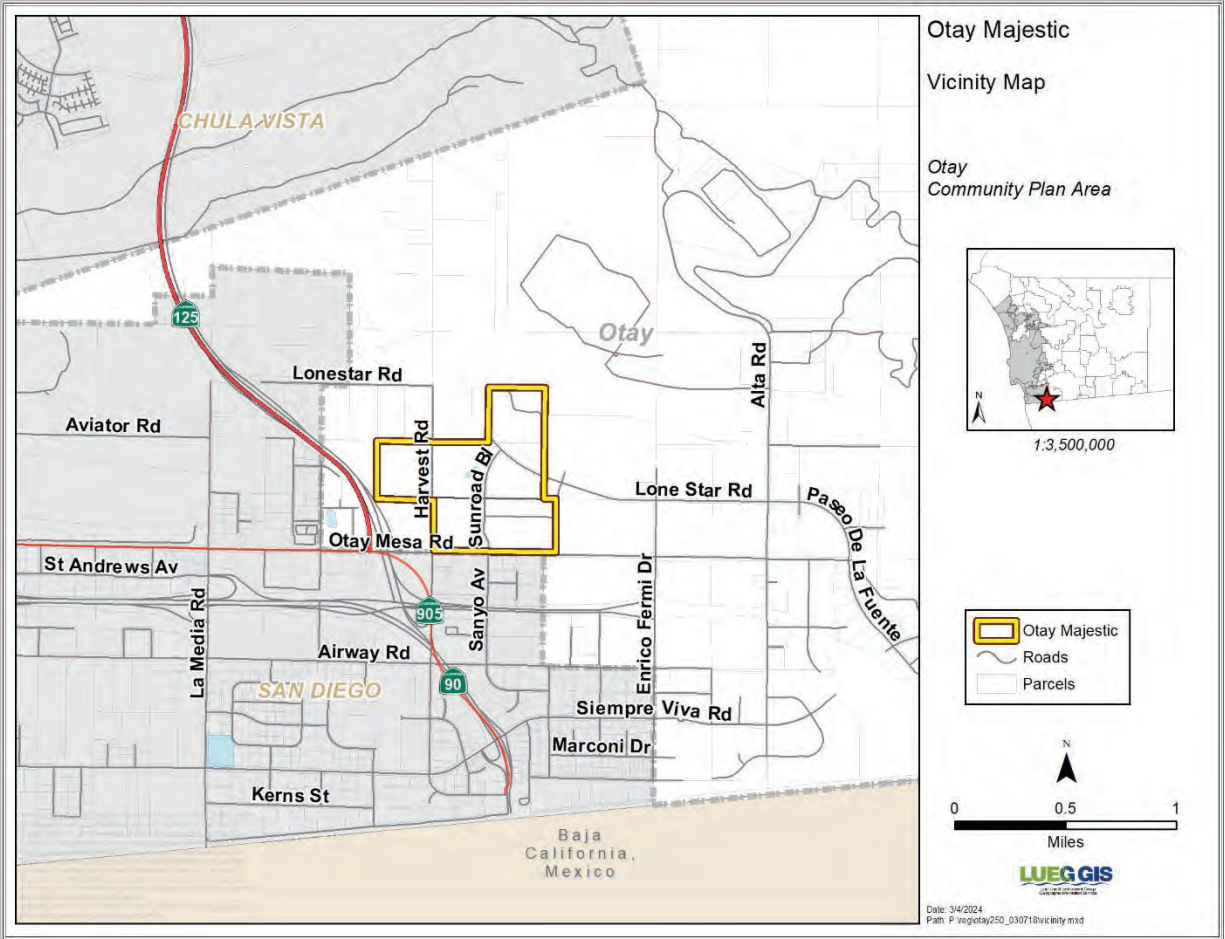


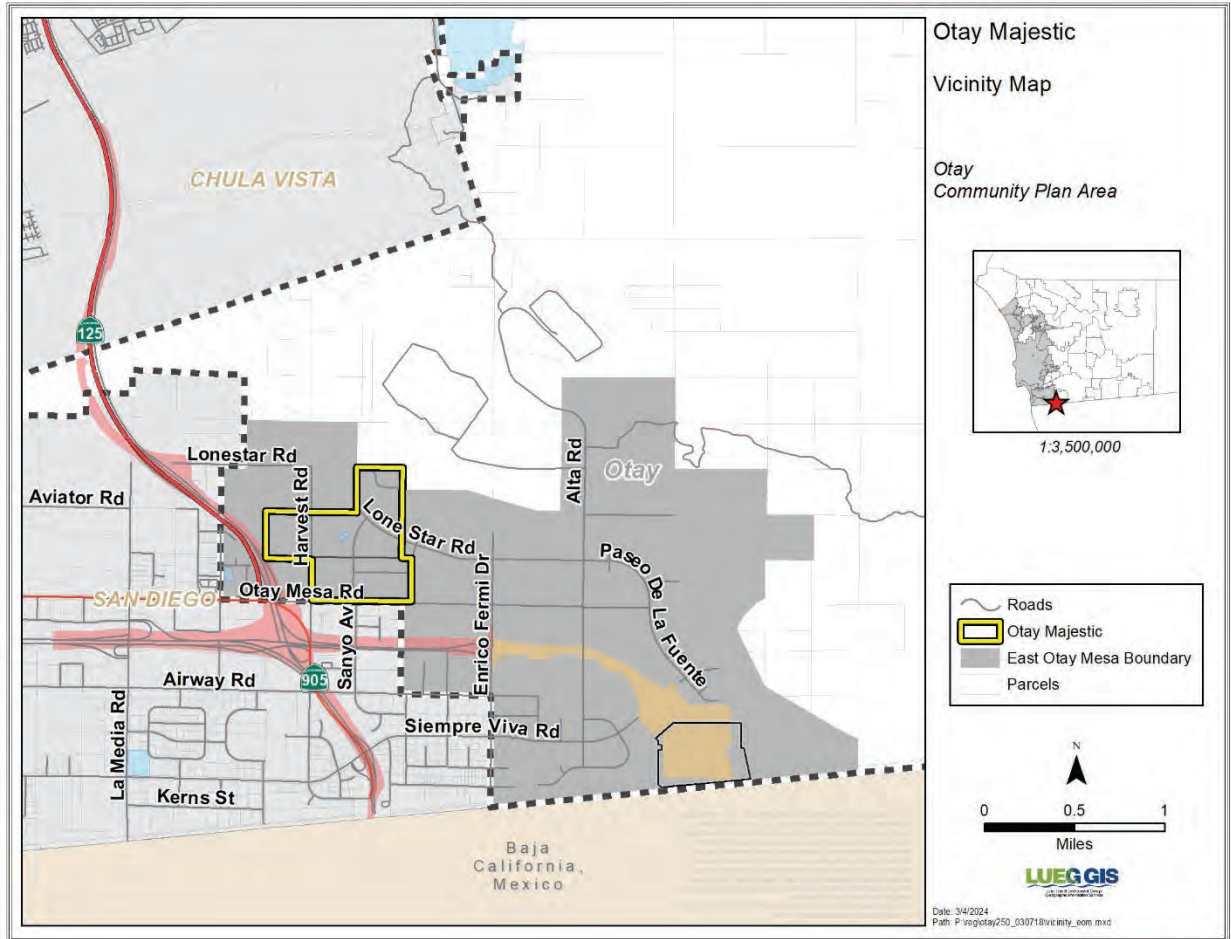


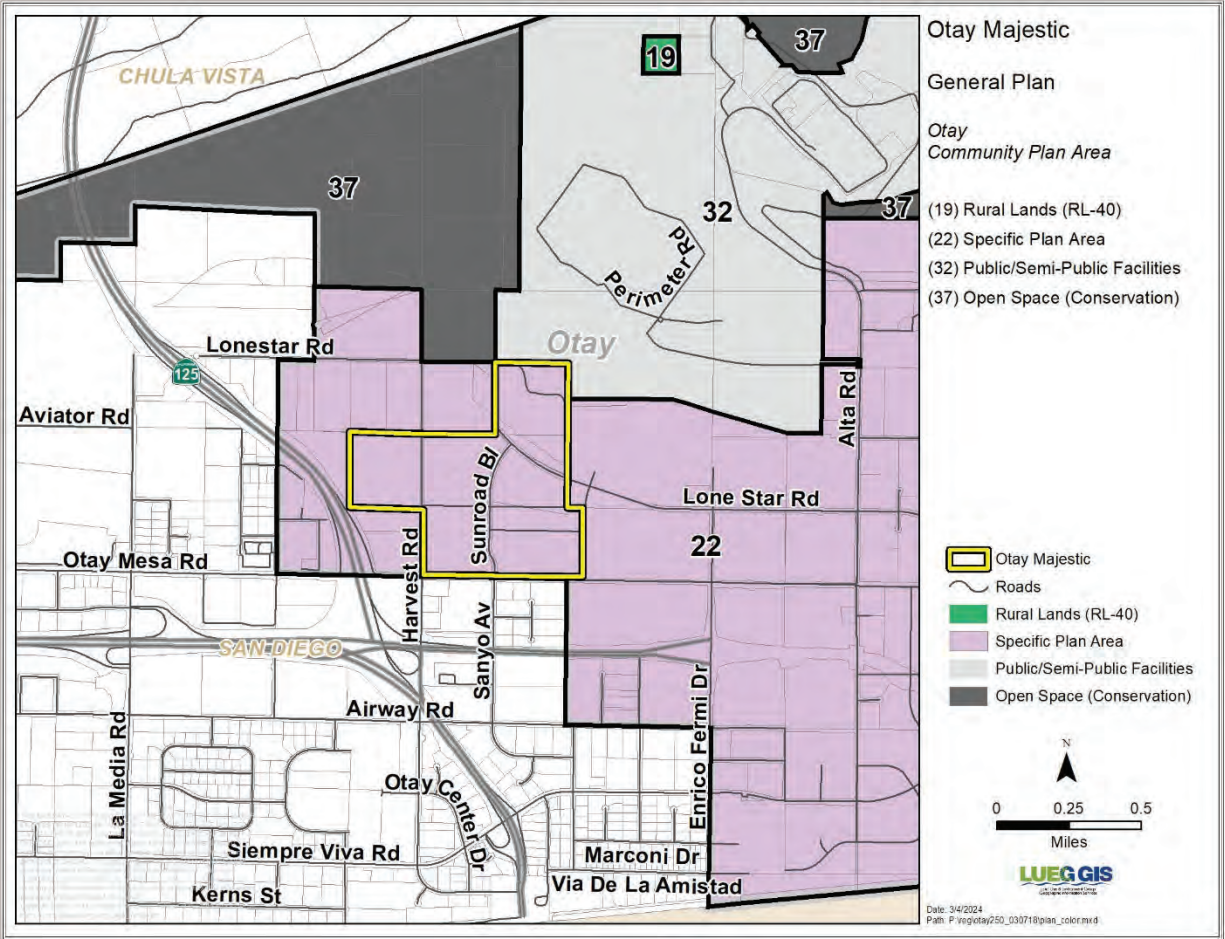




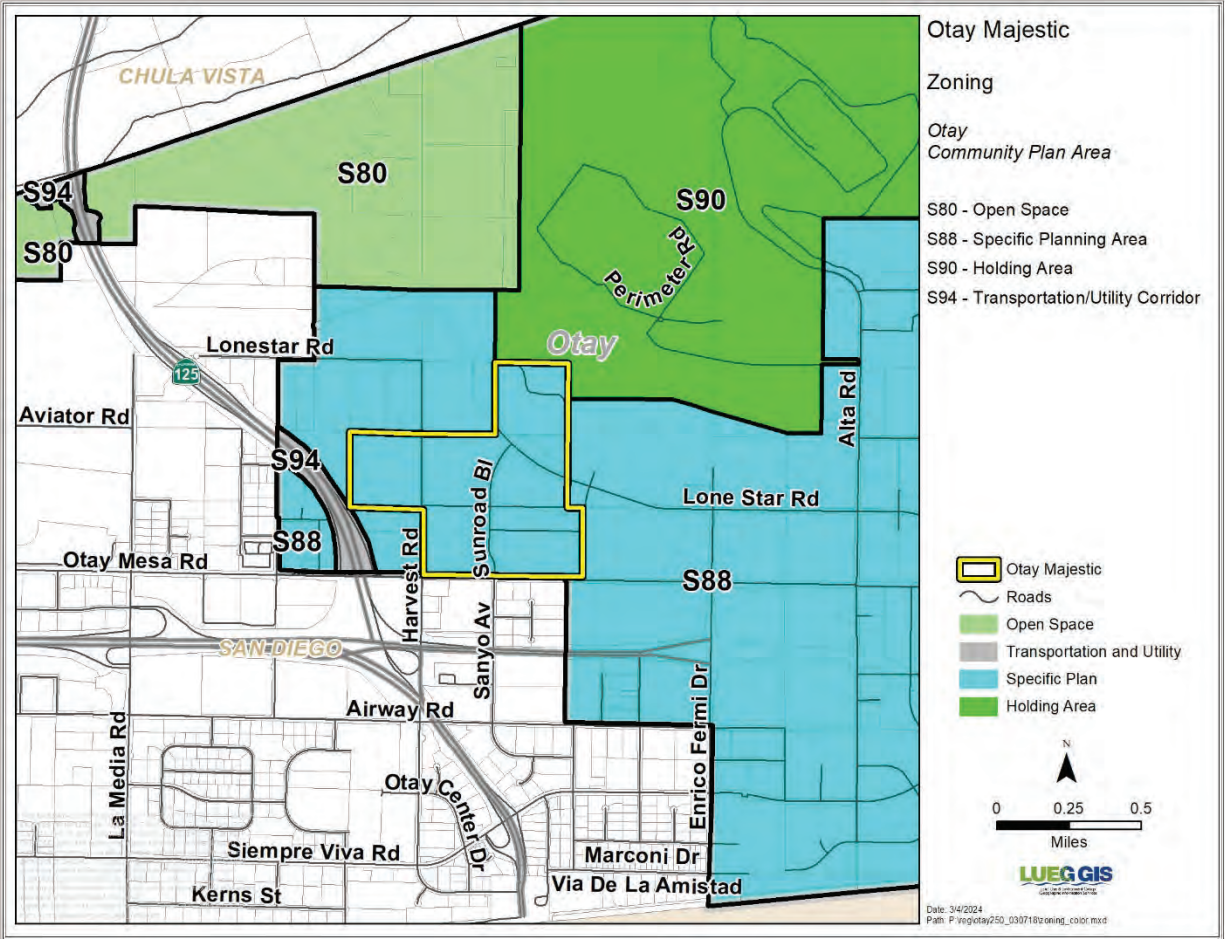


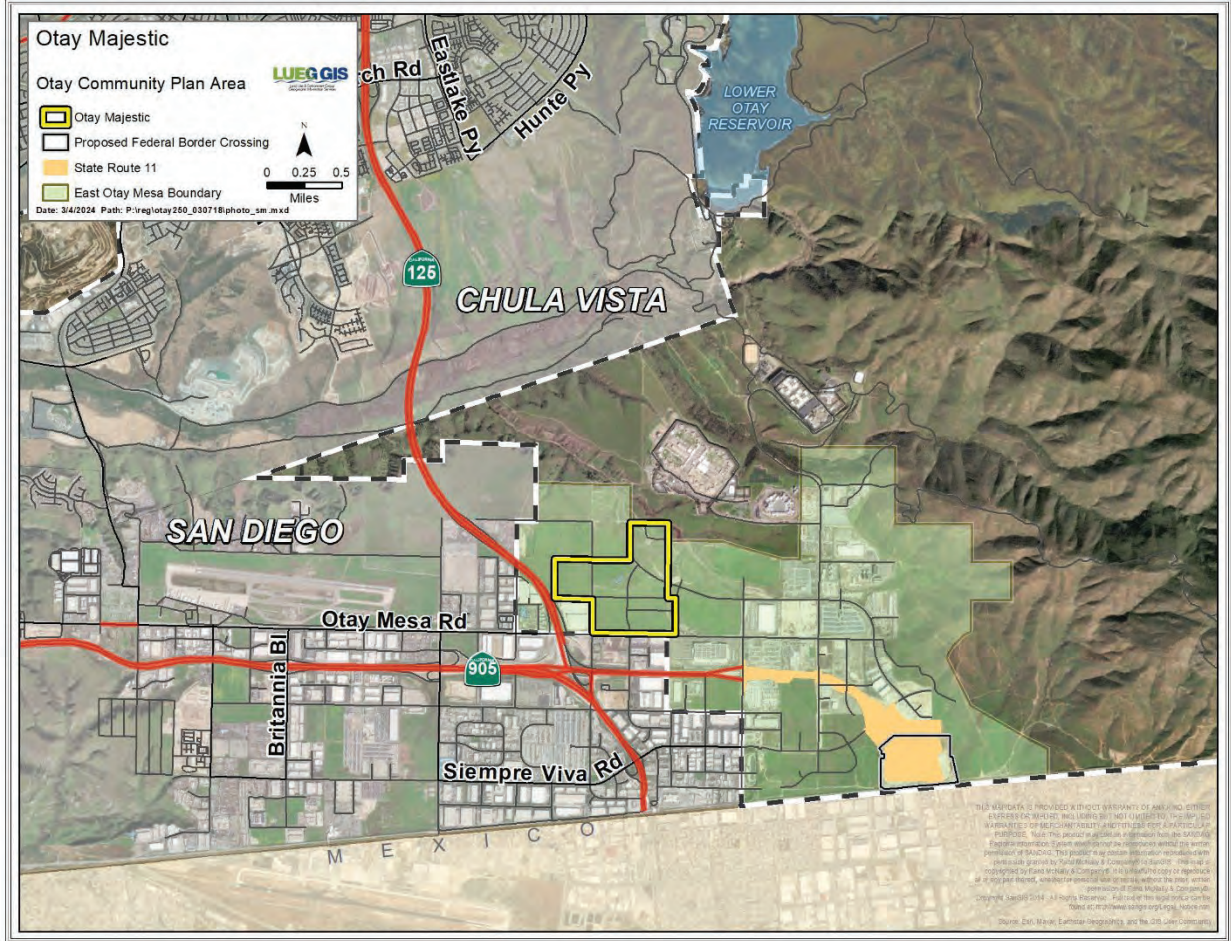


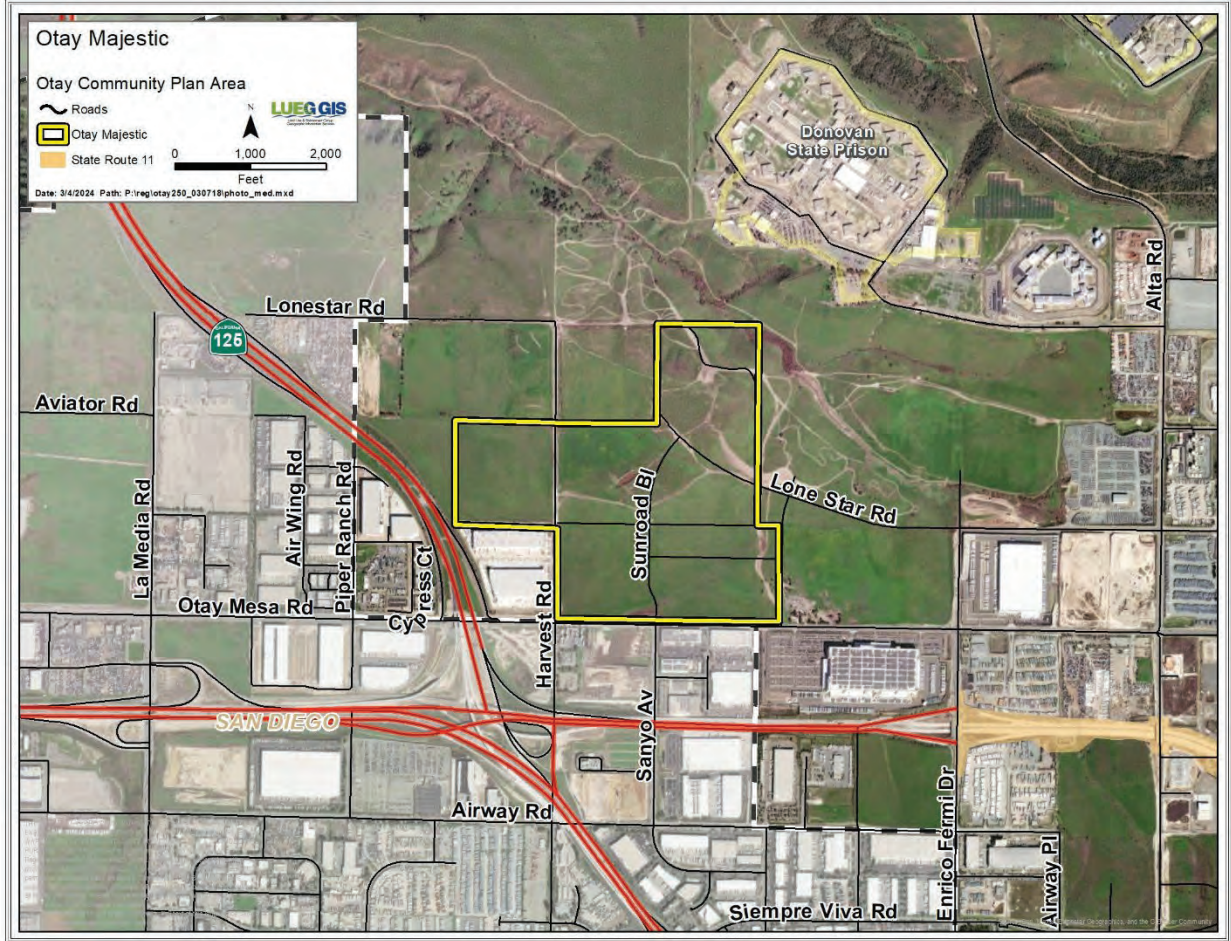


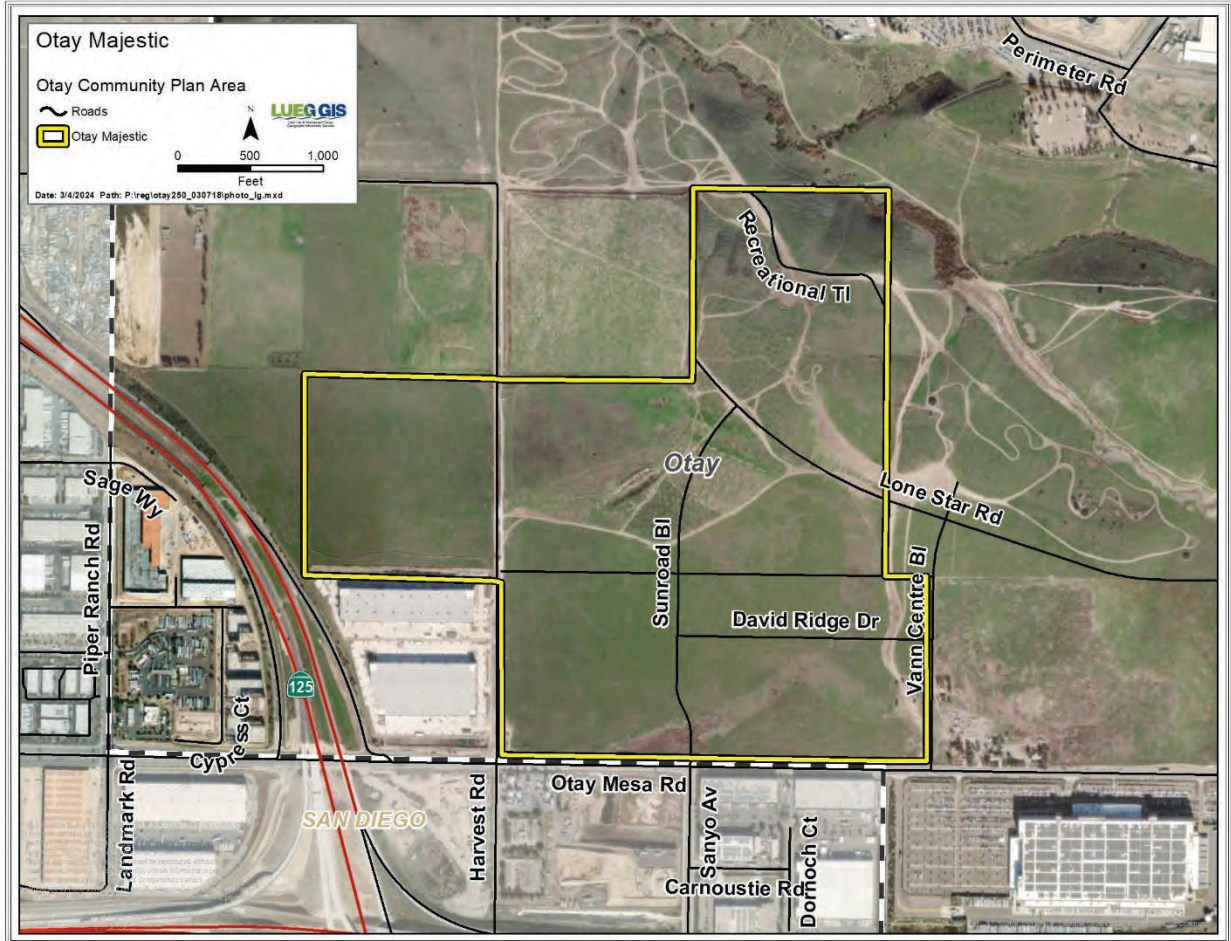


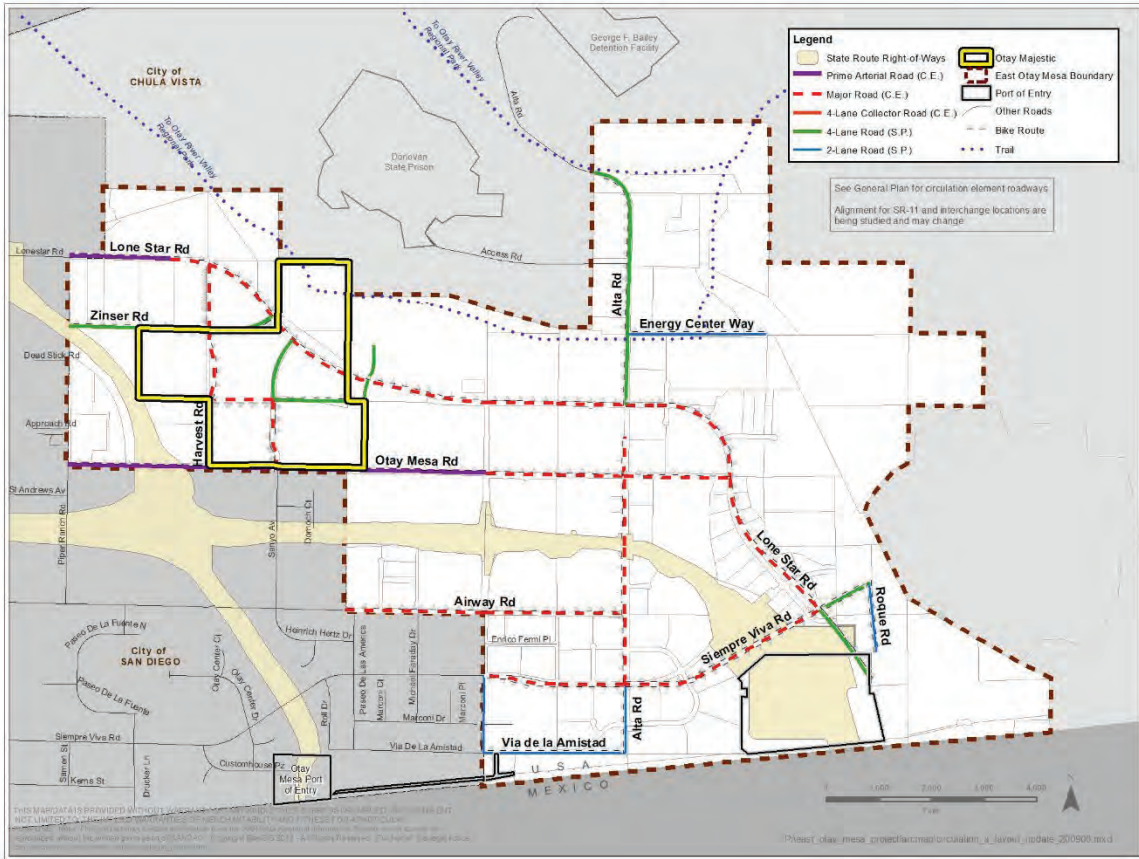












**Attachment B –  
RESOLUTION APPROVING  
VESTING TENTATIVE MAP  
PDS2024-VTM-5651**

RESOLUTION OF SAN DIEGO COUNTY )  
BOARD OF SUPERVISORS  
CONDITIONALLY APPROVING VESTING )  
TENTATIVE MAP NO. PDS2023-VTM-5651 )

ON MOTION of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the following Resolution is adopted:

WHEREAS, Vesting Tentative Map No. PDS2023-VTM-5651 attached hereto as Exhibit A (“Vesting Tentative Map”) proposing the division of property located within East Otay Mesa south of the City of Chula Vista, east of SR-125 and north of State Route (SR) 905 and generally described as:

PORTIONS OF SECTIONS 25, TOWNSHIP 18 SOUTH, RANGE 1 WEST, AND PORTIONS OF SECTION 26, TOWNSHIP 18 SOUTH, RANGE 1 WEST, SBM IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

was filed with the County of San Diego pursuant to the Subdivision Map Act and San Diego County Subdivision Ordinance on \_\_\_\_\_.

WHEREAS, on July 17, 2024 the Board of Supervisors of the County of San Diego pursuant to [Section 81.306 of the San Diego County Subdivision Ordinance](#) held a duly advertised public hearing on said Vesting Tentative Map and received for its consideration, documentation, written and oral testimony, recommendations from all affected public agencies, and heard from all interested parties present at said hearing; and

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

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

**MAP APPROVAL AND EXPIRATION:**

The approval of the Specific Plan Amendment PDS2022-SPA-22-001 and Site Plan PDS2023-STP-23-007 must become effective with the Vesting Tentative Map 5651. This approval expires thirty-six (36) months after said effective date at 4:00 P.M. unless, prior to that date, an application for a Time Extension has been filed as provided by [Section 81.313 of the County Subdivision Ordinance](#).

PDS2023-VTM 5651  
PDS2023-STP-23-007  
PDS2022-SPA-22-001

This Vesting Tentative Map confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards as of July 17, 2024.

**WAIVERS AND EXCEPTIONS:** This permit is hereby approved pursuant to the provisions of the County Public and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the County Public and Private Road Standards requirements to permit:

On May 23, 2024, the County of San Diego (County) Department of Public Works (DPW) approved your requests, dated April 4, 2024, for the following design exception(s) to County Public Road Standard(s):

- Request design exemption to remove raised median on roadway segments Sunroad Blvd from Otay Mesa Blvd to Future Rd, Future Rd from Sunroad Blvd to Harvest Rd, and Harvest Rd from Future Rd to Zinser Rd. This is a revision to County of San Diego General Plan Mobility Element designation for Ellis Rd (also known as Sunroad Blvd in the East Otay Mesa Business Park Specific Plan). Ellis Rd was designated as a 4.1A major road with a raised median. This Design Exception Request (DER) was approved by DPW and PDS on May 23, 2024
- Request to approve a reduction in the required minimum distance between intersecting centerlines of a Non-Mobility Element Road (including driveways) entering a Mobility Element Road in accordance with Section 6.7.I.5. The proposed distances from the Non-Mobility Element Roads to the Mobility Element Road ranges from 77 feet to 177 feet on the Phase 1 and 2 lots along Sunroad Blvd and Vann Centre. This Design Exception Request (DER) was approved by DPW and PDS on May 23, 2024.

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

- (1) Standard Condition 10.a: Said condition states that all fixtures shall use a low-pressure sodium (LPS) vapor light source. This waiver/modification allows the use of high-pressure sodium (HPS) vapor light sources at the project site if desired. HPS vapor light sources are only prohibited within a 15-mile radius of Palomar or Mount Laguna observatories pursuant to direction from the Board of Supervisors [statement of proceedings of 1-29-03].
- (2) Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.



PDS2023-VTM 5651  
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- (3) Standard Condition 22: Said condition pertains to construction of private subsurface sewage disposal system. The project is serviced by public sewer system.
- (4) Standard Condition 27: Said condition states that the Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units. The Final Map for this Tentative Map may be filed in units.

**The following Standard Subdivision Conditions are hereby modified:**

- (5) Standard Condition 28b: Said condition states that the County Department of Public Works shall be provided with a certification from each public utility and each public entity owning easements within the proposed subdivision. **If the project is unable to provide a certification from any public utility or entity then the project will be redesigned such that no County interests, including, but not limited to, publicly maintained roads and/or road easements, are subordinate to any public or private utility or entity, to the satisfaction of the Directors of the Department of Public Works and Planning & Development Services.**

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

- 1-29.** The “Standard Conditions (1-29) for Tentative Subdivision Maps” approved by the Board of Supervisors on June 16, 2000, **except** for those “Standard Conditions” *waived* above.

**PRIOR TO APPROVAL OF THE FINAL MAP FOR ALL UNITS (PHASES) THE FOLLOWING CONDITIONS SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PLANNING & DEVELOPMENT SERVICES (PDS) AND PUBLIC WORK (DPW).**

The following conditions apply to all Units (1-5) or they apply to multiple units and should be checked at each Unit stage.

***PRIOR TO THE RECORDATION OF THE FINAL MAP FOR UNITS 2, 3, 4, OR 5; THE FOLLOWING CONDITIONS FOR UNIT 1 SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PDS AND DPW.***

**1. 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](#), all the public roads

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shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. **Otay Mesa Road**, on the project side, from Sunroad Boulevard easterly to Vann Centre Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for Prime Arterial Road with bike lane to a minimum one-half graded width of sixty-seven (67') to seventy-nine feet (79') at turn pocket with fifty-seven feet (57') to sixty-nine feet (69') at turn pocket of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at fifty-seven feet (57') to sixty-nine feet (69') at turn pocket from the ultimate centerline.

The striping of the Otay Mesa Road to its ultimate 6-lane classification will not be required as part of mitigations for this project.

1. Per the County's Mobility Element, pavement widening will be required at the intersections to accommodate the lane configurations described below:

- i. Otay Mesa Road/Sanyo Avenue/Sunroad Boulevard:

- The Project will construct the north leg of the intersection to provide one northbound lane into the site and the following striping at the southbound approach: one dedicated left-turn lane, one through lane, and one dedicated right-turn lane with overlap signal phasing.
- The Project will restripe the westbound approach to provide one dedicated left-turn lane and one shared through/right-turn lane.
- The Project will restripe the northbound approach to provide one dedicated left-turn lane and one shared left-turn/through/right-turn lane.
- The Project will restripe the eastbound approach to provide one dedicated left-turn lane, one through lane, and one shared through/right lane.

- ii. Otay Mesa Road/ Vann Centre Boulevard:

- The Project will construct the north leg of the intersection to provide one northbound lane into the site and the following striping at the southbound approach: one dedicated right-turn lane with overlap signal phasing and one shared through/left-turn lane.
- The Project will restripe the westbound approach to provide one dedicated left-turn lane and one shared through/right-turn lane.
- The Project will restripe the northbound approach to provide one shared left-turn/through/right-turn lane.
- The Project will restripe the eastbound approach to provide one dedicated left-turn lane, one through lane, and one shared through/right-turn lane.

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2. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.

All the foregoing to the satisfaction of the City of San Diego and the Director of PDS & DPW.

- b. Sunroad Boulevard**, on both sides, from Otay Mesa Road northerly to Future Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a General Plan Mobility Element and Specific Plan 4-Lane Road- Collector with bike lane, to a graded width of ninety-six feet (96') with seventy-six feet (76') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on both sides of the street. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.

1. Sunroad **Boulevard** on both sides of the ultimate centerline location shall have ultimate improvements in accordance with Public Road Standards to provide for two (2) twelve feet (12') northbound lanes, a six-foot (6') bike lane and a eight-foot (8') shoulder area for northbound traffic to an improved width of thirty-eight feet (38') with asphalt concrete pavement over approved base with an AC berm on both sides of the ultimate centerline location of **Sunroad Boulevard**.

- c. Vann Centre Boulevard** from Otay Mesa Road northerly to Future Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan 4-Lane Road Collector with bike lane, to a one half graded width of forty-eight feet (48') with thirty-eight feet (38') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.

1. Vann Centre Boulevard shall have ultimate improvements in accordance with Public Road Standards to provide for two (2) twelve-foot (12') travel lanes, one (1) eight-foot (8') bike lane and one (1) eight-foot (8') shoulder area and a seven foot (7') raised median to an improved width of thirty-eight feet (38') with asphalt concrete pavement over approved base.

2. If the parking prohibition along the project frontage is recommended and approved by the County Traffic Advisory Committee and Board of Supervisors prior to approval of the final improvement plan processing, the eight-foot (8') shoulder areas will be eliminated.

- d. Future Road** on both sides, from Sunroad Boulevard easterly to Vann Centre Boulevard in accordance with Public Road Standards and the East Otay Mesa

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Business Park Specific Plan for a Specific Plan 4-Lane Road Collector with bike lane, to a graded width of ninety-six feet (96') with seventy-six feet (76') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on both sides of the street. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.

1. **Future Road** on both sides of the ultimate centerline location shall have ultimate improvements in accordance with Public Road Standards to provide for two (2) twelve feet (12') northbound lanes, a six-foot (6') bike lane and a eight-foot (8') shoulder area for northbound traffic to an improved width of thirty-eight feet (38') with asphalt concrete pavement over approved base with an AC berm on both sides of the ultimate centerline location of **Future Road**.

e. **Asphalt** concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

- a. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- b. Provide Secured Agreements in accordance with [Subdivision Ordinance Sec. 81.408](#).
- c. Upon approval of the plans, pay all applicable inspection 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.
- e. The subdivider/applicant shall obtain an Encroachment Permit for the installation of landscaping within the Public Road Right-of-Way.

**TIMING:** Prior to the recordation of the Final Map for the specific unit as indicated above, the plans, agreements, and securities shall be submitted. **MONITORING:** The

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[PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

## 2. ROADS#2–ENCROACHMENT PERMIT

**INTENT:** In order to ensure that public road improvements comply with the [County of San Diego Public Road Standards](#), and [the City of San Diego Transportation and Storm Water Design Manuals](#) an encroachment permit(s) shall be obtained and implemented. **DESCRIPTION OF REQUIREMENT:** A permit shall be obtained from the City of San Diego for the improvements to be made within the City of San Diego right-of-way. A copy of the permit and evidence from the issuing agency that all requirements of the permit have been met shall be submitted to the [PDS, LDR]. **DOCUMENTATION:** The applicant shall obtain the encroachment permit(s) and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to the [PDS, LDR]. The applicant should contact the City of San Diego Development Services at (619) 446-5000 for additional details. **TIMING:** Prior to the approval of any plan, issuance of any County permit, and prior to occupancy or use of the premises in reliance of this permit, the encroachment permit shall be obtained. **MONITORING:** The [PDS, LDR] shall review the permit for compliance with this condition and the applicable improvement plans and implement any conditions of the permit in the County improvement plans.

## 3. ROADS#3–ROAD DEDICATION

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

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a minimum one-half right-of-way width of sixty-seven feet (67') to seventy-nine feet (79') at turn pocket from the County/City boundary line for **Otay Mesa Road** from Sunroad Boulevard easterly to Vann Centre Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for Prime Arterial Road with bike lane. Additional right-of-way on the project side will be required to accommodate the improvements at the Otay Mesa Road with Harvest Road, Sunroad Boulevard Road, and Vann Centre Road intersections. Dedicate thirty-foot (30') radius corner rounding at Otay Mesa Road intersection with Sunroad Boulevard and Vann Centre Road, plus slope rights and drainage easements.
- b. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a minimum right-of-way width of ninety-six feet (96') **Sunroad Boulevard** from Otay Mesa Road to Future Road; along the project frontage in accordance with Public Road Standards and the East Otay Mesa

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- c. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a right-of-way width of ninety-six feet (96') for **Vann Centre Boulevard** from Otay Mesa Road to Future Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road- Collector with bike lane plus slope rights and drainage easements.
- d. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a right-of-way width of ninety-six feet (96') for **Future Road** from Sunroad Boulevard to Vann Centre Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road- Collector with bike lane plus slope rights and drainage easements.
- e. If the parking prohibition along the project frontage is recommended and approved by the County Traffic Advisory Committee and Board of Supervisors prior to approval of the final improvement plan processing, the eight-foot (8') shoulder areas will be eliminated from the right-of-way dedication.
- f. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required and shall be accepted for public use.

**DOCUMENTATION:** The applicant shall dedicate the project side of the easement on the Final Map and show it as Accepted. **TIMING:** Prior to the recordation of the Final Map the on-site dedication for Unit 1, shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the Final Map and Accepted by the County.

#### 4. ROADS#4–SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_feet of unobstructed intersectional sight distance in both directions along **Otay Mesa Road** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These

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sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”

- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Sunroad Boulevard** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- c. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Vann Centre Boulevard** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- d. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Future Road** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.
- e. The engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

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

## 5. ROADS#5–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. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **Otay Mesa Road** along the project frontage from Sunroad Boulevard easterly to Vann Centre Boulevard except for the driveway openings as shown on the approved Vesting Tentative Map.
- b. Relinquish access rights onto **Sunroad Boulevard** along the project frontage from Otay Mesa Road northerly to Future Road except for the driveway openings as shown on the approved Vesting Tentative Map.
- c. Relinquish access rights onto **Vann Centre Boulevard** along the project frontage from Otay Mesa Road northerly to Future Road except for the driveway openings as shown on the approved Vesting Tentative Map.
- d. Relinquish access rights onto **Future Road** along the project frontage from Sunroad Boulevard easterly to Vann Centre Boulevard except for the driveway openings as shown on the approved Vesting Tentative Map
- e. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall prepare the pages of the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map for unit 1, the access shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

**PRIOR TO THE RECORDATION OF THE FINAL MAP FOR UNITS 2, 3, 4, OR 5; THE FOLLOWING CONDITIONS FOR UNIT 2 SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PDS AND DPW.**

## 6. ROADS#6–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](#), all the public roads



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shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. **Otay Mesa Road**, on the project side, from Harvest Road easterly Sunroad Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for Prime Arterial Road with bike lane to a minimum one-half graded width of sixty-seven (67') to seventy-nine feet (79') at turn pocket with fifty-seven feet (57') to sixty-nine feet (69') at turn pocket of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at fifty-seven feet (57') to sixty-nine feet (69') at turn pocket from the ultimate centerline.

The striping of the Otay Mesa Road to its ultimate 6-lane classification will not be required as part of mitigations for this project.

1. Per the County's Mobility Element, pavement widening will be required at the intersections to accommodate the lane configurations described below:
  - i. Otay Mesa Road/Harvest Road:
    - The Project will Install a traffic signal at the intersection.
    - The Project will restripe the eastbound approach to provide one dedicated left-turn lane, one through lane and one shared through/right-turn lane.
    - The Project will restripe the southbound approach to provide one dedicated right-turn lane with overlap phasing and one shared through/left-turn lane.
2. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.

All of the foregoing to the satisfaction of the City of San Diego and the Director of PDS & DPW.

- b. **Harvest Road**, on both sides, from Otay Mesa Road northerly to Future Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road- Collector with bike lane, to a graded width of ninety-seven feet (97) with seventy-nine feet (79') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on the east side and thirty-nine feet (39') from centerline on the west side. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.

- i. **Harvest Road** on the east side shall have ultimate improvements in accordance with Public Road Standards to provide for two (2) twelve feet (12')

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northbound lanes, a six-foot (6') bike lane and a eight-foot (8') shoulder area for northbound traffic to an improved width of thirty-eight feet (38') with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on the east side of **Harvest Road**.

- c. **Future Road** on both sides, from Harvest Road easterly to Sunroad Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road- Collector with bike lane, to a graded width of ninety-six feet (96') with seventy-six feet (76') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on both sides of the street. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
  - i. **Future Road** on both sides of the ultimate centerline **location** shall have ultimate improvements in accordance with Public Road Standards to provide for two (2) twelve feet (12') through lanes, a six-foot (6') bike lane and a eight-foot (8') shoulder area for traffic in both directions to an improved width of thirty-eight feet (38') with asphalt concrete pavement over approved base Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on both sides of **Future Road**.
- d. **Asphalt** concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

- a. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- b. Provide Secured Agreements in accordance with [Subdivision Ordinance Sec. 81.408](#).
- c. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI].

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- 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. The subdivider/applicant shall obtain an Encroachment Permit for the installation of landscaping within the Public Road Right-of-Way.

**TIMING:** Prior to the recordation of the Final Map the plans, agreements, and securities for Unit 2 shall be approved. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

## 7. ROADS#7-ENCROACHMENT PERMIT

**INTENT:** In order to ensure that public road improvements comply with the [County of San Diego Public Road Standards](#), and the City of San Diego Transportation and Storm Water Design Manuals an encroachment permit(s) shall be obtained and implemented. **DESCRIPTION OF REQUIREMENT:** A permit shall be obtained from the City of San Diego for the improvements to be made within the City of San Diego right-of-way. A copy of the permit and evidence from the issuing agency that all requirements of the permit have been met shall be submitted to the [PDS, LDR]. **DOCUMENTATION:** The applicant shall obtain the encroachment permit(s) and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to the [PDS, LDR]. The applicant should contact the City of San Diego Development Services at (619) 446-5000 for additional details. **TIMING:** Prior to the approval of any plan, issuance of any County permit, and prior to occupancy or use of the premises in reliance of this permit, the encroachment permit shall be obtained. **MONITORING:** The [PDS, LDR] shall review the permit for compliance with this condition and the applicable improvement plans and implement any conditions of the permit in the County improvement plans.

## 8. ROADS#8-SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is \_\_\_\_\_feet of unobstructed intersectional sight distance in both directions along **Otay Mesa Road, Harvest Road** and **Future Road** from the proposed roadways and access driveways, along in accordance

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with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”

- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Otay Mesa Road** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- c. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Harvest Road** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- d. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Future Road** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”

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- e. The engineer or surveyor shall further certify that: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

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

## 9. ROADS#9–ROAD DEDICATION

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

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a minimum one-half right-of-way width of sixty-seven feet (67) to seventy-nine feet (79') at turn pocket from the County/City boundary line for **Otay Mesa Road** from Harvest Road easterly to Sunroad Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for Prime Arterial Road with bike lane. Additional right-of-way on the project side will be required to accommodate the improvements at the Otay Mesa Road with Harvest Road, Sunroad Boulevard Road, and Vann Centre Road intersections. Dedicate thirty-foot (30') radius corner rounding at Otay Mesa Road intersection with Harvest Road, plus slope rights and drainage easements.
- b. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a half right-of-way width of forty-eight feet (48') for **Harvest Road**, from Otay Mesa Road northerly to Future Road, in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan four-Lane Road-Local Collector with bike lane; with thirty-foot (30') radius corner rounding at Harvest Road Future Road intersection, plus slope rights and drainage easements.
- c. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a right-of-way width of ninety-six feet (96') for **Future Road** from Harvest Road to Sunroad Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road Collector with bike lane plus slope rights and drainage easements.
- d. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required and shall be accepted for public use.

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**DOCUMENTATION:** The applicant shall dedicate the project side of the easement on the Final Map and show it as Accepted. For the offsite portions of the easement, the applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to the recordation of the Final Map on-site dedication and the off-site granting for Unit 2 shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the Final Map and accepted by the County. The [DGS, RP] shall prepare, approve the easement documents for recordation, and forward the recorded copies to [PDS, LDR] for review and approval. The [PDS, LDR] shall review the offsite granting for compliance with this condition.

#### 10. ROADS#10–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. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **Otay Mesa Road** along the project frontage from Harvest Road easterly to Sunroad Boulevard except for the approved driveways as shown on the Vesting Tentative Map.
- b. Relinquish access rights onto **Sunroad Boulevard** along the project frontage from Otay Mesa Road northerly to Future Road except for the approved driveways shown on the Vesting Tentative Map.
- c. Relinquish access rights onto **Harvest Road** along the project frontage from Otay Mesa Road northerly to Future Road except for the approved driveways as shown on the Vesting Tentative Map.
- d. Relinquish access rights onto **Future Road** from Harvest Road easterly to Sunroad Boulevard along the project frontage except for the approved driveways as shown on the Vesting Tentative Map.
- e. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall prepare the pages of the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map for Unit 2, the access shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

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**PRIOR TO THE RECORDATION OF THE FINAL MAP FOR UNITS 3, 4, OR 5; THE FOLLOWING CONDITIONS FOR UNIT 3, SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PDS AND DPW.**

#### 11. ROADS#11–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](#), all the public roads shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. **Sunroad Boulevard**, on both sides, from Future Road northeasterly to Lone Star Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road Collector with bike lane, to a graded width of ninety-six feet (96') with seventy-six feet (76') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on both sides of the street. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
- b. **Lone Star Road**, from Sunroad Boulevard southeasterly to the easterly project boundary in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4.1A Major Road with a raised median and a Class IV Bike Way, to a graded width of ninety-eight feet (98') with seventy-eight feet (78') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-nine feet (39') from the centerline on both sides of the street. Face of median shall be at seven feet (7') from centerline on both sides of the street. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement. In the interim conditions, both ends of **Lone Star Road** shall terminate with a cul-de-sac graded to a radius of forty-two feet (42') to the satisfaction of Director of PDS and the Fire Department.
- c. **Asphalt** concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

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- a. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- b. Provide Secured Agreements in accordance with [Subdivision Ordinance Sec. 81.408](#).
- c. Upon approval of the plans, pay all applicable inspection 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.
- e. The subdivider/applicant shall obtain an Encroachment Permit for the installation of landscaping within the Public Road Right-of-Way.

**TIMING:** Prior to the recordation of the Final Map the plans, agreements, and securities for Unit 3 shall be approved. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

## 12. ROADS#12–SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_feet of unobstructed intersectional sight distance along **Sunroad Boulevard** from the proposed road, and driveways in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_feet of unobstructed intersectional sight



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distance along **Lone Star Road** from the proposed road, Harvest Road in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”

- c. The engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

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

### 13. ROADS#13–ROAD DEDICATION

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

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a minimum right-of-way width of ninety-six feet (96’) **Sunroad Boulevard** from Otay Mesa Road to Future Road; along the project frontage in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for Specific Plan 4-Lane Road Collector with bike lane plus slope rights and drainage easements.
- b. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a right-of-way width of ninety-eight feet (98’) for **Lone Star Road**, from Sunroad Boulevard southeasterly towards Vann Centre Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-Local Collector with bike lane, with thirty-foot (30’) radius corner rounding at the intersection of Lone Star Road and Sunroad Boulevard , plus slope rights and drainage easements.
- c. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required and shall be accepted for public use.

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**DOCUMENTATION:** The applicant shall dedicate the project side of the easement on the Final Map and show it as Accepted. **TIMING:** Prior to the recordation of the Final Map the on-site dedication granting for Unit 3, shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the Final Map and Accepted by the County.

#### 14. ROADS#14–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. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **Sunroad Boulevard** along the project frontage from Future Road to Lone Star Road except for the approved driveways as shown on the Vesting Tentative Map.
- b. Relinquish access rights onto **Lone Star Road** along the project frontage from Sunroad Boulevard southeasterly to Vann Centre Boulevard.
- c. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall prepare the pages of the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map for Unit 3, the access shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

**PRIOR TO THE RECORDATION OF THE FINAL MAP FOR UNITS 4 OR 5; THE FOLLOWING CONDITIONS FOR UNIT 4, SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PDS AND DPW.**

#### 15. ROADS#15–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](#), all the public roads shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. **Harvest Road** from Future Road to Zinser Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan a Specific Plan 4-Lane Road-Collector with bike lane, to a graded width of ninety-six feet (96') with seventy-six feet (76') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk.

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Face of curb shall be at thirty-eight feet (38') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.

1. **Harvest Road** shall have ultimate improvements in accordance with Public Road Standards to provide for four (4) twelve feet (12') travel lanes, two eight-foot (8') bike lane and two eight-foot (8') shoulder area to an improved width of ninety-six feet (96') with asphalt concrete pavement over approved base.
  2. If the parking prohibition along the project frontage is recommended and approved by the County Traffic Advisory Committee and Board of Supervisors prior to approval of the final improvement plan processing; the eight-foot (8') shoulder areas will be eliminated.
- b. **Zinser Road** on the project side, from westerly project boundary easterly to Harvest Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road-I/C Collector with bike lane to a minimum one-half graded width of forty-four feet (44') with thirty-four feet (34') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-four feet (34') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement. In the interim conditions, Zinser Road shall terminate with a cul-de-sac graded to a radius of forty-two feet (42') to the satisfaction of Director of PDS and the Fire Department.
  - c. **Zinser Road** on the north side of the centerline, from the westerly project boundary easterly to Harvest in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-I/C Collector with bike lane to a minimum one-half graded width of forty-four feet (44') with sixteen feet (16') of asphalt concrete pavement over approved base an asphalt concrete berm. Face of berm shall be sixteen feet (16') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
  - d. **Asphalt** concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

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- a. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- b. Provide Secured Agreements in accordance with [Subdivision Ordinance Sec. 81.408](#).
- c. Upon approval of the plans, pay all applicable inspection 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.
- e. The subdivider/applicant shall obtain an Encroachment Permit for the installation of landscaping within the Public Road Right-of-Way.

**TIMING:** Prior to the recordation of the Final Map the plans, agreements, and securities for Unit 4 shall be approved. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

#### 16. ROADS#16–SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_feet of unobstructed intersectional sight distance in both directions along **Harvest Road** from the proposed roads and driveways in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_feet of unobstructed intersectional sight

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distance in westerly direction along **Zinser Road** from the proposed roads and driveways, in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”

- c. The engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

**DOCUMENTATION:** The applicant shall have a Registered Civil Engineer, or a Licensed Land Surveyor provide a signed statement that physically, there is minimum unobstructed sight distance as detailed above, and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the recordation of the Final Map the sight distance for Unit 4 shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

#### 17. ROADS#17–ROAD DEDICATION

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

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a right-of-way width of ninety-six feet (96’) for **Harvest Road** from Future Road to Zinser Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Major Road with raised median (4.1A) and bike lane; with thirty-foot (30’) radius corner rounding at the intersection of Harvest Road and Zinser Road, plus slope rights and drainage easements.

If the parking prohibition along the project frontage is recommended and approved by the County Traffic Advisory Committee and Board of Supervisors prior to approval of the final improvement plan processing; the eight-foot (8’) shoulder areas will be eliminated from the right-of-way dedication.

- b. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a full right-of-way width of eighty-eight feet (88’) for **Zinser Road**, from westerly project boundary easterly to Harvest Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road-I/C Collector with bike lane; plus, slope rights and drainage easements.

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- c. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required and shall be accepted for public use.

**DOCUMENTATION:** The applicant shall dedicate the project side of the easement on the Final Map and show it as Accepted. For the offsite portions of the easement, the applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **TIMING:** Prior to the recordation of the Final Map the on-site dedication and the offsite granting for Unit 4, 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 Final Map and Accepted by the County.

#### 18. ROADS#18–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. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **Harvest Road** along the project frontage from Future Road to Zinser Road except for the approved driveways as shown on the Vesting Tentative Map.
- b. Relinquish access rights onto **Zinser Road** along the project frontage from the westerly project boundary to Harvest Road except for the approved driveways as shown on the Vesting Tentative Map.
- c. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall prepare the pages of the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map for Unit 4, the access shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

**PRIOR TO THE RECORDATION OF THE FINAL MAP, THE FOLLOWING CONDITIONS FOR UNIT 5 SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PDS AND DPW.**

#### 19. ROADS#19–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](#), all the public roads

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shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. **Zinser Road**, on the project side, from Harvest Road northeasterly to northern project boundary in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road-I/C Collector with bike lane to a minimum one-half graded width of forty-four feet (44') with thirty-four feet (34') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-four feet (34') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
  1. The improvements and striping will be required to accommodate 2 twelve-foot (12') through lanes, and two five-foot (5') bike lanes within the improved width of 34'.
- b. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

- a. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- b. Provide Secured Agreements in accordance with [Subdivision Ordinance Sec. 81.408](#).
- c. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDC].
- 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. The subdivider/applicant shall obtain an Encroachment Permit for the installation of landscaping within the Public Road Right-of-Way.

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**TIMING:** Prior to the recordation of the Final Map, the plans, agreements, and securities for Unit 5 shall be approved. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

## 20. ROADS#20–SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_feet of unobstructed intersectional sight distance in both directions along **Zinser Road** from the proposed roads and driveways, in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- b. The engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

**DOCUMENTATION:** The applicant shall have a Registered Civil Engineer, or a Licensed Land Surveyor provide a signed statement that physically, there is minimum unobstructed sight distance as detailed above, and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the recordation of the Final Map the sight distance for Unit 5 shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

## 21. ROADS#21–ROAD DEDICATION

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

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a right-of-way width of eighty-eight feet (88’) for **Zinser Road** in accordance with Public Road Standards and the East Otoy Mesa



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- b. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required and shall be accepted for public use.

**DOCUMENTATION:** The applicant shall dedicate the project side of the easement on the Final Map and show it as Accepted. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **TIMING:** Prior to the recordation of the Final Map the on-site dedication for Unit 5, 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 Final Map and Accepted by the County.

**22. ROADS#22–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. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **Zinser Road** along the project frontage from Harvest Road northeasterly to the northern project boundary.
- b. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall prepare the pages of the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map, the access for Unit 5 shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

**PRIOR TO APPROVAL OF ALL MAPS FOR ALL UNITS (PHASES)**

The following conditions apply to all units (Units 1, 2, 3, 4 & 5) or they apply to multiple units and should be checked at each Final Map stage.

**23. ROADS#23–FAIR SHARE CONTRIBUTION TO CITY OF SAN DIEGO**

**INTENT:** To mitigate the impact of this project on traffic safety below levels of less than significant for City of San Diego, and to comply with City of San Diego’s requirements, a fair share contribution shall be paid. **DESCRIPTION OF REQUIREMENT:** A fair share contribution shall be paid to the City of San Diego to improve the following intersections to reduce the direct and cumulative impact to below a level of significance.

- 1. Otay Mesa Road/La Media Road

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2. Airway Road/Sanyo Avenue
3. Siempre Via Road/Paseo de las Americas

**DOCUMENTATION:** The applicant shall pay the fair share contribution to City of San Diego and provide proof of payment and a copy of satisfaction letter from City of San Diego to the [PDS, LDR]. **TIMING:** Prior to the recordation of the Final Map, the fair share contribution shall be paid. **MONITORING:** The [PDS, ZONING] shall review the proof of payment and a copy of satisfaction letter from City of San Diego.

#### 24. ROADS#24–TRAFFIC CONTROL PLAN

**INTENT:** To mitigate below levels of significance for temporary traffic impacts, a traffic control plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of the Director of Department of Public Works (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 the approval of any encroachment permit-related plan or issuance of any permit, a TCP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the TCP for compliance with this condition.

#### 25. ROADS#25–HAUL ROUTE PLAN

**INTENT:** In order to ensure the public 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 public road maintenance (sweeping as necessary) and repair of any damage caused to the on-site and offsite County maintained public roads that serve the property either during construction or subsequent operations.
- b. The applicant will repair those portions of the public 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 public roads that serve the project during construction phase on the route identified; and (3) All the public roads as identified on the haul route plan shall be returned to the existing condition or better.

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- 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 the approval of any encroachment permit-related plan or issuance of any permit, a HLP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the HRP for compliance with this condition.

## 26. ROADS#26–PAVEMENT CUT POLICY

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

## 27. ROADS#27–PUBLIC SEWER IMPROVEMENTS

**INTENT:** To promote orderly development by providing public sewer to the lots, and to comply with the [Subdivision Ordinance Sec. 81.703 through Sec. 81.707](#) and the [East Otay Mesa Business Park Specific Plan](#). **DESCRIPTION OF REQUIREMENT:** A sewer system, which is to be public sewer shall be shown within dedicated right-of-way on the each Final Map, and the portion of the sewer system which is to be public shall be installed as shown on the approved plans and specifications, to the satisfaction of the San Diego County Sanitation District [SDCSD]. A graded access road to maintain any public sewer constructed within easements shall be required.

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**DOCUMENTATION:** The applicant shall dedicate the sewer easement on each Final Map, and provide improvement plans for the sewer system construction to the [PDS, LDR] and [SDCSD] for review, approval, and security requirements. **TIMING:** Prior to approval of the Final Map the offsite sewer and the sewer for the applicable unit shall be dedicated and required security provided. **MONITORING:** The [PDS, LDR] shall review the Final Map to ensure that the sewer easement has been dedicated. The [PDS, LDR] and [DPW, WWM] shall review the improvement plans to ensure compliance with this condition.

## 28. DRNG#28–LINES OF INUNDATION

**INTENT:** In order to prevent future development in flood-prone areas the Lines of Inundation shall be shown on the Final Map. **DESCRIPTION OF REQUIREMENT:**

Lines of inundation to the limits of the 100-year flood over the entire property shall be shown and labeled "Flood-Prone Area" on the Final Map.

- a. A Civil Engineer shall provide this information through an analysis performed as part of a drainage study.
- b. Each parcel shall have a flood-free building site. Since all parcels are found to be devoid of a buildable flood-free site for residence/ commercial use/ industrial use, the subdivider shall construct graded pads pursuant to an L-Grading Plan. Proposed pads shall be elevated above the one-hundred-year inundation elevation as determined by the applicant's Civil Engineer and to the satisfaction of the Director of PDS.

**DOCUMENTATION:** A Civil Engineer shall provide the necessary hydrology and hydraulics to define the 100-year floodplain inundation limits and indicate the lines of inundation on the non-title sheet of the Final Map as indicated above. **TIMING:** Prior to the approval of the Final Map, the inundation lines shall be indicated and labeled on the Final Map. **MONITORING:** The [PDS, LDR] shall verify that the inundation lines have been indicated pursuant to this condition.

## 29. ROADS#29-LANDSCAPE MAINTENANCE

**INTENT:** In order to ensure that landscape improvements per the [East Otay Mesa Business Park Specific Plan](#) are maintained, a Landscape Maintenance Agreement shall be executed. **DESCRIPTION OF REQUIREMENT:** An Encroachment Maintenance and Removal Agreement for all proposed landscaping within the Public Road Right-of-Way shall be executed with the County of San Diego. A copy of the agreement shall be submitted to the [PDS, LDR] in addition to obtaining an Encroachment Permit; **OR** contribute or agree to contribute the project's fair share to a Community Facilities District (CFD), approved by the County, established for the purpose of maintaining the landscape improvements within the Public Road Right-of-Way in addition to an Encroachment Permit to the satisfaction of the [PDS, LDR].

**DOCUMENTATION:** The applicant shall execute an Encroachment Maintenance and Removal Agreement in addition to an Encroachment Permit **OR** provide proof of

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Payment into the CFD, to the [PDS, LDR] in addition to an Encroachment Permit. **TIMING:** Prior to approval of each Final Map and prior to any plan approval the execution of the Encroachment Maintenance and Removal Agreement for each of the units **OR** payment into the CFD must be made. **MONITORING:** The [PDS, LDR] shall review the Encroachment Maintenance and Removal Agreement **OR** proof of payment into the CFD shall be reviewed for compliance with this condition.

### 30. STRMWTR#1 – 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 [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 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 Stormwater Protection Plan (SWPP) 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\(e\)](#). 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 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 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 securities provided adequately satisfy the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

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### 31. STRMWTR#2–STORMWATER MAINTENANCE DOCUMENTATION

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

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

**DOCUMENTATION:** The applicant shall process the agreement forms with [PDS, LDR] and pay the deposit and applicable review fees. **TIMING:** Prior to approval of any plan and the issuance of any permit, 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.

**ANY PERMIT:** *(Prior to the approval of any plan, issuance of any permit)*

### 32. GEN#1–RECORDATION OF STP DECISION

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

### 33. GEN#2 - COST RECOVERY

**INTENT:** In order to comply with [Section 362 of Article XX of the San Diego County Administrative Code](#), Schedule B.5, existing deficit accounts associated with processing this map shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant or its designee shall pay off all existing deficit accounts associated with processing this plan/map. **DOCUMENTATION:** The applicant or its designee shall provide evidence to [PDS, Zoning Counter], which shows that all fees and trust account deficits have been paid. No map can be issued if there are deficit accounts. **TIMING:** Prior to the approval of any map and prior to the approval of any plan and issuance of any permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall review the evidence to verify compliance with this condition.

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### 34. GEN#3–FILING OF NOD

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

### 35. ROADS#30- DEBRIS MANAGEMENT PLAN (DMP)

**INTENT:** In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. This includes grading, clearing and brushing material for grading projects over 5,000 cubic yards. For additional questions, please call (858) 694-2463 or email [CDRecycling@sdcounty.ca.gov](mailto:CDRecycling@sdcounty.ca.gov), **DESCRIPTION OF REQUIREMENT:** To divert (recycle, reuse, repurpose) 100% of excavated soils, trees, stumps, rocks, and associated vegetation and soils from the following types of projects: (1) non-residential excavation and grading projects; (2) residential projects that require Major Grading permits. Grading projects greater than 5,000 cubic yards shall prepare a Debris Management Plan (DMP) prior to plan approval. All documentation must be submitted and approved by a DPW Compliance Official. Specific requirements are as follows:

- a. Prior to Grading plan approval, a Debris Management Plan (DMP) is required, consisting of:
  - The type of project.
  - The total cubic yardage for the project.
  - The estimated weight of grading or land clearing debris, by material type, that the project is expected to generate.
  - The estimated maximum weight of grading or land clearing debris that can feasibly be diverted via reuse, salvage, or recycling.
  - The estimated weight of grading or land clearing debris that is planned to be disposed of in a landfill.
  - The name of the facility (or facilities) which debris will be exported to.
- b. During grading activities, a Daily Log of all grading, land clearing, and brushing material that is exported or reused/repurposed, must be prepared and retained onsite. The Daily Log must include all export receipts from an inert processing facility, green material processing operation, a C&D processing facility, or other vendor or disposal or transfer station facility that accepted grading material from

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the approved grading project. If material was reused onsite, other forms of documentation (such as photos) will be accepted in lieu of receipts. Daily logs shall include:

- Identify the project location.
- Log the date that material was transported off site.
- Log the type of graded or cleared material.
- Estimated material weight, tonnage, or cubic yards.
- Name of entity transporting the material.
- Name of the receiving facility or exporter, and detailing whether the material was salvaged, recycled, or disposed of in a landfill.
- Daily log entries shall correspond to receipts by materials transporter or receiving facility. If grading contractor exported materials off-site, receipts shall be compiled within 90 days of the receipts.
- Daily logs shall include separate entries for each occurrence of materials reused on site.
- Daily logs and all receipts shall be maintained at the project site and made available to any County Inspector for compliance with this condition.

c. Exemption:

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

**DOCUMENTATION:** The applicant shall prepare the Debris Management Plan (DMP) and submit the plan for review and approval by the DPW Recycling Compliance Official. During grading operations, a daily log shall be prepared and kept on-site. For additional questions, please call (858) 694-2463 or email [CDRecycling@sdcounty.ca.gov](mailto:CDRecycling@sdcounty.ca.gov). Templates for all forms required are available at: [https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD\\_Grading.html](https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD_Grading.html).

**TIMING:** Prior to approval for the Grading Plan or issuance of any permit, the Debris Management Plan shall be prepared and submitted to the DPW Recycling Official [DPW CO] for review and approval. **MONITORING:** The [DPW, CO] shall review and approve the DMP documents for the project. The [DPW, CO], shall forward the approval of the DMP to [PDS, LDR] for compliance with this condition.

### 36. LNDSCP#1–LANDSCAPE DOCUMENTATION PACKAGE

**INTENT:** In order to provide adequate Landscaping that complies with the [County of San Diego's Water Efficient Landscape Design Manual](#), the County's Water



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Conservation in Landscaping Ordinance, the County's Climate Action Plan and the Specific Plan Amendment (PDS2022-SPA-22-001). **DESCRIPTION OF REQUIREMENT:** As part of the Landscape Documentation Package a landscape plan shall be prepared **for each phase** 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 or its designee shall obtain a permit from DPW 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. Planting shall be selected from plant palettes within the approved East Otay Mesa Business Park Specific Plan.
- 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, unless otherwise allowed under the Specific Plan Amendment.
- h. Additionally, the following items, a master landscape plan shall be submitted for review and approval prior to submitting any subsequent landscape plans, or prior to issuance of any grading permits.
- i. The title sheet to the Master Landscape Plan, and all subsequent landscape plan submittals, shall contain the following note, no invasive plant species as included on the most recent version of the California Invasive Plant Council's California Invasive Plant Inventory for the Proposed Project region shall be included, and the plant palette shall be composed of native drought tolerant species that do not require high irrigation rates. The Proposed Project biologist shall periodically check landscape products for compliance with these requirements.

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- j. The Master Landscape Plan shall address the use of heat deflecting landscape view walls and show the location of the proposed parking spaces, lots and provide details and specifications.
- k. All landscape plans shall be compliant with Specific Plan Amendment, dated **February 19, 2024**, or the most currently approved version.
- l. Master Landscape Plans shall be submitted in coordination with applicable construction phasing as identified in the most currently approved version.
- m. The title sheet of all Landscape Documentation Package submittals shall clearly identify all landscape maintenance responsibilities as identified in the Specific Plan Amendment dated February 19, 2024, or the most currently approved version. Provide supporting documentation that shows proof of formation of these entities.
- n. In addition to water conservation measures identified shall be further reduced with the Board of Supervisor's approval of the Climate Action Plan, dated February 14, 2018. Measure W-1.2 (Reduce Outdoor Water Use) requires a 40% reduction from 2014 outdoor water use budgets for all landscapes (residential uses and applicable public facilities). The ETAF value within the MAWA formula shall now be 0.42 for both residential and non-residential applications, and the value for use with a Special Landscape Area is now 0.58. The County's MAWA formula is now:  $(ETo) (0.62) (0.42 \times LA) + (0.58 \times SLA)$ .
- o. Parkway planting shall be consistent with applicable sections within the Specific Plan Amendment, including buffering streets with landscaping. All species and spacing shall be compliant with the Fire Protection Plan and sight line requirements. Sight line requirements, per Section 86.709(c)(9) of the Water Conservation in Landscaping Ordinance shall be complied with for all proposed streetscapes.
- p. Any vegetated structural BMP's associated with the project's Storm Water Quality Management Plan shall be shown on all Landscape Plans prepared in conjunction with the submittal of grading permit applications.
- q. Any proposed trails and pathways shall be shown on the Master Landscape Plan with applicable notes, specifications, and construction details.
- r. Any proposed walls and fences shall be shown on the Landscape Plans with applicable notes, specifications, and construction details.
- s. Tree species shall be selected from the County of San Diego and/or the East Otay Mesa Business Park Specific Plan approved plant palette. All trees shall be irrigated independently of all other landscape plantings and be controlled by a separate valve.

**DOCUMENTATION:** The applicant or its designee shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), submit them to the [PDS, PCC], and pay all applicable review fees. **TIMING:** Prior to the approval of any Final Map and prior to the approval of any plan and issuance of any permit, for each development phase a Master Landscape Plan shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Master Landscape Plan and determine if the individual landscape plans are in compliance with this condition.

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### 37. CULT#1 - CULTURAL OPEN SPACE EASEMENT

**INTENT:** To protect sensitive Cultural Resources CA-SDI-9975, CA-SDI12730, and the portion of CA-SDI-12337 located northeast of Lone Star Road, a Cultural Resource Open Space Easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego an Environmentally Sensitive Open Space Easement over Lot D as shown on the approved Vesting Tentative Map. This easement is for the protection of archaeological site CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337 and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. The sole exceptions to this prohibition are:

- a. Scientific investigations conducted pursuant to a research design prepared by an archeologist certified by the Register of Professional Archaeologists and approved by the Director of PDS.
- b. Implementation of a site-capping plan approved by the Director of PDS, if necessary.
- c. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard.
- d. Activities required to be conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of PDS.
- e. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health, in a location and manner approved in writing by the Director of PDS.

**DOCUMENTATION:** The applicant shall show the easement on each effected the Final map with the appropriate granting language on the title sheet concurrent with the Final Map Review - or - The applicant shall prepare the legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, RP]*, and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to the approval of each effected Final Map for PDS2023-VTM-5651, or on the map, and prior to the approval of any plan and issuance of any permit. **MONITORING:** For recordation on the map, the *[PDS, LDR]* shall route each Final Map to *[PDS, PPD]* for approval prior to map recordation OR for recordation by separate document, the *[DGS, RP]* shall prepare and approve the easement documents and send them to *[PDS, PPD]* and *[DPR GPM]* for preapproval. The *[PDS, PPD]* shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements *[DGS, RP]* shall forward a copy of the recorded documents to *[PDS, PPD]* for satisfaction of the condition - OR - if recorded on the map, the *[PDS LDR]* shall satisfy the condition after map recordation.

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### 38. STRMWTR#3–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 off-site Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

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

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

### 39. BIO#1–BIOLOGICAL EASEMENT

**INTENT:** In order to protect sensitive biological resources, pursuant to the [Biological Mitigation Ordinance \(BMO\)](#) and [Resource Protection Ordinance \(RPO\)](#), a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego and the California Department of Fish and Wildlife by separate document, an open space easement, or grant to the California Department

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

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. Uses, activities, and placement of structures expressly permitted by the Director of the Department of Planning & Development Services of the County of San Diego, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to the Zoning Ordinance of the County of San Diego.
3. Activities conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of PDS.
4. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego, in a location and manner approved by the Director of PDS.
5. Continued use and maintenance of the existing dirt road for trail purposes.
6. Construction, use, and maintenance of Lone Star Road, including grading, embankments, slopes, and drainage structures necessary to build said road.

**DOCUMENTATION:** The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, RP]*, and pay all applicable fees associated with preparation of the documents.

**TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be recorded.

**MONITORING:** The *[DGS, RP]* shall prepare and approve the easement documents and send them to *[PDS, PCC]* for pre-approval. The *[PDS, PCC]* shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements *[DGS, RP]* shall forward a copy of the recorded documents to *[PDS, PCC]* *[DPR, TC]* for satisfaction of the condition.

#### 40. BIO#2-LBZ EASEMENT

**INTENT:** In order to protect sensitive biological resources, pursuant to the Biological Mitigation Ordinance (BMO), a Limited Building Zone Easement of 20 feet, established at the edge of each biological open space easement as shown in the Biological Technical Report (Figures 7a and 7b) dated March 2017, shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent

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biological resource area. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the approved Tentative Map. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

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

**DOCUMENTATION:** The applicant shall show the easement on the Final Map for Unit #5 with the appropriate granting language on the title sheet concurrent with the Final Map for Unit #5 Review –OR– The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to the approval of the Final Map for phase 5 and prior to the approval of any plan and issuance of any permit, the easements shall be recorded.

**MONITORING:** For recordation on the map, the [PDS, LDR] shall route the Final Map for phase #5 to [PDS, PCC] for approval prior to map recordation –OR– for recordation by separate document, the [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] and [DPR GPM] for preapproval. The [PDS, PCC] shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition –OR– if recorded on the map, the [PDS LDR] shall satisfy the condition after map recordation.

**41. BIO#3–OPEN SPACE SIGNAGE**

**INTENT:** In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs in English and Spanish shall be placed every 100 feet along the permanent fencing as indicated in the Biological Technical Report dated March 2017. The signs must be corrosion resistant, a minimum of 6” x 9” in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources**  
**Area Restricted by Easement**  
 RECURSOS AMBIENTALMENTE SENSIBLES  
 Prohibida Su Entrada

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,  
 Planning & Development Services  
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**DOCUMENTATION:** The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easement(s). **TIMING:** Prior to the approval of the Final Map for Unit 5 and prior to Rough Grade approval for Unit 5 the permanent open space signs shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

#### **42. BIO#4—OPEN SPACE FENCING [PDS, FEE]**

**INTENT:** In order to protect the proposed open space easement from entry, or disturbance, permanent fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space fencing shall be placed along the biological open space boundary as indicated in the Biological Technical Report dated March 2017. The fencing design shall consist of 4-foot chain-link fencing around the perimeter of the vernal pool's watershed on the south of Lone Star Road and along the edge of the biological open space on the north side of Lone Star Road. Additionally, three-strand wire fencing will extend 200 feet beyond the biological open space along Lone Star Road to deter trespassers without blocking wildlife use. The biologist shall check fencing for damage after grading is completed. **DOCUMENTATION:** The applicant shall install the fencing as indicated above and provide site photos and a statement from a California Registered Engineer or licensed surveyor that the open space fencing has been installed. **TIMING:** Prior to the approval of the Unit 5 Final Map and prior to Rough Grade approval the permanent fencing shall be placed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

#### **43. BIO#5—WETLAND CREATION AND ENHANCEMENT PLAN**

**INTENT:** In order to mitigate for the impacts to wetlands, which are a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO) and Resource Protection Ordinance (RPO), the applicant shall provide for the creation and enhancement of wetlands. **DESCRIPTION OF REQUIREMENT:** A Wetland Creation and Enhancement Plan shall be prepared, which mitigates impacts to 0.45 acres of wetland habitat. Wetland mitigation shall consist of 0.45 acres of wetland creation and 0.21 acres of enhancement within the northern biological open space. The Wetland Creation and Enhancement Plan shall conform to the most current version of the County of San Diego Report Format and Content Requirements for Revegetation Plans. The Wetlands Creation and Enhancement Plan shall include the following:

- a. The monitoring plan shall be for a length of 5 years and have an 80 percent success criterion.
- b. A preservation plan over the land to be revegetated shall be included in the Wetland Creation and Enhancement Plan. The preservation plan shall include evidence of dedication of an open space easement to the County of San Diego or evidence of protection in perpetuity by some other means to the satisfaction of the Director of PDS.

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- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- d. Revegetation objectives, revegetation site biological resource map, 24"x36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.
- e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the wetland creation and enhancement area for the required monitoring period, and report preparation and staff time to review.

**DOCUMENTATION:** applicant shall prepare the Wetland Creation and Enhancement Plan pursuant to this condition and by using the Applicants Guide to Preparing Revegetation Plans, PDS Form #717, then submit it to the [PDS, ZONING] and pay all the applicable review fees and deposits. **TIMING:** Prior to the approval of any Final Map and prior to the approval of any plan and issuance of any permit, the Wetland Creation and Enhancement Plan shall be approved. **MONITORING:** The [PDS, LA] shall review the Wetland Creation and Enhancement Plan for conformance with the County of San Diego Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition BIO#6–SECURED AGREEMENT shall be made to enter into a Secured Agreement for the implementation of the Plan.

**44. BIO#6–SECURED AGREEMENT (WETLAND CREATION AND ENHANCEMENT PLAN)**

**INTENT:** In order to assure project completion and success of the Wetland Creation and Enhancement Plan in condition BIO#5–WETLAND CREATION AND ENHANCEMENT PLAN, a surety shall be provided, and an agreement shall be executed. **DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Wetland Creation and Enhancement Plan.
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000.
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Wetland Creation and Enhancement Plan implementation



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provided the installed vegetation is in a healthy condition and meets the 80 percent success criteria. Eighty-percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Wetland Creation and Enhancement Plan.

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

#### **45. BIO#7—TRANSLOCATION AND FIVE-YEAR MITIGATION AND MONITORING PLAN**

**INTENT:** In order to mitigate for the impacts to fairy shrimp and San Diego button celery if identified, which are sensitive biological resources pursuant to the Biological Mitigation Ordinance (BMO), translocation of individuals shall occur. **DESCRIPTION OF REQUIREMENT:** A Translocation and Five-Year Mitigation and Monitoring Plan shall be prepared and approved, which mitigates impacts to San Diego fairy shrimp, San Diego button celery, variegated dudleya, and coastal barrel cactus. The plan shall be reviewed and approved by the County and Wildlife Agencies. This mitigation measure shall transplant from the project impact area to the same habitat within the biological open space. The Translocation and Five-Year Mitigation and Monitoring Plan shall conform to the most current version of the County of San Diego Report Format and Content Requirements: Biological Resources, including Guidelines for Cactus Salvage (Attachment C). The Translocation and Five-Year Mitigation and Monitoring Plan shall include the following:

- a. A San Diego Button Celery Translocation and Mitigation and Monitoring Plan for individuals that would be impacted by project development shall be prepared and provided as an addendum to the approved Fairy Shrimp Translocation and Five-Year Mitigation and Monitoring Plan. This plan will be reviewed by the County and Wildlife Agencies. All San Diego button-celery individuals within the biological open space shall be preserved onsite.
- b. A preservation plan over the land to be revegetated shall be included in the Translocation and Five-Year Mitigation and Monitoring Plan. The preservation plan shall incorporate evidence of dedication of the existing open space easement (Doc # 2003-1392967) to the County of San Diego.

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

**DOCUMENTATION:** The applicant shall prepare the Translocation and Five-Year Mitigation and Monitoring Plan pursuant to this condition and by using the Applicants Guide to Preparing Revegetation Plans, PDS Form #717, then submit it to the *[PDS, ZONING]* and pay all the applicable review fees and deposits. **TIMING:** Prior to the approval of any Final Map and prior to the approval of any plan and issuance of any permit, the Translocation and Five-Year Mitigation and Monitoring Plan shall be approved. **MONITORING:** The *[PDS, LA]* shall review the Translocation and Five-Year Mitigation and Monitoring Plan for conformance with this condition and the County of San Diego Report Format and Content Requirements: Biological Resources, including Guidelines for Cactus Salvage (Attachment C). Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition BIO#8–SECURED AGREEMENT shall be made to enter into a Secured Agreement for the implementation of the Plan.

#### **46. BIO#8–SECURED AGREEMENT (TRANSLOCATION AND FIVE-YEAR MITIGATION AND MONITORING PLAN)**

**INTENT:** To assure project completion and success of the Translocation and Five-Year Mitigation and Monitoring Plan in condition BIO#7–TRANSLOCATION AND FIVE-YEAR MITIGATION AND MONITORING PLAN, a surety shall be provided, and an agreement shall be executed. **DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Translocation and Five-Year Mitigation and Monitoring Plan.
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000.
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Translocation and Five-Year Mitigation and Monitoring Plan implementation provided the installed vegetation is in a healthy condition and

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meets the 80 percent success criteria. Eighty-percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Translocation and Five-Year Mitigation and Monitoring Plan.

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

#### 47. BIO#9—RESOURCE MANAGEMENT PLAN

**INTENT:** In order to provide for the long-term management of the proposed open space, a Resource Management Plan (RMP) shall be prepared and implemented.

**DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of PDS, an RMP consistent with the Conceptual RMP dated April 19, 2021. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner and/or manager, to the satisfaction of the Director of DPR.

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

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

#### 48. BIO#10–WETLAND PERMIT:

**INTENT:** In order to comply with the State and Federal Regulations for wetlands, the following agency permits, or verification that they are not required, shall be obtained.

**DESCRIPTION OF REQUIREMENT:** The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of PDS that such an agreement or permit is not required:

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

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

#### 49. BIO#11–ENDANGERED SPECIES ACT SECTION & PERMITS

**INTENT:** In order to comply with applicable regulations, including the State and Federal Endangered Species Act (ESA), for impacts to federally or state-listed species not covered by the MSCP (i.e., San Diego fairy shrimp), Section 7 or Section 10(a)(1)(B) Consultation shall be obtained or verification from the respective resource agencies (USFWS) that a permit is not required shall be provided. **DESCRIPTION**

**OF REQUIREMENT:** The following “take” permit and agreement shall be obtained from the respective resource agency satisfactory to the Director of Planning & Development Services or that such an agreement or permit is not required.

**DOCUMENTATION:** The applicant or its designee shall consult the respective resource agency to determine if a permit or agreement is required. Upon completion

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of the agency review of this project, the applicant or its designee shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [PDS, PCC] for compliance. **TIMING:** Prior to the approval of any Final Map and prior to the approval of any plan and issuance of any permit. **MONITORING:** The project applicant or its designee shall demonstrate, to the satisfaction of the Director of Planning and Development Services (or his/her designee), that it has secured any necessary take authorization from the respective resource agencies. The [PDS, PPC] shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans.

#### 50. BIO#12–BIOLOGICAL MONITORING [PDS, FEE X2]

**INTENT:** To prevent inadvertent disturbance to sensitive habitats, jurisdictional waters, and special status plants and wildlife, all grading located within or adjacent to sensitive habitats, jurisdictional waters, and special status plants and wildlife (e.g., San Diego sunflower, prostrate navarretia, San Diego button celery, coastal barrel cactus, variegated dudleya, fairy shrimp, San Diego ring-neck snake, and burrowing owl) shall be monitored by a biologist. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities within or adjacent to sensitive habitats, jurisdictional waters, and special status plants and wildlife. The following shall be completed:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Report Format and Requirement Guidelines: Biological Resources](#) and this permit. The contract provided to the county shall include an agreement that this will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the biological consulting company and the County of San Diego shall be executed. The contract 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 bond separately with Planning & Development Services.

**DOCUMENTATION:** The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the [PDS, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to the approval of any plan, issuance of any permit, and prior to approval of the map, the requirement shall be completed. **MONITORING:** The [PDS, PCC] shall review the contract, 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.

#### 51. CULT#2 ARCHAEOLOGICAL MONITORING

**INTENT:** In order to mitigate for potential impacts to undiscovered buried archaeological resources, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego

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

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

## 52. PALEO#1 - PALEO GRADING MONITORING

**INTENT:** In order to comply with the [County of San Diego Guidelines for Determining Significance for 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. **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

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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.

**PRIOR TO BUILDING PERMIT:** *(Prior to approval of any building plan and the issuance of any building permit).*

### 53. PLN#1–SITE PLAN CONFORMANCE

**INTENT:** In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, as described in the Specific Plan Amendment conditions and approved building plans.

**DESCRIPTION OF REQUIREMENT:** The Project future sites shall be in substantial conformance to the approved landscape plan(s), building plans, and plot plan(s). This includes but is not limited to maintaining the following: all private patio areas, stormwater facilities, parking, and driveways areas, watering all landscaping at all times, design features, and all lighting wall/fencing and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land and will result in enforcement action pursuant to Zoning Ordinance Section 7703.

**DOCUMENTATION:** The applicant or its designee and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Prior of issuance of building permit, this condition shall apply for the duration of the

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term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

#### 54. AQ/GHG#1 - SITE DESIGN

**INTENT:** In order to implement a sustainable project design that would minimize energy consumption and Air Quality and Greenhouse Gas emissions. **DESCRIPTION OF REQUIREMENT:** The Project design elements or aspirational features shall be identified on all Building Plans for the project. **DOCUMENTATION:** The applicant or its designee or its designee shall comply with the requirements of this condition. **TIMING:** Prior to approval of any building plan or the issuance of any building permit, these Project design elements shall be identified on the building plans. **MONITORING:** The [PDS, BPPR] shall make sure that the Project design elements are identified on all building plans for the project. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant or its designee or its designee fails to comply with this condition.

#### 55. ROADS#31 - DEBRIS MANAGEMENT REPORT (DMR)

**INTENT:** In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. This includes grading, clearing and brushing material for grading projects over 5,000 cubic yards. For additional questions, please call (858) 694-2463 or email [CDRecycling@sdcountry.ca.gov](mailto:CDRecycling@sdcountry.ca.gov). **DESCRIPTION OF REQUIREMENT:** Prior to Rough Grade Inspection and release, and prior to issuance of any building permit, a Final Debris Management Report must be submitted for review and approval by the DPW Recycling Compliance Official. The report shall include:

- Project name.
- List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.
- Provide copies of receipts for export facilities, haulers, or materials reused on site.
- Signed self-certification letter (see template).

**DOCUMENTATION:** Prior to Rough Grade Release and prior to issuance of any building permit, a final report shall be prepared and submitted for review and approval to the DPW Recycling Compliance Official. For additional questions, please call (858) 694-2463 or email [CDRecycling@sdcountry.ca.gov](mailto:CDRecycling@sdcountry.ca.gov). Templates for all forms required are available at: [https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD\\_Grading.html](https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD_Grading.html).

**TIMING:** Prior to building permit issuance, and Rough Grading release, the Debris Management Final Report shall be prepared and submitted to DPW Recycling Official [DPW CO] for review and approval. **MONITORING:** The [DPW, CO] shall review and approve the DMR documents for the project. The [DPW, CO], shall forward the



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approval of the DMR to [DPW, PDCI] and [PDS, Building PCC] for compliance with this condition.

## 56. AQ/GHG#2 - WATER USE REDUCTION

**INTENT:** In order to reduce impacts related to project water use, air quality and GHG emissions. **DESCRIPTION OF REQUIREMENTS:** The following design features shall be identified on all building Plans for the project:

- a. All hot water pipes shall be insulated, and hot and cold-water piping shall be separated.
- b. The maximum service pressure shall be set to 60 pounds per square inch to reduce potential leakage and prevent excessive flow of water from appliances.
- c. The project shall comply with the Model Water Efficient Landscape Ordinance, California Code of Regulations Title 23, Division 2, Chapter 2.7 (Section 490 et seq.).
- d. Majestic Management Company shall appropriately regulate the use of water for cleaning outdoor surfaces and vehicles through the Covenants, Conditions, and Restrictions.

**DOCUMENTATION:** The applicant or its designee shall comply with the requirements of this condition. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, the following design measures shall be identified on the building plans. **MONITORING:** The [PDS, BPPR] shall make sure that the sustainable design measures are identified on all building plans for the project. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant or its designee fails to comply with this condition.

## 57. AQ&GHG#3–ENERGY EFFICIENT DESIGN (SITE PLAN) CAL Solar

**INTENT:** In order to implement a sustainable project design that would minimize energy consumption, greenhouse gas emissions. **DESCRIPTION OF REQUIREMENT:** The following design elements shall be implemented on all Building Plans for the project:

- a. The Project shall be designed to meet 2019 Title 24 energy efficiency standards.
- b. The Project shall be designed to meet CalSolar energy efficiency standards for new industrial structures.
- c. Renewable energy would supply 100 percent of the Project's initial electricity needs through the required installation of rooftop solar PV panels (a photovoltaic system) on all light industrial buildings to the extent feasible. As an alternative to the installation of PV panels on a particular building unit, enrollment in a renewables program similar to SDG&E's EcoChoice may be substituted if the program can be verified to supply 100 percent of the electricity needs from renewable sources for that building unit for the life of that unit. The applicant or its

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designee must provide the County with documentation that the program meets the requirements stated herein by supplying the building unit with its electricity needs from renewable sources over the lifetime of the building. When tenant's requirements are known, the applicant shall provide an estimated installation of solar panels to be provided to the County for determine of compliance with this measures. Installation of energy efficient appliances (Energy Star™ or equivalent) and water heaters. Notwithstanding, the above the project will have still access to the electrical grid or other renewable power sources available in the future.

**DOCUMENTATION:** The applicant or its designee shall comply with the energy efficiency requirements. These energy features would undergo independent third-party inspection and diagnostics as part of the California Green Builder (CGB) verification and commissioning process. The energy features would also be verified in the Title 24 Compliance Report submitted during the building permit process. **TIMING:** Prior to approval of any building permit, the following design measures shall be implemented on the building plans. **MONITORING:** The [PDS, BPPR] shall make sure that the sustainable design measures are implemented on all building plans for the project.

## 58. AQ&GHG#4–WATER CONSERVATION (SITE PLAN)

**INTENT:** In order to implement a sustainable project design that would minimize water consumption. **DESCRIPTION OF REQUIREMENT:** The following design features shall be implemented on all Building Plans for the project:

- a. The project shall incorporate water conservation strategies to reduce water usage. These may include, but not limited to, the following:
  - i. Use of sustainably designed plumbing systems and low-flow water fixtures;
  - ii. Incorporation of smart, weather-based, irrigation control systems; and
  - iii. High-efficiency drip irrigation system, drought-tolerant landscaping, use of reclaimed water for outdoor irrigation

**DOCUMENTATION:** The applicant or its designee shall comply with the energy efficiency requirements of this condition. These energy features would undergo independent third-party inspection and diagnostics as part of the California Green Builder (CGB) verification and commissioning process. The energy features would also be verified in the Title 24 Compliance Report submitted during the building permit process. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, the following design measures shall be implemented on the building plans. **MONITORING:** The [PDS, BPPR] shall make sure that the sustainable design measures are implemented on all building plans for the project.

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

#### **59. GEN#4- INSPECTION FEE**

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

#### **60. PLN#2–SITE PLAN IMPLEMENTATION**

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

#### **61. FLEET ELECTRIFICATION AND NET ZERO BUILDING – OPERATIONS-RELATED GHG**

**INTENT:** This project goal is provided in order to encourage the project applicant to strive to reduce greenhouse gas emissions through the project design features noted below and to encourage tenants to be energy efficient and net zero building related GHG emissions by 2045. **DESCRIPTION OF GOAL:** As to operational GHG emissions, as an ongoing objective to strive to reduce GHG emissions, the project applicant is encouraged to strive to implement measures to electrify the project fleet by 2030 through mechanisms including, but not limited to, fleet conversion to electric. The applicant is encouraged to strive to upgrade the project building and operations to try and achieve 50% of the building powered by renewable energy by 2030, and 100% by 2045; and is encouraged to strive to install the necessary electrical infrastructure for accommodating solar panels, with anticipated conversion to solar energy in the future pending FAA approval, consistent with the performance standards set forth below.

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1. Construct the building to the most recent CALGreen certified standards, which include both mandatory and voluntary sustainability measures for distribution facilities in areas of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality.
2. Project applicant or designee is encouraged to strive to achieve net zero requirements by 2045:
  - To reduce the annual emissions through upgrades to the building, overall project energy efficiency, and converting to a 100% electric fleet.
  - To increase the number of EV stalls for full fleet electrification by 2030.
  - To exceed the 2019 CalGreen requirements to provide electrical infrastructure to accommodate EV charging stations for the entire fleet of delivery vans operating from the facility at full buildout.
  - To support the addition of electrical infrastructure for accommodating EV charging stations for the fleet of delivery vans operating from the facility to be powered by renewable energy by 2030.
  - To explore “efficient travel routes” to ensure all routes assigned to delivery vans are as efficient as possible (e.g., most fuel-efficient route).
3. The Project includes several Project Design Features (PDFs) that would result in the reduction of GHG emissions. The PDFs are incorporated into the Project design and would be implemented with approval of the Project.
  - No chilled, cold, or freezer warehouse space inside the facilities that would attract tractor trailers with transport refrigeration units.
  - Installation of electric vehicle charging infrastructure for passenger vehicles
  - Installation of sidewalk and bikeway improvements from the County’s Active Transportation Plan.
  - No natural gas to serve the buildings.
  - Utilization of renewable energy and installation of energy-efficient features in compliance with CALGreen Title 24 requirements
  - Utilization of water efficiency and conservation requirements and installation of water-efficient features in compliance with CALGreen Title 24 requirements
  - Planting of 3,316 trees on-site.
  - Cargo handling equipment would be electric.
  - All vehicle operators are required to comply with CARB Rule 2485 and CARB Rule 2449, which limits nonessential idling of diesel-fueled commercial vehicle engines and diesel-powered off-road equipment to five minutes or less. Prior to issuance of occupancy permits for buildings with loading dock areas, the County shall verify that signs are posted in these areas that inform vehicle and equipment operators about the requirements of these Rules except that such signs shall post a 3-minute idling restriction (instead of the 5-minutes required by CARB).

**DOCUMENTATION:** The project applicant is encouraged to strive to reduce GHG emissions associated with the project and is encouraged to implement measures

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during operation to reduce GHG emissions including fleet electrification and zero net energy building requirements. The applicant and subsequent owners are encouraged to strive to reduce GHG emissions through the incorporation of measures outlined herein. **TIMING:** Upon establishment of the use, this goal encourages the applicant to strive and reduce GHG emissions for the duration of the term of this permit. **MONITORING:** The [PDS, DPW, PDCI] will work with the project applicant to strive to reduce GHG emissions for this goal.

## 62. 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.

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**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.

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

**INTENT:** In order to provide adequate Landscaping that addresses screening and water conservation, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Parking Design Manual](#), the COSD Grading ordinance, the Design Guidelines within the East Otay Mesa Business Park Specific Plan, and all landscaping shall be installed per applicable requirements. **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 or its designee 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 or its designee 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 for each development phase. **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.

### 64. AQ&GHG#5–CONSTRUCTION ARCHITECTURAL COATINGS (SITE PLAN)

**INTENT:** To reduce emissions of Volatile Organic Compounds (VOC) **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measures:

- a. Use of low-VOC coatings in accordance with, or exceeding, SDAPCD Rule 67
- b. Residential interior coatings shall be less than or equal to 50 grams of VOC per liter (g/L)
- c. Light Industrial exterior coatings are to be less than or equal to 100 g/L
- d. Non-residential interior/exterior coatings are to be less than or equal to 100 g/L

**DOCUMENTATION:** The applicant or its designee shall comply with the Air Quality requirements of this condition. **TIMING:** The following actions shall occur throughout

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the duration of the construction activities involving the application of architectural coatings. **MONITORING:** The [PDS, BLDG] shall make sure that the construction contractor complies with the Air Quality requirements of this condition. The [PDS, BI] shall contact the [PDS, PCC] if the applicant or its designee fails to comply with this condition.

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

#### **65. PLN#3–ACCESSORY USES**

**INTENT:** A Minor Deviation or Modification to a Site Plan is not required for any building, structure or projection listed in Zoning Ordinance Section 4835 or any use listed in the Accessory Use Regulations, Sections 6150-6199 (or as otherwise referenced), provided the building, structure, or projection or use meets the specific accessory use setbacks either in the Site Plan or in the Specific Plan Amendment and meets all other conditions and restriction in the Site Plan. This condition is intended to comply with Zoning Ordinance Section 7175, ensuring the ability to allow for structures as detailed in this section without Minor Deviation or Modification. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plans, building plans, and plot plans; should any accessory uses be proposed that do not meet the requirements as detailed in the Specific Plan Amendment and referenced in the sections above, the property owner shall be responsible for obtaining all necessary permits. **DOCUMENTATION:** None. The applicant or its designee and permittee shall conform in the Specific Plan requirements for Accessory Uses as detailed in the Specific Plan Amendment noted above. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit.

#### **66. PLN#4-SITE CONFORMANCE**

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

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#### 67. ROADS#33-SITE DISTANCE

**Intent:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1E of the [County of San Diego Public Road Standards](#) an unobstructed sight distance shall be maintained for the life of this permit. **Description of Requirement:** There shall be a minimum unobstructed sight distance in both directions along public from any proposed project driveway accesses opening serving the project for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

#### 68. 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 or designee 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.

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## GRADING AND IMPROVEMENT PLAN NOTES

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

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

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



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**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 Jamul Indian Village Monitor (“Jamul 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 Jamul Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Jamul 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 the Jamul Monitor for a 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.

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

**INTENT:** In order to comply with the County of San Diego Significance and Report Format Guidelines for Paleontological Resources, 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.

**3. CULT#GR-2 - TEMPORARY FENCING – Archaeological Sites**

**INTENT:** In order to mitigate for potential impacts to sites CA-SDI-9975, CA-SDI-12730, and the portion of CA-SDI-12337 located northeast of Lone Star Road during construction, a temporary fencing plan shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and CEQA Section 15064.5 an 15064.7. **DESCRIPTION OF REQUIREMENT:** Prepare and implement a temporary fencing plan for the protection of archaeological site(s) CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337 during any grading

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activities within one hundred feet (100') of these archaeological site(s). The temporary fencing plan shall be prepared in consultation with a County approved archaeologist and the Kumeyaay Native American monitor from the Jamul Band (Jamul Monitor). The fenced area shall include a buffer sufficient to protect the archaeological site(s). The fence shall be installed under the supervision of the County approved archaeologist prior to commencement of grading or brushing and be removed only after grading operations have been completed. The temporary fencing plan shall include the following requirements:

- a. Provide evidence to the Director of Planning & Development Services that the following notes have been placed on the Grading and/or Improvement Plan:
  - In the event that construction activities are to take place within 100 feet of archaeological site(s) CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337, the temporary fencing plan shall be implemented under the supervision of a County approved archaeologist that consists of the following: The project archaeologist shall identify the site boundaries.
  - The project archaeologist shall determine an adequate buffer for the protection of the site(s) in consultation with the County archaeologist and the Jamul Monitor.
  - Upon approval of buffers, install fencing under the supervision of the project archaeologist.
  - Submit to Planning & Development Services for approval, a signed and stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been installed in all locations of the project where proposed grading or clearing is within 100 feet of the archaeological site(s), CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337.
  - Fencing may be removed after the conclusion of construction activities.

**DOCUMENTATION:** Submit to the Planning & Development Services for approval, a signed and stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been installed in all locations of the project where proposed grading or clearing is within 100 feet of the archaeological site(s), CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [PDS, PPD] shall review the signed and stamped statement for compliance this condition.

#### 4. **BIO#GR-1–BURROWING OWL MONITORING**

**INTENT:** To prevent inadvertent disturbance to burrowing owl, a preconstruction burrowing owl survey shall be conducted within the project area. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform burrowing owl surveys within 7 days of the start of any grading, clearing, grubbing, trenching, and construction activities area within and adjacent to the development area and a preconstruction burrowing owl survey shall be conducted in the biological open space

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prior to disturbance within the biological open space (such as excavation of new vernal pools). If any active burrows are found, clearing shall not proceed until after consultation with County and Wildlife Agency staff and implementation of any protective measures required. The burrowing owl preconstruction surveys shall conform to the most current version of the [County of San Diego Report Format and Content Requirements: Biological Resources, including Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County \(Attachment A\)](#).

**DOCUMENTATION:** The Biological Monitor shall prepare written documentation that certifies that the burrowing owl survey has been completed and that burrowing owls have been avoided. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall not allow any grading, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

## 5. BIO#GR-2–BIOLOGICAL MONITORING

**INTENT:** To prevent inadvertent disturbance to sensitive habitat, all grading located adjacent to biological open space shall be monitored by a biological monitor.

**DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities within 100 feet of biological open space. The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan and Vesting Tentative Map:

- a. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the [PDS, PCC].
- b. The Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements, biological constraints, and biological sensitivities of the project. Such meeting shall include the [PDS, PCC].

**DOCUMENTATION:** The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on the site sensitive biological resources that are to be avoided.

**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 invite the [PDS, PCC] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

## 6. BIO#GR-3–TEMPORARY FENCING – BIO OPEN SPACE AREAS

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

#### 7. **BIO#GR-4-RESOURCE AVOIDANCE (AVIAN SPECIES)**

**INTENT:** To avoid impacts to raptors and migratory birds, which are a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO) and the Migratory Bird Treaty Act (MBTA), avian breeding avoidance measures and a Resource Avoidance Area (RAA) shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading during the general avian breeding season. If brushing, clearing, and/or grading must occur during the breeding season, a nesting bird survey shall be conducted within 3 days of the start of clearing. If an active nest is found during the nesting bird survey or during clearing/grading activities, the monitoring biologist shall notify and coordinate with County staff (and Wildlife Agencies if appropriate) to establish an acceptable buffer between the nest location and clearing/grading activities. Additionally, there shall be no brushing, clearing and/or grading such that none will be allowed within 300 feet of the biological open space during the breeding season of migratory birds within RAA as indicated on these plans. The breeding season is defined as occurring between February 1 and August 31. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no migratory birds are present in the vicinity of the brushing, clearing, or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no grading shall occur

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within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

#### 8. **BIO#GR-5—RESOURCE AVOIDANCE (QUINO CHECKERSPOT BUTTERFLY)**

**INTENT:** To avoid impacts to Quino checkerspot butterfly, site which is a sensitive biological resource pursuant to the Resource Protection Ordinance (RPO) and Endangered Species Act (ESA), preconstruction surveys will occur to define Resource Avoidance Areas (RAA) or to define the need for ESA Take Permits, if necessary. The RAA shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** The following surveys are required prior to approval of each phase of grading: 1) A qualified Quino checkerspot butterfly biologist will examine the impact areas to determine if any portions of the impact area have suitable habitat for occupation by Quino checkerspot butterfly and will prepare a survey report. Upon written agreement with USFWS, a protocol survey may or may not be required. If it is determined that the site is occupied, the RAA will be defined and marked on all plans. If the project requires a “take,” evidence that an ESA Take Permit will be submitted to the Director of Planning and Development Services. 2) There shall be no brushing, clearing and/or grading such that none will be allowed within Quino checkerspot butterfly habitat RAAs year-round, including areas that support suitable host plants such as the dotseed plantain (*Plantago erecta*) as indicated on these plans. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no Quino checkerspot butterfly are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

#### 9. **AQ/GHG#6—CONSTRUCTION EXHAUST EMISSIONS**

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**INTENT:** To reduce exhaust emissions. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measure:

- a. The project shall require the construction contractor to provide a construction fleet that uses heavy-duty diesel-powered equipment equipped with Tier 4 diesel engines. An exemption from these requirements may be granted by the County in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the County, the applicant shall be required to demonstrate that three construction fleet owners/operators in the San Diego Region were contacted and that those owners/operators confirmed Tier 4 equipment could not be located within the San Diego region.
- b. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained in accordance with manufacturer's specifications before and for the duration of on-site operation.
- c. Simultaneous operation of multiple construction equipment units shall be minimized. During construction, vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.
- d. Electrical hookups shall be provided on site for the use of hand tools such as saws, drills, and compressors used for building construction to reduce the need for electric generators and other fuel-powered equipment. The use of electrical construction equipment shall be employed, where feasible.
- e. Construction equipment shall be outfitted with best available control technology (BACT) devices certified by the California Air Resources Board. A copy of each unit's BACT documentation shall be provided to the County of San Diego at the time of mobilization of each applicable unit of equipment.
- f. Haul truck staging areas shall be provided for loading and unloading soil and materials, and shall be located away from sensitive receptors at the furthest feasible distance (at least 1,000 feet)
- g. A Construction Traffic Control Plan shall be developed to ensure construction traffic and equipment use is minimized to the extent practicable. The Construction Traffic Control Plan shall include measures to reduce the amount of large pieces of equipment operating simultaneously during peak construction periods, scheduling of vendor and haul truck trips to occur during non-peak hours, establish dedicated construction parking areas to encourage carpooling and efficiently accommodate construction vehicles, identify alternative routes to reduce traffic congestion during peak activities and increase construction employee carpooling.

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

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requirement of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

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

## **10. AIR#1 – AIR QUALITY CONSTRUCTION EXHAUST**

**INTENT:** In order to mitigate for exhaust emissions (NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>) from heavy duty construction equipment. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measures:

- a. The entire construction fleet will be required to utilize California Air Resources Board (CARB)-certified Tier 3 or better equipment and equipped with diesel particulate filters.

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

## **11. AIR#2 – AIR QUALITY CONSTRUCTION DUST**

**INTENT:** In order to mitigate for fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measures:

- a. A minimum of two applications of water will be applied during grading/grubbing activities between dozer/scrapper passes, as necessary.
- b. Water will be applied at least two times daily to all onsite unpaved roadways.
- c. Paving, chip sealing or chemical stabilization of internal roadways will be applied after completion of grading.
- d. Grading and earthmoving activities will be terminated if wind speeds exceed 25 mph.
- e. Haul trucks hauling dirt, sand, soil, or other loose materials will be covered or two feet of freeboard will be maintained.
- f. All long-term stockpiles must have a landscaped cover to reduce dust. All short-term stockpiles must be wetted daily.
- g. When active construction ceases on the site, disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the County and/or SDAPCD to reduce dust generation.
- h. Sweepers or water trucks will be used to remove “track-out” at any point of public street access.

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- i. In accordance with the SDAPCD Rule 55 – Fugitive Dust Control, no dust and/or dirt will leave the property line. The following measures would be implemented to ensure the requirements of this rule are met:
  1. Airborne Dust Beyond the Property Line: No person will engage in construction or demolition activity subject to this rule in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60-minute period.
  2. Track-out/Carry-out: Visible roadway dust as a result of active operations, spillage for transport trucks, erosion, or track-out/carry-out will be minimized by the use of any of the following erosion control measures:
    - i. Track-out grates or gravel beds at each egress point.
    - ii. Wheel-washing at each egress during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and for outbound transport trucks.
    - iii. Secured tarps or cargo covering, watering, or treating of transported material.
    - iv. Removed at the conclusion of each workday when active operations cease, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry out, only particulate matter smaller than 10 microns in diameter (PM10)-efficient street sweepers certified to meet the most current South Coast Air Quality Management District (SCAQMD) Rule 1186 requirements will be used. The use of blowers for removal of track-out/carry-out will be prohibited under any circumstances.

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

## 12. BIO#GR-6–BIOLOGICAL MONITORING – DURING CONSTRUCTION

**INTENT:** To prevent inadvertent disturbance to sensitive habitat, all grading located adjacent to biological open space shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities within 100 feet of biological open space. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any biological open space areas or sensitive habitats. If there are disturbances, the monitor must report them immediately to the [PDS PCC]. Additionally, the biologist shall perform the following duties:



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- a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector.
- b. Perform periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector.
- c. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the gnatcatcher and its habitat, and the conservation measures that should be implemented during project construction.
- d. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US, including designation of a “no- fueling” zone within 25 feet of all drainages and storm drains.
- e. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and [PDS PCC] within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the PDS (final report will release bond).
- f. Confer with the Wildlife Agencies and [PDS PCC] within 24 hours any time protected habitat are being affected by construction.
- g. Attend construction meetings and other meetings as necessary.
- h. Designate a “no-fueling” zone within 25 feet of all drainages during the construction period.

**DOCUMENTATION:** The Project Biologist shall prepare and submit to the satisfaction the [PDS, PCC] monitoring reports, which indicate that the monitoring has occurred as indicated above. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Biologist or applicant fails to comply with this condition. The [PDS, PCC] shall review and approve the monitoring reports for compliance with this condition.

### **13. CULT#GR-4 - ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION**

**INTENT:** 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.

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**DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Kumeyaay Native American Monitor from the Jamul Band (Jamul 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 Jamul 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 Jamul Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Jamul Monitor.
- b. **Inadvertent Discoveries:** In the event that previously unidentified potentially significant cultural resources are discovered:
  1. The Project Archaeologist or the Jamul 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. at the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
  2. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Jamul Monitor, shall determine the significance of the discovered resources.
  3. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
  4. 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 Jamul Monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
  5. 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 Jamul 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).

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**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 Jamul Monitor.
3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).
4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

**d. Fill Soils.** The Project Archaeologist and Jamul Monitor shall evaluate fill soils to determine that they are clean of cultural resources.

**e. Monthly Reporting.** The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

**f. Disagreements.** The County Archaeologist shall make a determination for any disagreements between the Project Archaeologist and the Jamul Monitor related to archaeological monitoring.

**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

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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.

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

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

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

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**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.

#### 15. DPW RECYCLING - GRADING MATERIAL DIVERSION:

**INTENT:** To comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements.

**DESCRIPTION OF REQUIREMENT:** For all grading projects >5,000 cubic yards, a Daily Log of all grading, land clearing, and brushing material that is exported or reused/repurposed must be retained onsite. The Daily Log must include all export receipts or other vendor or disposal or transfer station facility information that accepted grading material from the approved grading project. **DOCUMENTATION:** Daily Logs shall be prepared and kept on-site for inspection and include the following:

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

**TIMING:** The following actions and logs shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall ensure that the grading contractor is preparing and maintaining the daily logs on-site. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.

#### 16. NOISE#GR-1 TEMPORARY CONSTRUCTION NOISE:

**INTENT:** To minimize temporary construction noise for grading operations associated with SPA-22-001 and to comply with County Noise Ordinance 36.409. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following temporary

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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. Select equipment capable of performing the necessary tasks with the lowest sound level and the lowest acoustic height possible.
- b. Implement alternatives to the standard backup beepers as feasible. These alternatives include strobe lights or products such as the Brigade Electronics, Inc. Broadband Sound system, which is equally effective while generating a lower noise level.
- c. Use specially quieted equipment, such as quieted and enclosed air compressors and properly working manufacturer-recommended mufflers on all engines.
- d. Construct enclosures around noise-producing stationary sources such as generators used for night lighting.
- e. Perform construction vehicle maintenance off site or between 7:00 a.m. and 7:00 p.m.
- f. Place the laydown area as far as possible from the closest noise sensitive receptors.
- g. Limit the delivery of material (with the exception of concrete) to the hours between 7:00 a.m. and 7:00 p.m.
- h. Turn off equipment when not in use.
- i. Temporary construction equipment operations shall comply with the County Noise Ordinance Sections 36.408, 409, and 410.

**DOCUMENTATION:** The applicant shall comply with the temporary construction noise measures and the County Noise Ordinance as described within this condition.

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

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

## **17. DPW RECYCLING - GRADING MATERIAL DIVERSION:**

**INTENT:** In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. **DESCRIPTION OF REQUIREMENT:** At the conclusion of the grading activities and prior to the release of Rough Grade Inspection, and prior to issuance of any building permit, the Final Debris Management Report (DMR) must be prepared and submitted for review and approval. **DOCUMENTATION:** The DMR final report (see template) shall be prepared and submitted for review and approval by the [DPW, CO] and shall include:

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- A. Project name.
- B. List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.
- C. Provide copies of receipts for export facilities, haulers, or materials reused on site.
- D. Signed self-certification letter (see template).

**TIMING:** The final report shall be prepared and submitted at Rough Grade inspection.

**MONITORING:** The [DPW, PDCI] shall ensure that the grading contractor has prepared and submitted the final report to [DPW, CO]. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.

## 18. BIO#GR-7–BIOLOGICAL MONITORING

**INTENT:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to SPA-22-001, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources](#), a Grading Monitoring Program shall be implemented.

**DESCRIPTION OF REQUIREMENT:** The Project Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact additional areas of sensitive habitats, burrowing owls, migratory birds, or other sensitive biological resources. The report shall conform to the [County of San Diego Report Format Guidelines: Biological Resources](#). It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

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

## 19. CULT#GR-4 - 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:

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- **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 Jamul Monitor must be included in the Negative Monitoring Report.
- **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.

## 20. PALEO-GR#3 - PALEONTOLOGICAL MONITORING

**INTENT:** In order to comply with the County of San Diego Significance and Report Format Guidelines for Paleontological Resources, a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall prepare one of the following letters upon completion of the grading activities that require monitoring:

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

**DOCUMENTATION:** The applicant shall submit the letter report to the [PDS, PPD] for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading Final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the letter



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report shall be completed. **MONITORING:** The [PDS, PPD] shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

## 21. DPW RECYCLING - GRADING MATERIAL DIVERSION – ROUGH GRADING

**INTENT:** To comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements.

**DESCRIPTION OF REQUIREMENT:** At the conclusion of the grading activities and prior to the release of Rough Grade Inspection, and prior to issuance of any building permit, the Final Debris Management Report (DMR) must be prepared and submitted for review and approval. **DOCUMENTATION:** The DMR final report (see template) shall be prepared and submitted for review and approval by the [DPW, CO] and shall include:

- A. Project name.
- B. List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.
- C. Provide copies of receipts for export facilities, haulers, or materials reused on site.
- D. Signed self-certification letter (see template).

**TIMING:** The final report shall be prepared and submitted at Rough Grade inspection.

**MONITORING:** The [DPW, PDCI] shall ensure that the grading contractor has prepared and submitted the final report to [DPW, CO]. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.

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

## 22. BIO#GR-8–PERMANENT OPEN SPACE SIGNAGE & FENCING

**INTENT:** To comply with Condition BIO#5–OPEN SPACE SIGNAGE and BIO#6-OPEN SPACE FENCING pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) for PDS2022-SPA-22-001, the fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences shall be installed along the open space boundary and open space signs shall be placed every 100 feet on the permanent fencing as discussed in the Biological Technical Report dated March 2017 as shown on these plans and the approved Conceptual Grading and Development Plan.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.

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- b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources  
Area Restricted by Easement  
RECURSOS AMBIENTALMENTE SENSIBLES  
Prohibida Su Entrada

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego, Planning & Development Services  
Reference: ER-15-98-190-13G

**DOCUMENTATION:** The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [PDS, PCC]. **TIMING:** Prior to the occupancy of any structure or use of the premises in reliance of Specific Plan Amendment 22-001, and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)), the fencing and signage shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

**23. BIO#GR-9-EASEMENT AVOIDANCE**

**INTENT:** In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided.

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

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. Uses, activities, and placement of structures expressly permitted by the Director of the Department of Planning & Developments Services (PDS) of the County of San Diego, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to the Zoning Ordinance of the County of San Diego.
3. Activities conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of PDS.

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4. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego, in a location and manner approved by the Director of PDS.
5. Continued use and maintenance of the existing dirt road for trail purposes.
6. Construction, use, and maintenance of Lone Star Road, including grading, embankments, slopes, and drainage structures necessary to build said road.

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

#### **24. CULT#GR-6 - ARCHAEOLOGICAL MONITORING – FINAL GRADING**

**INTENT:** 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:

- Department of Parks and Recreation Primary and Archaeological Site forms.
- Daily Monitoring Logs
- Evidence that all cultural materials have been curated and/or repatriated 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

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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.

- 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.

## 25. PALEO-GR#4 PALEONTOLOGICAL MONITORING

**INTENT:** In order to comply with the County of San Diego Significance and Report Format Guidelines 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.

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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](#)), 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

## 26. LNDSCP#GR-1—CERTIFICATION OF INSTALLATION

**INTENT:** To provide adequate Landscaping that provides adequate screening, and to comply with the COSD Water Efficient Landscape Design Manual, the COSD Water Conservation in Landscaping Ordinance, the COSD Parking Design Manual, the Specific Plan Amendment 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].

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**DOCUMENTATION:** The applicant shall submit to the [PDS LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

## 27. HAZ#GR-3—SOIL TESTING

**INTENT:** To comply with the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, and to follow the recommendation identified in the Limited Phase I ESA for this project, soil sampling will be conducted, as required, and analyzed for pesticide contamination. **DESCRIPTION OF REQUIREMENT:** A signed, stamped addendum to the Limited Phase I ESA shall be prepared by a Registered Engineer or Professional Geologist. The addendum shall include the following information or as modified by DEHQ:

- a. Documentation that the soil sampling occurred between six inches to 1.5 feet BGS.
- b. Findings which identify the location of on-site soils exceeding the residential RSLs for pesticides.
- c. For contaminated soils, provide a letter from DEHQ stating that a VAP work plan has been prepared and approved to remediate contaminated soils.
- d. For contaminated soils remediation, provide a copy of the contract and a signed sealed statement from the Registered Engineer or Professional Geologist, which states that they will implement the VAP work plan as part of the grading required to implement the site remediation activities as permitted.
- e. Provide evidence that all required work has been fully incorporated into the Grading Plans pursuant to the County Grading Ordinance 87.101 et. al.

**DOCUMENTATION:** Upon completion of the soil testing, the applicant shall submit copies of the assessment (and a work plan for soil remediation, if applicable) to the [PDS, PCC] for approval. **TIMING:** Prior to final grading release, commencement of construction, or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [PDS, PCC] shall review the report and any additional evidence for compliance with this condition. The work plan shall be approved by DEHQ.

## 28. HAZ#GR-4—CERTIFICATION OF COMPLETION

**INTENT:** In order to verify that all of the site remediation work was completed pursuant to the Site Assessment and Mitigation Program (SAM), a closure letter shall be provided. **DESCRIPTION OF REQUIREMENT:** All soil remediation shall be completed pursuant to the Department of Environmental Health Quality (DEHQ),

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Voluntary Assistance Program (VAP). **DOCUMENTATION:** The applicant shall provide the "Closure Letter, or Concurrence Letter," to the [PDS, PCC] that the soil remediation has been completed to the satisfaction of the [DEHQ, SAM]. If the Director of PDS determines the remediation work will take an enormous amount of time that would be detrimental to ultimate project implementation, approval of other engineering plans and/or issuance of other project permits may be permitted as long as there is no risk of effects to public health and safety. Concurrence from the [DEHQ, SAM] is required, and the applicant shall enter into a secured agreement for the completion of the remediation work. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the applicant shall comply with this condition. **MONITORING:** The [DEHQ, SAM], shall verify completion of the required remediation, and shall issue a Closure Letter to the applicant and a copy to the [PDS, PCC]. The [PDS, PCC] shall review the "Closure Letter," for compliance with this condition.

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

**County Subdivision Ordinance Requirements:**

Per Section 81.401(o) of the County Subdivision Ordinance, if the Board approves a Specific Plan or the Board or the Planning Commission approves a planned development pursuant to Zoning Ordinance sections 6600 et seq., that provides subdivision design requirements contrary to the requirements in subsections (b), (d), (e), (h) or (i) of section 81.401, the provisions of the approved specific plan or major use permit shall govern. The Otay Majestic Proposed Project Amendment is governed by a Specific Plan Amendment dated May 29, 2024 ; therefore, the requirements in the subsections listed above do not apply to this project.

**County Public and Private Road Standards:**

Per Section 81.402(d) of the County Subdivision Ordinance, where the property to be subdivided is located in an area subject to a Specific Plan Amendment, streets providing on-site and off-site access shall be designed to those standards necessary to implement the development design and objectives of the applicable Specific Plan Amendment. The Otay Majestic project is governed by a Specific Plan Amendment dated May 29, 2024; therefore, the requirements in the Section 81.402(d) do not apply to this project.

**MAP PROCESSING REQUIREMENTS:** The Final Map(s) shall comply with the following processing requirements pursuant to the [Sections 81.801 through 81.814 of the Subdivision Ordinance](#) and the [Subdivision Final Map Processing Manual](#).

The Final map shall show an accurate and detailed vicinity map.

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- The Basis of Bearings for the Final Map shall comply with [Section 81.507 of the Subdivision Ordinance](#).
- Prior to the approval of the Final Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Final Map report from a qualified title insurance company.
- The following notes shall appear on the Final Map:
  - All parcels within this subdivision have a minimum of 100 square feet of solar access for each future unit allowed by this subdivision as required by [Section 81.401\(m\) of the Subdivision Ordinance](#).
  - At the time of recordation of the Final Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.
  - The public and private easement roads serving this project shall be named. The responsible party shall contact the Street Address Section of Planning & Development Services (858-694-3797) to discuss the road naming requirements for the development. Naming of the roads is necessary for the health and safety of present and future residents.

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

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

U.S. Army Corps of Engineers: 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](mailto:RB9_DredgeFill@waterboards.ca.gov) ;<http://www.waterboards.ca.gov/sandiego/>



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California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123;  
(858) 636-3160; [AskR5@wildlife.ca.gov](mailto: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 Quality Management Plan (SWQMP), 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 the property owner keep the Storm Water Pollution Prevention Plan (SWPPP) onsite and updated as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

**LOW IMPACT DEVELOPMENT NOTICE:** The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013 and amended in November 2015. *Project design shall be in compliance with the new Municipal Permit regulations.*

The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

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

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below.

<http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

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

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

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

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

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

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

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
<b>Planning &amp; Development Services</b>	<b><u>PDS</u></b>	<b>Department of Public Works</b>	<b><u>DPW</u></b>
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Private Development Construction Inspection	PDCI
Landscape Architect	LA	Environmental Services Unit Division	ESU
Zoning Counter	ZO		
<b>Department of Environmental Health</b>	<b><u>DEH</u></b>	<b>Department of Parks and Recreation</b>	<b><u>DPR</u></b>
Land and Water Quality Division	LWQ	Trails Coordinator Group Program Manager	TC GPM

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		Parks Planner	PP
Vector Control	VCT	<b>Department of General Service</b>	<b><u>DGS</u></b>
Local Enforcement Agency	LEA	Real Property Division	RP
Hazmat Division	HMD		

cc: Majestic Realty Co.  
Sunroad Otay Partners, LP

Email cc:  
Taylor Ryan, Planning & Development Services, Land Development  
Greg Mattson, Contract - Project Manager, Planning & Development Services  
Mark Slovick, Deputy Director, Planning & Development Services

**Attachment C –  
RESOLUTION APPROVING  
SPECIFIC PLAN AMENDMENT  
PDS2022-SPA-22-001**

Hearing Date: \_\_\_\_\_

RESOLUTION OF THE SAN DIEGO COUNTY )  
BOARD OF SUPERVISORS APPROVING )  
SPECIFIC PLAN AMENDMENT PDS2022-SPA-22-001)  
EAST OTAY MESA BUSINESS PARK SPECIFIC PLAN)

ON MOTION of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_,  
the following Resolution is adopted:

WHEREAS, a Specific Plan known as the East Otay Mesa Business Park Specific Plan having been prepared by the Department of Planning & Development Services for an area comprising a total of 3,013 acres located in East Otay Mesa was adopted by Resolution of the Board on July 27, 1994; and

WHEREAS, the Majestic Realty Co. / Sunroad Otay Partners, LP (hereinafter referred to as "Applicant"), submitted an amendment prepared by T & B Planning Consultants to the East Otay Mesa Business Park Specific Plan (PDS2022-SPA-22-001) on July 21, 2022, pursuant to Section 65450 et seq. of the Government Code, for an area encompassing all 253 acres of the Specific Plan; and

WHEREAS, said Specific Plan Amendment is based upon the Otay Subregional Community Plan which designates the site as Specific Plan Area (SPA) and provides for guidelines for developing the Specific Plan within the Community Plan text; and

WHEREAS, the Applicant has stated the intent of said Amendment to change the East Otay Mesa Business Park Specific Plan as follows:

1. Removal of Mixed-Use Designation (Residential Emphasis) and Mixed-use Village Core and replaced with Light Industrial land uses and design,
2. Removal of Mixed-Use Roads design standards, updated, and establish specific project roadway standards that are applicable to a "only" the proposed Project roadways,
3. Amend Table 2.2-1a to remove certain roadways associated with the previous Otay 250 Project and replace with Table 2.21b with specific roadway standards related to the proposed Light Industrial uses,
4. Modify certain development standards,
5. Removal of Mixed-Use Village Core urban design, site planning, landscape and architectural standards related to residential uses,
6. Specific Plan has been updated to reflect changes in the alignment of State Route 11 and 125, as well as the new Port of Entry.
7. Removal of the Public Facilities Financing Plan and Financial Impact Analysis

for the Mixed-Use Village Core.

WHEREAS, implementation of said Specific Plan Amendment will occur in concurrent application(s) for Vesting Tentative Map (TM-5651) and Site Plan, and

WHEREAS, pursuant to Section 65090, et seq. of the Government Code, the Planning Commission on June 14, 2024, conducted a duly advertised hearing on said Specific Plan Amendment and by a vote of \_\_\_\_\_ recommended that the Board of Supervisors (approve/deny) the Otay Majestic Specific Plan Amendment because it is consistent with the General Plan and the Otay Subregional Community Plan; and

WHEREAS, pursuant to Section 65353 of the Government Code, the Planning Commission on conducted a duly advertised hearing on said Specific Plan Amendment and by a vote of recommended that the Board of Supervisors approve the Specific Plan Amendment because it is consistent with the General Plan and the Otay Subregional Plan; and

WHEREAS, pursuant to Section 65355 of the Government Code, the Board of Supervisors on July 17, 2024 conducted a duly advertised public hearing on said Specific Plan Amendment and considered the recommendations of the Planning Commission with respect thereto, and determined that the requirements hereinafter enumerated are necessary to ensure that said Specific Plan Amendment, and the implementation thereof, will conform to all ordinances, policies, rules, standards and improvement and design requirements of the County of San Diego; and

WHEREAS, on July 17, 2024, the Board of Supervisors has made findings pursuant to Attachment, Environmental Findings, of the Board of Supervisors Planning Report for the project; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors finds that the East Otay Mesa Business Park Specific Plan Amendment (PDS2022-SPA-22-001) is consistent with the San Diego County General Plan and the Otay Subregional Community Plan in that the goals, objectives, and policies of all the elements of the plans have been or will be met.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the East Otay Mesa Business Park Specific Plan Amendment as PDS2022-SPA-22-001 consisting of the text entitled East Otay Mesa Business Park Specific Plan Amendment and this Resolution.

BE IT FURTHER RESOLVED that the following conditions and requirements are imposed upon said Specific Plan Amendment (PDS2022-SPA-22-001) and all development applications filed in order to implement said Specific Plan:

1. Unless specifically waived, the requirements of the East Otay Mesa Business Park Specific Plan Amendment (PDS2022-SPA-22-001) has included project “only” revised roadway standards to accommodate site characteristic. All other roadways with the East Otay Mesa Business Park Specific Plan shall apply irrespective of what is stated in the Applicant’s amended Specific Plan text and none of the requirements included within this Resolution shall be deemed as exempting any permit filed pursuant to this Specific Plan Amendment from that review process and those conditions and requirements normally applied to such permit applications.
2. The applicant shall submit to Planning & Development Services within 30 days of the adoption of this Resolution revised copies of the amended Specific Plan text and map that include any additions, deletions, or modifications approved by this Resolution.
3. Except to the extent they do not apply to the Specific Plan Amendment or have been altered or superseded to conform to the Specific Plan Amendment, the mitigation measures and the project design features described in the Addendum for the Otay Majestic Specific Plan (PDS2022-ER-98-0131) dated July 17, 2024 are hereby made requirements for the Specific Plan Amendment (SPA-22-001) and shall be made conditions of subsequent development permits and approvals where applicable.
4. All permits (e.g. Vesting Tentative Map, and Site Plan) requested within the Specific Plan Amendment shall be consistent with the conceptual figures, plans, design guidelines, and standards identified in the Specific Plan Amendment. Any deviation from the figures, plans, design guidelines, or standards, shall require prior written approval from Planning & Development Services or the applicable decision-making authority.
5. All permits (e.g. Vesting Tentative Map, and Site Plan) requested within the Specific Plan Amendment shall require the construction of all necessary service infrastructure (e.g., buildings for light industrial/warehouse) concurrently with the development of the particular phase to which the Vesting Tentative Map and Site Plan applies, to the satisfaction of Planning & Development Services.

BE IT FURTHER RESOLVED that all references within this Resolution to “Applicant”, “developer”, or “subdivider” shall be equally applicable to the current property owner and to any successors-in-interest or assigns, whether such successors or assigns own, control, or otherwise have development authority for all, a portion, or portions of that property included within the Specific Plan Amendment.

BE IT FURTHER RESOLVED that the following evidence is incorporated herein by this reference and serves as further evidence to support the findings, requirements, and conclusions included herein: The maps, exhibits, written documents and materials contained in the files for the East Otay Mesa Business Park Specific Plan Amendment (PDS2022-SPA-22-001) on record at the County of San Diego, the written documents referred to, and the oral presentation(s) made at the public hearing(s).

BE IT FURTHER RESOLVED that this Resolution shall take effect and be in force from and after 30 days after its adoption.

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

By: \_\_\_\_\_, Senior Deputy County Counsel



**Attachment D –  
FORM OF DECISION  
PDS2023-STP-23-007**



# County of San Diego

**DAHVIA LYNCH**  
DIRECTOR

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

**VINCE NICOLETTI**  
ASSISTANT DIRECTOR

May 29, 2024

**PERMITTEE:** OTAY MAJESTIC  
**SITE PLAN No.:** PDS2023-STP-23-007  
**PROPERTY:** 0 OTAY MESA ROAD, EAST OTAY MESA  
**APN(s):** 646-310-17, 646-080-26 thru 29, 646-080-31 thru 33 and 646-240-30

## FORM OF DECISION

This Site Plan for Otay Majestic consists of plot plans, floor plans, elevations, architectural plans described and illustrated in the Improvement Plans, dated February 19, 2024. A Master Landscape Plan shall be prepared for entire project in accordance with the Specific Plan Amendment, Site Plan, and supporting attachments.

This permit authorizes: Otay Majestic to construct of up to 2,850,000 square feet of industrial manufacturing buildings (Parcels 1 to 12) and roadways spread out over five phases. The Project would include approximately 51.3 acres of permanently conserved biological open space at the northeastern corner of the site (Parcel D) northeast of Lone Star Road, and a combination of permanently conserved open space and manufactured slope on 13.1 acres (Parcels A, B, and C) southwest of the future intersection of Lone Star Road and Zinser Road. The Project is located on an approximately 253-acre stie within the East Otay Mesa Business Park Specific Plan and within the Otay Regional Plan Area.

Approval of this site plan also approves the Preliminary Grading Plan and Utility Plans dated December 8, 2023, consisting of 11 sheets. In accordance with the [Section 87.207 of the County Grading Ordinance](#), Environmental Mitigation Measures or other conditions of approval required and identified on the plan(s), shall be completed or implemented on the final engineering plan before any final improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any substantial deviation therefrom the Preliminary Grading and Utility Plan may cause the need for further environmental review. Additionally, approval of the preliminary plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to [County of San Diego Grading Ordinance \(Sec 87.701 et. al.\)](#)

The lots created by the Vesting Tentative Map will require additional discretionary permits to be developed in accordance with the Specific Plan and pursuant to Sections 5750-5799 of the Zoning Ordinance.

This Site Plan has been reviewed and approved. The Otay Majestic site has an existing “G” Designator Special Area Regulation for open space preservation. The Specific Plan Amendment PDS2023-SPA-23-007 and a Vesting Tentative Map PDS2023-VTM-5651 processed concurrently with the subject Site Plan, PDS2022-STP-22-001.

**SITE PLAN EFFECTIVE DATE AND EXPIRATION:** This Site Plan shall become effective upon the effective date of expire concurrently with Vesting Tentative Map, PDS2023-VTM-5651, as described in the conditions for the Vesting Tentative Map. This Site Plan shall expire concurrently with the Vesting Tentative Map or one year following the recordation of the last Final Map except where construction and/or use of the property in reliance on this permit has commenced. Recordation of each Final Map pursuant to Vesting Tentative Map, PDS2023-VTM-5651 and completion of all required improvements and satisfaction of all conditions shall be deemed to establish such construction and/or use in reliance; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7168.

This Form of Decision to grant this Site Plan (PDS2023-STP-23-007) is based upon an accompanying legislative action for the Specific Plan Amendment PDS2022-SPA-22-001 shall be approved prior to the Site Plan becoming effective.

.....

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

**PRIOR TO APPROVAL OF THE FINAL MAP FOR ALL UNITS (PHASES) THE FOLLOWING CONDITIONS SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PLANNING & DEVELOPMENT SERVICES (PDS) AND PUBLIC WORK (DPW).**

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

The following conditions apply to all units (Units 1, 2, 3, 4 & 5) or they apply to multiple units and should be checked at each Final Map stage.

**1. 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](#), all the public roads shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. **Otay Mesa Road**, on the project side, from Sunroad Boulevard easterly to Vann Centre Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for Prime Arterial Road with bike lane to a minimum one-half graded width of sixty-seven (67') to seventy-nine feet (79') at turn pocket with fifty-seven feet (57') to sixty-nine feet (69') at turn pocket of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk.

Face of curb shall be at fifty-seven feet (57') to sixty-nine feet (69') at turn pocket from the ultimate centerline.

The striping of the Otay Mesa Road to its ultimate 6-lane classification will not be required as part of mitigations for this project.

1. Per the County's Mobility Element, pavement widening will be required at the intersections to accommodate the lane configurations described below:

i. Otay Mesa Road/Sanyo Avenue/Sunroad Boulevard:

- The Project will construct the north leg of the intersection to provide one northbound lane into the site and the following striping at the southbound approach: one dedicated left-turn lane, one through lane, and one dedicated right-turn lane with overlap signal phasing.
- The Project will restripe the westbound approach to provide one dedicated left-turn lane and one shared through/right-turn lane.
- The Project will restripe the northbound approach to provide one dedicated left-turn lane and one shared left-turn/through/right-turn lane.
- The Project will restripe the eastbound approach to provide one dedicated left-turn lane, one through lane, and one shared through/right lane.

ii. Otay Mesa Road/ Vann Centre Boulevard:

- The Project will construct the north leg of the intersection to provide one northbound lane into the site and the following striping at the southbound approach: one dedicated right-turn lane with overlap signal phasing and one shared through/left-turn lane.
- The Project will restripe the westbound approach to provide one dedicated left-turn lane and one shared through/right-turn lane.
- The Project will restripe the northbound approach to provide one shared left-turn/through/right-turn lane.
- The Project will restripe the eastbound approach to provide one dedicated left-turn lane, one through lane, and one shared through/right-turn lane.

2. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.

All the foregoing to the satisfaction of the City of San Diego and the Director of PDS & DPW.

- b. **Sunroad Boulevard**, on both sides, from Otay Mesa Road northerly to Future Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a General Plan Mobility Element and Specific Plan 4-Lane Road- Collector with bike lane, to a graded width of ninety-six feet (96') with seventy-six feet (76') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on both sides of the street. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.

1. **Sunroad Boulevard** on both sides of the ultimate centerline location shall have ultimate improvements in accordance with Public Road Standards to provide for two (2) twelve feet (12') northbound lanes, a six-foot (6') bike lane and a eight-foot (8') shoulder area for northbound traffic to an improved width of thirty-eight feet (38') with asphalt concrete pavement over approved base with an AC berm on both sides of the ultimate centerline location of **Sunroad Boulevard**.
- c. **Vann Centre Boulevard** from Otay Mesa Road northerly to Future Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan 4-Lane Road Collector with bike lane, to a one half graded width of forty-eight feet (48') with thirty-eight feet (38') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
1. **Vann Centre Boulevard** shall have ultimate improvements in accordance with Public Road Standards to provide for two (2) twelve-foot (12') travel lanes, one (1) eight-foot (8') bike lane and one (1) eight-foot (8') shoulder area and a seven foot (7') raised median to an improved width of thirty-eight feet (38') with asphalt concrete pavement over approved base.
  2. If the parking prohibition along the project frontage is recommended and approved by the County Traffic Advisory Committee and Board of Supervisors prior to approval of the final improvement plan processing, the eight-foot (8') shoulder areas will be eliminated.
- d. **Future Road** on both sides, from Sunroad Boulevard easterly to Vann Centre Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road Collector with bike lane, to a graded width of ninety-six feet (96') with seventy-six feet (76') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on both sides of the street. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
1. **Future Road** on both sides of the ultimate centerline location shall have ultimate improvements in accordance with Public Road Standards to provide for two (2) twelve feet (12') northbound lanes, a six-foot (6') bike lane and a eight-foot (8') shoulder area for northbound traffic to an improved width of thirty-eight feet (38') with asphalt concrete pavement over approved base with an AC berm on both sides of the ultimate centerline location of **Future Road**.
- e. **Asphalt** concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the [Land Development Improvement Plan Checking Manual](#), and the [East](#)

[Otay Mesa Business Park Specific Plan](#). The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **DOCUMENTATION:** The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- b. Provide Secured Agreements in accordance with [Subdivision Ordinance Sec. 81.408](#).
- c. Upon approval of the plans, pay all applicable inspection 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.
- e. The subdivider/applicant shall obtain an Encroachment Permit for the installation of landscaping within the Public Road Right-of-Way.

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

## 2. ROADS#2–ENCROACHMENT PERMIT

**INTENT:** In order to ensure that public road improvements comply with the [County of San Diego Public Road Standards](#), and the City of San Diego Transportation and Storm Water Design Manuals an encroachment permit(s) shall be obtained and implemented.

**DESCRIPTION OF REQUIREMENT:** A permit shall be obtained from the City of San Diego for the improvements to be made within the City of San Diego right-of-way. A copy of the permit and evidence from the issuing agency that all requirements of the permit have been met shall be submitted to the [PDS, LDR]. **DOCUMENTATION:** The applicant shall obtain the encroachment permit(s) and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to the [PDS, LDR]. The applicant should contact the City of San Diego Development Services at (619) 446-5000 for additional details. **TIMING:** Prior to the approval of any plan, issuance of any County permit, and prior to occupancy or use of the premises in reliance of this permit, the encroachment permit shall be obtained. **MONITORING:** The [PDS, LDR] shall review the permit for compliance with this condition and the applicable improvement plans and implement any conditions of the permit in the County improvement plans.

## 3. ROADS#3–ROAD DEDICATION

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

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a minimum one-half right-of-way width of sixty-seven feet (67') to seventy-nine feet (79') at turn pocket from the County/City boundary line for **Otay Mesa Road** from Sunroad Boulevard easterly to Vann Centre Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for Prime Arterial Road with bike lane. Additional right-of-way on the project side will be required to accommodate the improvements at the Otay Mesa Road with Harvest Road, Sunroad Boulevard Road, and Vann Centre Road intersections. Dedicate thirty-foot (30') radius corner rounding at Otay Mesa Road intersection with Sunroad Boulevard and Vann Centre Road, plus slope rights and drainage easements.
- b. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a minimum right-of-way width of ninety-six feet (96') **Sunroad Boulevard** from Otay Mesa Road to Future Road; along the project frontage in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for Specific Plan 4-Lane Road- Collector with bike lane plus slope rights and drainage easements.
- c. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a right-of-way width of ninety-six feet (96') for **Vann Centre Boulevard** from Otay Mesa Road to Future Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road- Collector with bike lane plus slope rights and drainage easements.
- d. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a right-of-way width of ninety-six feet (96') for **Future Road** from Sunroad Boulevard to Vann Centre Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road- Collector with bike lane plus slope rights and drainage easements.
- e. If the parking prohibition along the project frontage is recommended and approved by the County Traffic Advisory Committee and Board of Supervisors prior to approval of the final improvement plan processing, the eight-foot (8') shoulder areas will be eliminated from the right-of-way dedication.
- f. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required and shall be accepted for public use.

**DOCUMENTATION:** The applicant shall dedicate the project side of the easement on the Final Map and show it as Accepted. **TIMING:** Prior to the recordation of the Final Map the on-site dedication for Unit 1, shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the Final Map and Accepted by the County.

#### 4. ROADS#4-SIGHT DISTANCE

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

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Otay Mesa Road** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Sunroad Boulevard** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- c. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Vann Centre Boulevard** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- d. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Future Road** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- e. The engineer or surveyor shall further certify that: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."



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

#### 5. ROADS#5–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. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **Otay Mesa Road** along the project frontage from Sunroad Boulevard easterly to Vann Centre Boulevard except for the driveway openings as shown on the approved Vesting Tentative Map.
- b. Relinquish access rights onto **Sunroad Boulevard** along the project frontage from Otay Mesa Road northerly to Future Road except for the driveway openings as shown on the approved Vesting Tentative Map.
- c. Relinquish access rights onto **Vann Centre Boulevard** along the project frontage from Otay Mesa Road northerly to Future Road except for the driveway openings as shown on the approved Vesting Tentative Map.
- d. Relinquish access rights onto **Future Road** along the project frontage from Sunroad Boulevard easterly to Vann Centre Boulevard except for the driveway openings as shown on the approved Vesting Tentative Map
- e. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall prepare the pages of the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map for unit 1, the access shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

**PRIOR TO THE RECORDATION OF THE FINAL MAP FOR UNITS 2, 3, 4, OR 5; THE FOLLOWING CONDITIONS FOR UNIT 2 SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PDS AND DPW.**

#### 6. ROADS#6–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](#), all the public roads shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. **Otay Mesa Road**, on the project side, from Harvest Road easterly Sunroad Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for Prime Arterial Road with bike lane to a minimum one-half graded width of sixty-

seven (67') to seventy-nine feet (79') at turn pocket with fifty-seven feet (57') to sixty-nine feet (69') at turn pocket of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at fifty-seven feet (57') to sixty-nine feet (69') at turn pocket from the ultimate centerline. The striping of the Otay Mesa Road to its ultimate 6-lane classification will not be required as part of mitigations for this project.

1. Per the County's Mobility Element, pavement widening will be required at the intersections to accommodate the lane configurations described below:
  - i. Otay Mesa Road/Harvest Road:
    - The Project will Install a traffic signal at the intersection.
    - The Project will restripe the eastbound approach to provide one dedicated left-turn lane, one through lane and one shared through/right-turn lane.
    - The Project will restripe the southbound approach to provide one dedicated right-turn lane with overlap phasing and one shared through/left-turn lane.
2. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.

All of the foregoing to the satisfaction of the City of San Diego and the Director of PDS & DPW.

- b. **Harvest Road**, on both sides, from Otay Mesa Road northerly to Future Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road- Collector with bike lane, to a graded width of ninety-seven feet (97') with seventy-nine feet (79') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on the east side and thirty-nine feet (39') from centerline on the west side. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
  - i. **Harvest Road** on the east side shall have ultimate improvements in accordance with Public Road Standards to provide for two (2) twelve feet (12') northbound lanes, a six-foot (6') bike lane and a eight-foot (8') shoulder area for northbound traffic to an improved width of thirty-eight feet (38') with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on the east side of **Harvest Road**.
- c. **Future Road** on both sides, from Harvest Road easterly to Sunroad Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road- Collector with bike lane, to a graded width of ninety-six feet (96') with seventy-six feet (76') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on both sides of the street. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.

- i. **Future Road** on both sides of the ultimate centerline **location** shall have ultimate improvements in accordance with Public Road Standards to provide for two (2) twelve feet (12') through lanes, a six-foot (6') bike lane and a eight-foot (8') shoulder area for traffic in both directions to an improved width of thirty-eight feet (38') with asphalt concrete pavement over approved base Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on both sides of f **Future Road**.
- d. **Asphalt** concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

- a. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- b. Provide Secured Agreements in accordance with [Subdivision Ordinance Sec. 81.408](#).
- c. Upon approval of the plans, pay all applicable inspection 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.
- e. The subdivider/applicant shall obtain an Encroachment Permit for the installation of landscaping within the Public Road Right-of-Way.

**TIMING:** Prior to the recordation of the Final Map the plans, agreements, and securities for Unit 2 shall be approved. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

## 7. ROADS#7-ENCROACHMENT PERMIT

**INTENT:** In order to ensure that public road improvements comply with the [County of San Diego Public Road Standards](#), and the [City of San Diego Transportation and Storm Water Design Manuals](#) an encroachment permit(s) shall be obtained and implemented. **DESCRIPTION OF REQUIREMENT:** A permit shall be obtained from the City of San Diego for the improvements to be made within the City of San Diego right-of-way. A copy of the

permit and evidence from the issuing agency that all requirements of the permit have been met shall be submitted to the [PDS, LDR]. **DOCUMENTATION:** The applicant shall obtain the encroachment permit(s) and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to the [PDS, LDR]. The applicant should contact the City of San Diego Development Services at (619) 446-5000 for additional details. **TIMING:** Prior to the approval of any plan, issuance of any County permit, and prior to occupancy or use of the premises in reliance of this permit, the encroachment permit shall be obtained. **MONITORING:** The [PDS, LDR] shall review the permit for compliance with this condition and the applicable improvement plans and implement any conditions of the permit in the County improvement plans.

## 8. ROADS#8–SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Otay Mesa Road, Harvest Road** and **Future Road** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Otay Mesa Road** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- c. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Harvest Road** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”

- d. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Future Road** from the proposed roadways and access driveways, along in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- e. The engineer or surveyor shall further certify that: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

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

## 9. ROADS#9—ROAD DEDICATION

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

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a minimum one-half right-of-way width of sixty-seven feet (67') to seventy-nine feet (79') at turn pocket from the County/City boundary line for **Otay Mesa Road** from Harvest Road easterly to Sunroad Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for Prime Arterial Road with bike lane. Additional right-of-way on the project side will be required to accommodate the improvements at the Otay Mesa Road with Harvest Road, Sunroad Boulevard Road, and Vann Centre Road intersections. Dedicate thirty-foot (30') radius corner rounding at Otay Mesa Road intersection with Harvest Road, plus slope rights and drainage easements.
- b. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a half right-of-way width of forty-eight feet (48') for **Harvest Road**, from Otay Mesa Road northerly to Future Road, in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan four-Lane Road-Local Collector with bike lane; with thirty-foot (30') radius corner rounding at Harvest Road Future Road intersection, plus slope rights and drainage easements.
- c. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a right-of-way width of ninety-six feet (96') for **Future Road** from Harvest Road to Sunroad Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road Collector with bike lane plus slope rights and drainage easements.

- d. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required and shall be accepted for public use.

**DOCUMENTATION:** The applicant shall dedicate the project side of the easement on the Final Map and show it as Accepted. For the offsite portions of the easement, the applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents.

**TIMING:** Prior to the recordation of the Final Map on-site dedication and the off-site granting for Unit 2 shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the Final Map and accepted by the County. The [DGS, RP] shall prepare, approve the easement documents for recordation, and forward the recorded copies to [PDS, LDR] for review and approval. The [PDS, LDR] shall review the offsite granting for compliance with this condition.

#### 10. ROADS#10–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. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **Otay Mesa Road** along the project frontage from Harvest Road easterly to Sunroad Boulevard except for the approved driveways as shown on the Vesting Tentative Map.
- b. Relinquish access rights onto **Sunroad Boulevard** along the project frontage from Otay Mesa Road northerly to Future Road except for the approved driveways shown on the Vesting Tentative Map.
- c. Relinquish access rights onto **Harvest Road** along the project frontage from Otay Mesa Road northerly to Future Road except for the approved driveways as shown on the Vesting Tentative Map.
- d. Relinquish access rights onto **Future Road** from Harvest Road easterly to Sunroad Boulevard along the project frontage except for the approved driveways as shown on the Vesting Tentative Map.
- e. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall prepare the pages of the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map for Unit 2, the access shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

**PRIOR TO THE RECORDATION OF THE FINAL MAP FOR UNITS 3, 4, OR 5; THE FOLLOWING CONDITIONS FOR UNIT 3, SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PDS AND DPW.**

#### 11. ROADS#11–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](#), all the public roads shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. **Sunroad Boulevard**, on both sides, from Future Road northeasterly to Lone Star Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road Collector with bike lane, to a graded width of ninety-six feet (96') with seventy-six feet (76') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline on both sides of the street. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
- b. **Lone Star Road**, from Sunroad Boulevard southeasterly to the easterly project boundary in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4.1A Major Road with a raised median and a Class IV Bike Way, to a graded width of ninety-eight feet (98') with seventy-eight feet (78') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-nine feet (39') from the centerline on both sides of the street. Face of median shall be at seven feet (7') from centerline on both sides of the street. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement. In the interim conditions, both ends of **Lone Star Road** shall terminate with a cul-de-sac graded to a radius of forty-two feet (42') to the satisfaction of Director of PDS and the Fire Department.
- c. **Asphalt** concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

- a. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- b. Provide Secured Agreements in accordance with [Subdivision Ordinance Sec. 81.408](#).

- c. Upon approval of the plans, pay all applicable inspection 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.
- e. The subdivider/applicant shall obtain an Encroachment Permit for the installation of landscaping within the Public Road Right-of-Way.

**TIMING:** Prior to the recordation of the Final Map the plans, agreements, and securities for Unit 3 shall be approved. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

## 12. ROADS#12–SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_feet of unobstructed intersectional sight distance along **Sunroad Boulevard** from the proposed road, and driveways in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_feet of unobstructed intersectional sight distance along **Lone Star Road** from the proposed road, Harvest Road in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- c. The engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”



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

### 13. ROADS#13–ROAD DEDICATION

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

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a minimum right-of-way width of ninety-six feet (96') **Sunroad Boulevard** from Otay Mesa Road to Future Road; along the project frontage in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for Specific Plan 4-Lane Road Collector with bike lane plus slope rights and drainage easements.
- b. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a right-of-way width of ninety-eight feet (98') for **Lone Star Road**, from Sunroad Boulevard southeasterly towards Vann Centre Boulevard in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-Local Collector with bike lane, with thirty-foot (30') radius corner rounding at the intersection of Lone Star Road and Sunroad Boulevard, plus slope rights and drainage easements.
- c. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required and shall be accepted for public use.

**DOCUMENTATION:** The applicant shall dedicate the project side of the easement on the Final Map and show it as Accepted. **TIMING:** Prior to the recordation of the Final Map the on-site dedication granting for Unit 3, shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the Final Map and Accepted by the County.

### 14. ROADS#14–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. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **Sunroad Boulevard** along the project frontage from Future Road to Lone Star Road except for the approved driveways as shown on the Vesting Tentative Map.
- b. Relinquish access rights onto **Lone Star Road** along the project frontage from Sunroad Boulevard southeasterly to Vann Centre Boulevard.

- c. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall prepare the pages of the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map for Unit 3, the access shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

**PRIOR TO THE RECORDATION OF THE FINAL MAP FOR UNITS 4 OR 5; THE FOLLOWING CONDITIONS FOR UNIT 4, SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PDS AND DPW.**

#### 15. ROADS#15–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](#), all the public roads shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. **Harvest Road** from Future Road to Zinser Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan a Specific Plan 4-Lane Road-Collector with bike lane, to a graded width of ninety-six feet (96') with seventy-six feet (76') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-eight feet (38') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
1. **Harvest Road** shall have ultimate improvements in accordance with Public Road Standards to provide for four (4) twelve feet (12') travel lanes, two eight-foot (8') bike lane and two eight-foot (8') shoulder area to an improved width of ninety-six feet (96') with asphalt concrete pavement over approved base.
  2. If the parking prohibition along the project frontage is recommended and approved by the County Traffic Advisory Committee and Board of Supervisors prior to approval of the final improvement plan processing; the eight-foot (8') shoulder areas will be eliminated.
- b. **Zinser Road** on the project side, from westerly project boundary easterly to Harvest Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road-I/C Collector with bike lane to a minimum one-half graded width of forty-four feet (44') with thirty-four feet (34') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-four feet (34') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement. In the interim conditions, Zinser Road shall terminate with a cul-de-sac graded to a radius of forty-two feet (42') to the satisfaction of Director of PDS and the Fire Department.

- c. **Zinser Road** on the north side of the centerline, from the westerly project boundary easterly to Harvest in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-I/C Collector with bike lane to a minimum one-half graded width of forty-four feet (44') with sixteen feet (16') of asphalt concrete pavement over approved base an asphalt concrete berm. Face of berm shall be sixteen feet (16') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
- d. **Asphalt** concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

- a. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- b. Provide Secured Agreements in accordance with [Subdivision Ordinance Sec. 81.408](#).
- c. Upon approval of the plans, pay all applicable inspection 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.
- e. The subdivider/applicant shall obtain an Encroachment Permit for the installation of landscaping within the Public Road Right-of-Way.

**TIMING:** Prior to the recordation of the Final Map the plans, agreements, and securities for Unit 4 shall be approved. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

## 16. ROADS#16–SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Harvest Road** from the proposed roads and driveways in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in westerly direction along **Zinser Road** from the proposed roads and driveways, in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- c. The engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

**DOCUMENTATION:** The applicant shall have a Registered Civil Engineer, or a Licensed Land Surveyor provide a signed statement that physically, there is minimum unobstructed sight distance as detailed above, and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the recordation of the Final Map the sight distance for Unit 4 shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

## 17. ROADS#17–ROAD DEDICATION

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

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a right-of-way width of ninety-six feet (96') for **Harvest Road** from Future Road to Zinser Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Major Road with raised median (4.1A) and bike lane; with thirty-foot (30') radius corner rounding at the intersection of Harvest Road and Zinser Road, plus slope rights and drainage easements.

If the parking prohibition along the project frontage is recommended and approved by the County Traffic Advisory Committee and Board of Supervisors prior to approval of the final improvement plan processing; the eight-foot (8') shoulder areas will be eliminated from the right-of-way dedication.

- b. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a full right-of-way width of eighty-eight feet (88') for **Zinser Road**, from westerly project boundary easterly to Harvest Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road-I/C Collector with bike lane; plus, slope rights and drainage easements.
- c. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required and shall be accepted for public use.

**DOCUMENTATION:** The applicant shall dedicate the project side of the easement on the Final Map and show it as Accepted. For the offsite portions of the easement, the applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **TIMING:** Prior to the recordation of the Final Map the on-site dedication and the offsite granting for Unit 4, 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 Final Map and Accepted by the County.

#### 18. ROADS#18–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. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **Harvest Road** along the project frontage from Future Road to Zinser Road except for the approved driveways as shown on the Vesting Tentative Map.
- b. Relinquish access rights onto **Zinser Road** along the project frontage from the westerly project boundary to Harvest Road except for the approved driveways as shown on the Vesting Tentative Map.
- c. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall prepare the pages of the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map for Unit 4, the access shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

***PRIOR TO THE RECORDATION OF THE FINAL MAP, THE FOLLOWING CONDITIONS FOR UNIT 5 SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PDS AND DPW.***

#### 19. ROADS#19–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](#), all the public roads shall be

improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. **Zinser Road**, on the project side, from Harvest Road northeasterly to northern project boundary in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 4-Lane Road-I/C Collector with bike lane to a minimum one-half graded width of forty-four feet (44') with thirty-four feet (34') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') non-contiguous sidewalk. Face of curb shall be at thirty-four feet (34') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
  1. The improvements and striping will be required to accommodate 2 twelve-foot (12') through lanes, and two five-foot (5') bike lanes within the improved width of 34'.
- b. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

- a. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.
- b. Provide Secured Agreements in accordance with [Subdivision Ordinance Sec. 81.408](#).
- c. Upon approval of the plans, pay all applicable inspection 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.
- e. The subdivider/applicant shall obtain an Encroachment Permit for the installation of landscaping within the Public Road Right-of-Way.

**TIMING:** Prior to the recordation of the Final Map, the plans, agreements, and securities for Unit 5 shall be approved. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

**20. ROADS#20–SIGHT DISTANCE**

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions along **Zinser Road** from the proposed roads and driveways, in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- b. The engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

**DOCUMENTATION:** The applicant shall have a Registered Civil Engineer, or a Licensed Land Surveyor provide a signed statement that physically, there is minimum unobstructed sight distance as detailed above, and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the recordation of the Final Map the sight distance for Unit 5 shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

**21. ROADS#21–ROAD DEDICATION**

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

- a. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a right-of-way width of eighty-eight feet (88’) for **Zinser Road** in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan Specific Plan 4-Lane Road-I/C Collector with bike lane easements.
- b. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required and shall be accepted for public use.

**DOCUMENTATION:** The applicant shall dedicate the project side of the easement on the Final Map and show it as Accepted. If any portion of the required improvements or right-of-way dedications are completed by previous unit(s), they will be deemed complete and will no longer be applicable to this unit. **TIMING:** Prior to the recordation of the Final Map the on-site dedication for Unit 5, 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 Final Map and Accepted by the County.

## 22. ROADS#22–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. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **Zinser Road** along the project frontage from Harvest Road northeasterly to the northern project boundary.
- b. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

**DOCUMENTATION:** The applicant shall prepare the pages of the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map, the access for Unit 5 shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

## 23. ROADS#23–FAIR SHARE CONTRIBUTION TO CITY OF SAN DIEGO

**INTENT:** To mitigate the impact of this project on traffic safety below levels of less than significant for City of San Diego, and to comply with City of San Diego's requirements, a fair share contribution shall be paid. **DESCRIPTION OF REQUIREMENT:** A fair share contribution shall be paid to the City of San Diego to improve the following intersections to reduce the direct and cumulative impact to below a level of significance.

1. Otay Mesa Road/La Media Road
2. Airway Road/Sanyo Avenue
3. Siempre Via Road/Paseo de las Americas

**DOCUMENTATION:** The applicant shall pay the fair share contribution to City of San Diego and provide proof of payment and a copy of satisfaction letter from City of San Diego to the [PDS, LDR]. **TIMING:** Prior to the recordation of the Final Map, the fair share contribution shall be paid. **MONITORING:** The [PDS, ZONING] shall review the proof of payment and a copy of satisfaction letter from City of San Diego.

## 24. ROADS#24–TRAFFIC CONTROL PLAN

**INTENT:** To mitigate below levels of significance for temporary traffic impacts, a traffic control plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of the Director of Department of Public Works (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 the approval of any encroachment permit-related plan or issuance of any permit, a TCP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the TCP for compliance with this condition.



**25. ROADS#25–HAUL ROUTE PLAN**

**INTENT:** In order to ensure the public 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 public road maintenance (sweeping as necessary) and repair of any damage caused to the on-site and offsite County maintained public roads that serve the property either during construction or subsequent operations.
- b. The applicant will repair those portions of the public 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 public roads that serve the project during construction phase on the route identified; and (3) All the public 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 the approval of any encroachment permit-related plan or issuance of any permit, a HRP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the HRP for compliance with this condition.

**26. ROADS#26–PAVEMENT CUT POLICY**

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

to the approval of improvement plans or the approval for any unit or 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] shall review the signed acknowledgement letter.

## 27. ROADS#27–PUBLIC SEWER IMPROVEMENTS

**INTENT:** To promote orderly development by providing public sewer to the lots, and to comply with the [Subdivision Ordinance Sec. 81.703 through Sec. 81.707](#) and the [East Otay Mesa Business Park Specific Plan](#). **DESCRIPTION OF REQUIREMENT:** A sewer system, which is to be public sewer shall be shown within dedicated right-of-way on the Final Map, and the portion of the sewer system which is to be public shall be installed as shown on the approved plans and specifications, to the satisfaction of the San Diego County Sanitation District [SDCSD]. A graded access road to maintain any public sewer constructed within easements shall be required.

**DOCUMENTATION:** The applicant shall dedicate the sewer easement on the Final Map, and provide improvement plans for the sewer system construction to the [PDS, LDR] and [SDCSD] for review, approval, and security requirements. **TIMING:** Prior to approval of the Final Map the offsite sewer and the sewer for the applicable unit shall be dedicated and required security provided. **MONITORING:** The [PDS, LDR] shall review the Final Map to ensure that the sewer easement has been dedicated. The [PDS, LDR] and [DPW, WWM] shall review the improvement plans to ensure compliance with this condition.

## 28. DRNG#28–LINES OF INUNDATION

**INTENT:** In order to prevent future development in flood-prone areas the Lines of Inundation shall be shown on the Final Map. **DESCRIPTION OF REQUIREMENT:**

Lines of inundation to the limits of the 100-year flood over the entire property shall be shown and labeled "Flood-Prone Area" on the Final Map.

- a. A Civil Engineer shall provide this information through an analysis performed as part of a drainage study.
- b. Each parcel shall have a flood-free building site. Since all parcels are found to be devoid of a buildable flood-free site for residence/ commercial use/ industrial use, the subdivider shall construct graded pads pursuant to an L-Grading Plan. Proposed pads shall be elevated above the one-hundred-year inundation elevation as determined by the applicant's Civil Engineer and to the satisfaction of the Director of PDS.

**DOCUMENTATION:** A Civil Engineer shall provide the necessary hydrology and hydraulics to define the 100-year floodplain inundation limits and indicate the lines of inundation on the non-title sheet of the Final Map as indicated above. **TIMING:** Prior to the approval of the Final Map, the inundation lines shall be indicated and labeled on the Final Map. **MONITORING:** The [PDS, LDR] shall verify that the inundation lines have been indicated pursuant to this condition.

## 29. ROADS#29-LANDSCAPE MAINTENANCE

**INTENT:** In order to ensure that landscape improvements per the [East Otay Mesa Business Park Specific Plan](#) are maintained, a Landscape Maintenance Agreement shall be executed.

**DESCRIPTION OF REQUIREMENT:** An Encroachment Maintenance and Removal Agreement for all proposed landscaping within the Public Road Right-of-Way shall be executed with the County of San Diego. A copy of the agreement shall be submitted to the [PDS, LDR] in addition to obtaining an Encroachment Permit; **OR** contribute or agree to contribute the project's fair share to a Community Facilities District (CFD), approved by the County, established for the purpose of maintaining the landscape improvements within the Public Road Right-of-Way in addition to an Encroachment Permit to the satisfaction of the [PDS, LDR]. **DOCUMENTATION:** The applicant shall execute an Encroachment Maintenance and Removal Agreement in addition to an Encroachment Permit **OR** provide proof of Payment into the CFD, to the [PDS, LDR] in addition to an Encroachment Permit. **TIMING:** Prior to approval of each Final Map and prior to any plan approval the execution of the Encroachment Maintenance and Removal Agreement for each of the units **OR** payment into the CFD must be made. **MONITORING:** The [PDS, LDR] shall review the Encroachment Maintenance and Removal Agreement **OR** proof of payment into the CFD shall be reviewed for compliance with this condition.

### 30. STRMWTR#1-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 [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 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 Stormwater Protection Plan (SWPP) 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\(e\)](#). 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 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 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 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.

**31. STRMWTR#2–STORMWATER MAINTENANCE DOCUMENTATION**

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

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

**DOCUMENTATION:** The applicant shall process the agreement forms with [PDS, LDR] and pay the deposit and applicable review fees. **TIMING:** Prior to approval of any plan and the issuance of any permit, 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.

**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).*

**32. GEN#1–RECORDATION OF DECISION**

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

**33. GEN#2 - COST RECOVERY**

**INTENT:** In order to comply with [Section 362 of Article XX of the San Diego County Administrative Code](#), Schedule B.5, existing deficit accounts associated with processing this map shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant or its designee shall pay off all existing deficit accounts associated with processing this plan/map. **DOCUMENTATION:** The applicant or its designee shall provide evidence to [PDS, Zoning Counter], which shows that all fees and trust account deficits have been paid. No map can be issued if there are deficit accounts. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall review the evidence to verify compliance with this condition.

**34. GEN#3–FILING OF NOD**

**INTENT:** In order to comply with CEQA and State law, the permit NOD shall be filed at the County Recorder's Office. **DESCRIPTION OF REQUIREMENT:** The applicant shall take

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

### 35. ROADS#30- DEBRIS MANAGEMENT PLAN (DMP)

**INTENT:** In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. This includes grading, clearing and brushing material for grading projects over 5,000 cubic yards. For additional questions, please call (858) 694-2463 or email [CDRecycling@sdcounty.ca.gov](mailto:CDRecycling@sdcounty.ca.gov),

**DESCRIPTION OF REQUIREMENT:** To divert (recycle, reuse, repurpose) 100% of excavated soils, trees, stumps, rocks, and associated vegetation and soils from the following types of projects: (1) non-residential excavation and grading projects; (2) residential projects that require Major Grading permits. Grading projects greater than 5,000 cubic yards shall prepare a Debris Management Plan (DMP) prior to plan approval. All documentation must be submitted and approved by a DPW Compliance Official. Specific requirements are as follows:

- a. Prior to Grading plan approval, a Debris Management Plan (DMP) is required, consisting of:
  - The type of project.
  - The total cubic yardage for the project.
  - The estimated weight of grading or land clearing debris, by material type, that the project is expected to generate.
  - The estimated maximum weight of grading or land clearing debris that can feasibly be diverted via reuse, salvage, or recycling.
  - The estimated weight of grading or land clearing debris that is planned to be disposed of in a landfill.
  - The name of the facility (or facilities) which debris will be exported to.
- b. During grading activities, a Daily Log of all grading, land clearing, and brushing material that is exported or reused/repurposed, must be prepared and retained onsite. The Daily Log must include all export receipts from an inert processing facility, green material processing operation, a C&D processing facility, or other vendor or disposal or transfer station facility that accepted grading material from the approved grading project. If material was reused onsite, other forms of documentation (such as photos) will be accepted in lieu of receipts. Daily logs shall include:
  - Identify the project location.
  - Log the date that material was transported off site.
  - Log the type of graded or cleared material.
  - Estimated material weight, tonnage, or cubic yards.

- Name of entity transporting the material.
- Name of the receiving facility or exporter, and detailing whether the material was salvaged, recycled, or disposed of in a landfill.
- Daily log entries shall correspond to receipts by materials transporter or receiving facility. If grading contractor exported materials off-site, receipts shall be compiled within 90 days of the receipts.
- Daily logs shall include separate entries for each occurrence of materials reused on site.
- Daily logs and all receipts shall be maintained at the project site and made available to any County Inspector for compliance with this condition.

c. Exemption:

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

**DOCUMENTATION:** The applicant shall prepare the Debris Management Plan (DMP) and submit the plan for review and approval by the DPW Recycling Compliance Official. During grading operations, a daily log shall be prepared and kept on-site. For additional questions, please call (858) 694-2463 or email [CDRecycling@sdcountry.ca.gov](mailto:CDRecycling@sdcountry.ca.gov). Templates for all forms required are available at: [https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD\\_Grading.html](https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD_Grading.html).

**TIMING:** Prior to approval for the Grading Plan or issuance of any permit, the Debris Management Plan shall be prepared and submitted to the DPW Recycling Official [DPW CO] for review and approval. **MONITORING:** The [DPW, CO] shall review and approve the DMP documents for the project. The [DPW, CO], shall forward the approval of the DMP to [PDS, LDR] for compliance with this condition.

### 36. LNDSCP#1–LANDSCAPE DOCUMENTATION PACKAGE

**INTENT:** In order to provide adequate Landscaping that complies with the [County of San Diego's Water Efficient Landscape Design Manual](#), the County's Water Conservation in Landscaping Ordinance, the County's Climate Action Plan and the Specific Plan Amendment (PDS2022-SPA-22-001). **DESCRIPTION OF REQUIREMENT:** As part of the Landscape Documentation Package a landscape plan shall be prepared for each phase 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 or its designee shall obtain a permit from DPW 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. Planting shall be selected from plant palettes within the approved East Otay Mesa Business Park Specific Plan.
- 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, unless otherwise allowed under the Specific Plan Amendment.
- h. Additionally, the following items, a master landscape plan shall be submitted for review and approval prior to submitting any subsequent landscape plans, or prior to issuance of any grading permits.
- i. The title sheet to the Master Landscape Plan, and all subsequent landscape plan submittals, shall contain the following note, no invasive plant species as included on the most recent version of the California Invasive Plant Council's California Invasive Plant Inventory for the Proposed Project region shall be included, and the plant palette shall be composed of native drought tolerant species that do not require high irrigation rates. The Proposed Project biologist shall periodically check landscape products for compliance with these requirements.
- j. The Master Landscape Plan shall address the use of heat deflecting landscape view walls and show the location of the proposed parking spaces, lots and provide details and specifications.
- k. All landscape plans shall be compliant with Specific Plan Amendment, dated February 19, 2024, or the most currently approved version.
- l. Master Landscape Plans shall be submitted in coordination with applicable construction phasing as identified in the most currently approved version.
- m. The title sheet of all Landscape Documentation Package submittals shall clearly identify all landscape maintenance responsibilities as identified in the Specific Plan Amendment dated February 19, 2024, or the most currently approved version. Provide supporting documentation that shows proof of formation of these entities.
- n. In addition to water conservation measures identified shall be further reduced with the Board of Supervisor's approval of the Climate Action Plan, dated February 14, 2018. Measure W-1.2 (Reduce Outdoor Water Use) requires a 40% reduction from 2014 outdoor water use budgets for all landscapes (residential uses and applicable public facilities). The ETAF value within the MAWA formula shall now be 0.42 for both residential and non-residential applications, and the value for use with a Special Landscape Area is now 0.58. The County's MAWA formula is now:  $(ET_o) (0.62) (0.42 \times LA) + (0.58 \times SLA)$ .

- o. Parkway planting shall be consistent with applicable sections within the Specific Plan Amendment, including buffering streets with landscaping. All species and spacing shall be compliant with the Fire Protection Plan and sight line requirements. Sight line requirements, per Section 86.709(c)(9) of the Water Conservation in Landscaping Ordinance shall be complied with for all proposed streetscapes.
- p. Any vegetated structural BMP's associated with the project's Storm Water Quality Management Plan shall be shown on all Landscape Plans prepared in conjunction with the submittal of grading permit applications.
- q. Any proposed trails and pathways shall be shown on the Master Landscape Plan with applicable notes, specifications, and construction details.
- r. Any proposed walls and fences shall be shown on the Landscape Plans with applicable notes, specifications, and construction details.
- s. Tree species shall be selected from the County of San Diego and/or the East Otay Mesa Business Park Specific Plan approved plant palette. All trees shall be irrigated independently of all other landscape plantings and be controlled by a separate valve.

**DOCUMENTATION:** The applicant or its designee shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), submit them to the [PDS, PCC], and pay all applicable review fees. **TIMING:** Prior to the approval of any Final Map and prior to the approval of any plan and issuance of any permit, for each development phase a Master Landscape Plan shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Master Landscape Plan and determine if the individual landscape plans are in compliance with this condition.

### 37. CULT#1 - CULTURAL OPEN SPACE EASEMENT

**INTENT:** In order to protect sensitive Cultural Resources CA-SDI-9975, CA-SDI12730, and the portion of CA-SDI-12337 located northeast of Lone Star Road, a Cultural Resource Open Space Easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego an Environmentally Sensitive Open Space Easement over portions of Lot 20 as shown on the approved Tentative Map. This easement is for the protection of archaeological site CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337 and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. The sole exceptions to this prohibition are:

- a. Scientific investigations conducted pursuant to a research design prepared by an archeologist certified by the Register of Professional Archaeologists and approved by the Director of PDS.
- b. Implementation of a site-capping plan approved by the Director of PDS, if necessary.
- c. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard.
- d. Activities required to be conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of PDS.
- e. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health Quality, in a location and manner approved in writing by the Director of PDS.



**DOCUMENTATION:** The applicant shall show the easement on the Final map with the appropriate granting language on the title sheet concurrent with the Final Map Review - or - The applicant shall prepare the legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to the approval of any Final Map for PDS2023-VTM-5651, or on the map, and prior to the approval of any plan and issuance of any permit. **MONITORING:** For recordation on the map, the [PDS, LDR] shall route the Final Map to [PDS, PPD] for approval prior to map recordation OR for recordation by separate document, the [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PPD] and [DPR GPM] for preapproval. The [PDS, PPD] shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PPD] for satisfaction of the condition - OR - if recorded on the map, the [PDS LDR] shall satisfy the condition after map recordation.

### 38. STRMWTR#3-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 off-site Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

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

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

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

erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

### 39. BIO#1–BIOLOGICAL EASEMENT

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

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. Uses, activities, and placement of structures expressly permitted by the Director of the Department of Planning & Development Services of the County of San Diego, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to the Zoning Ordinance of the County of San Diego.
3. Activities conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of PDs.
4. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health Quality of the County of San Diego, in a location and manner approved by the Director of PDS.
5. Continued use and maintenance of the existing dirt road for trail purposes.
6. Construction, use, and maintenance of Lone Star Road, including grading, embankments, slopes, and drainage structures necessary to build said road.

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

### 40. BIO#2–LBZ EASEMENT

**INTENT:** In order to protect sensitive biological resources, pursuant to the Biological Mitigation Ordinance (BMO), a Limited Building Zone Easement of 20 feet, established at the

edge of each biological open space easement as shown in the Biological Technical Report (Figures 7a and 7b) dated March 2017, shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area.

**DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the approved Tentative Map. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

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

**DOCUMENTATION:** The applicant shall show the easement on the Final Map for Unit #5 with the appropriate granting language on the title sheet concurrent with the Final Map for Unit #5 Review –OR– The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to the approval of the Final Map for Unit #5 and prior to the approval of any plan and issuance of any permit, the easements shall be recorded. **MONITORING:** For recordation on the map, the [PDS, LDR] shall route the Final Map for Unit #5 to [PDS, PCC] for approval prior to map recordation –OR– for recordation by separate document, the [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] and [DPR GPM] for preapproval. The [PDS, PCC] shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition –OR– if recorded on the map, the [PDS LDR] shall satisfy the condition after map recordation.

#### 41. BIO#3–OPEN SPACE SIGNAGE

**INTENT:** In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs in English and Spanish shall be placed every 100 feet along the permanent fencing as indicated in the Biological Technical Report dated March 2017. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources  
Area Restricted by Easement**

RECURSOS AMBIENTALMENTE SENSIBLES

Prohíbe Su Entrada

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

Planning & Development Services

Reference: PDS2022-SPA-22-001

**DOCUMENTATION:** The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easement(s).

**TIMING:** Prior to the approval of the Final Map for phase 5, and prior to the approval of any plan and issuance of any permit, the open space signs shall be installed. **MONITORING:**

The [PDS, PCC] shall review the photos and statement for compliance with this condition.

#### 42. BIO#4–OPEN SPACE FENCING

**INTENT:** In order to protect the proposed open space easement from entry, or disturbance, permanent fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space fencing shall be placed along the biological open space boundary as indicated in the Biological Technical Report dated March 2017. The fencing design shall consist of 4-foot chain-link fencing around the perimeter of the vernal pool's watershed on the south of Lone Star Road and along the edge of the biological open space on the north side of Lone Star Road. Additionally, three-strand wire fencing will extend 200 feet beyond the biological open space along Lone Star Road to deter trespassers without blocking wildlife use. The biologist shall check fencing for damage after grading is completed. **DOCUMENTATION:**

The applicant shall install the fencing as indicated above and provide site photos and a statement from a California Registered Engineer or licensed surveyor that the open space fencing has been installed. **TIMING:** Prior to the approval of the Unit 5 Final Map and prior to Rough Grade approval the permanent fencing shall be placed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

#### 43. BIO#5–WETLAND CREATION AND ENHANCEMENT PLAN

**INTENT:** In order to mitigate for the impacts to wetlands, which are a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO) and Resource Protection Ordinance (RPO), the applicant shall provide for the creation and enhancement of wetlands.

**DESCRIPTION OF REQUIREMENT:** A Wetland Creation and Enhancement Plan shall be prepared, which mitigates impacts to 0.45 acres of wetland habitat. Wetland mitigation shall consist of 0.45 acres of wetland creation and 0.21 acres of enhancement within the northern biological open space. The Wetland Creation and Enhancement Plan shall conform to the most current version of the County of San Diego Report Format and Content Requirements for Revegetation Plans. The Wetlands Creation and Enhancement Plan shall include the following:

- a. The monitoring plan shall be for a length of 5 years and have an 80 percent success criterion.
- b. A preservation plan over the land to be revegetated shall be included in the Wetland Creation and Enhancement Plan. The preservation plan shall include evidence of dedication of an open space easement to the County of San Diego or evidence of protection in perpetuity by some other means to the satisfaction of the Director of PDS.
- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- d. Revegetation objectives, revegetation site biological resource map, 24"x36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.

- e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the wetland creation and enhancement area for the required monitoring period, and report preparation and staff time to review.

**DOCUMENTATION:** The applicant shall prepare the Wetland Creation and Enhancement Plan pursuant to this condition and by using the Applicants Guide to Preparing Revegetation Plans, PDS Form #717, then submit it to the [PDS, ZONING] and pay all the applicable review fees and deposits. **TIMING:** Prior to the approval of any Final Map and prior to the approval of any plan and issuance of any permit, the Wetland Creation and Enhancement Plan shall be approved. **MONITORING:** The [PDS, LA] shall review the Wetland Creation and Enhancement Plan for conformance with the County of San Diego Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition BIO#6–SECURED AGREEMENT shall be made to enter into a Secured Agreement for the implementation of the Plan.

#### 44. BIO#6–SECURED AGREEMENT (WETLAND CREATION AND ENHANCEMENT PLAN)

**INTENT:** In order to assure project completion and success of the Wetland Creation and Enhancement Plan in condition BIO#5–WETLAND CREATION AND ENHANCEMENT PLAN, a surety shall be provided, and an agreement shall be executed. **DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

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

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

securities, and cash deposit, the [PDS, LA], shall provide a confirmation letter-acknowledging acceptance of securities.

#### **45. BIO#7–TRANSLOCATION AND FIVE-YEAR MITIGATION AND MONITORING PLAN**

**INTENT:** To mitigate for the impacts to fairy shrimp and San Diego button celery if identified, which are sensitive biological resources pursuant to the Biological Mitigation Ordinance (BMO), translocation of individuals shall occur. **DESCRIPTION OF REQUIREMENT:** A Translocation and Five-Year Mitigation and Monitoring Plan shall be prepared and approved, which mitigates impacts to San Diego fairy shrimp, San Diego button celery, variegated dudleya, and coastal barrel cactus. The plan shall be reviewed and approved by the County and Wildlife Agencies. This mitigation measure shall transplant from the project impact area to the same habitat within the biological open space. The Translocation and Five-Year Mitigation and Monitoring Plan shall conform to the most current version of the County of San Diego Report Format and Content Requirements: Biological Resources, including Guidelines for Cactus Salvage (Attachment C). The Translocation and Five-Year Mitigation and Monitoring Plan shall include the following:

- a. A San Diego Button Celery Translocation and Mitigation and Monitoring Plan for individuals that would be impacted by project development shall be prepared and provided as an addendum to the approved Fairy Shrimp Translocation and Five-Year Mitigation and Monitoring Plan. This plan will be reviewed by the County and Wildlife Agencies. All San Diego button-celery individuals within the biological open space shall be preserved onsite.
- b. A preservation plan over the land to be revegetated shall be included in the Translocation and Five-Year Mitigation and Monitoring Plan. The preservation plan shall incorporate evidence of dedication of the existing open space easement (Doc # 2003-1392967) to the County of San Diego.
- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- d. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g., species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.
- e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the translocation area for the required monitoring period, and report preparation and staff time to review.

**DOCUMENTATION:** The applicant shall prepare the Translocation and Five-Year Mitigation and Monitoring Plan pursuant to this condition and by using the Applicants Guide to Preparing Revegetation Plans, PDS Form #717, then submit it to the [PDS, ZONING] and pay all the applicable review fees and deposits. **TIMING:** Prior to the approval of any Final Map and prior to the approval of any plan and issuance of any permit, the Translocation and Five-Year Mitigation and Monitoring Plan shall be approved. **MONITORING:** The [PDS, LA] shall review the Translocation and Five-Year Mitigation and Monitoring Plan for conformance with this condition and the County of San Diego Report Format and Content Requirements: Biological Resources, including Guidelines for Cactus Salvage (Attachment C). Upon

approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition BIO#8–SECURED AGREEMENT shall be made to enter into a Secured Agreement for the implementation of the Plan.

#### **46. BIO#8–SECURED AGREEMENT (TRANSLOCATION AND FIVE-YEAR MITIGATION AND MONITORING PLAN)**

**INTENT:** In order to assure project completion and success of the Translocation and Five-Year Mitigation and Monitoring Plan in condition BIO#7–TRANSLOCATION AND FIVE-YEAR MITIGATION AND MONITORING PLAN, a surety shall be provided, and an agreement shall be executed. **DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

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

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

#### **47. BIO#9–RESOURCE MANAGEMENT PLAN**

**INTENT:** In order to provide for the long-term management of the proposed open space, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of PDS, an RMP consistent with the Conceptual RMP dated April 19, 2021. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner and/or manager, to the satisfaction of the Director of DPR.

- a. The plan shall be prepared and approved pursuant to the most current version of Attachment E of the County of San Diego [Report Format and Content Requirements for Biological Resources](#).
- b. The habitat land to be managed shall be completely purchased.
- c. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- d. A Resource Manager shall be selected, and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- e. The RMP funding mechanism to fund annual costs for basic stewardship shall be identified and approved by the County.
- f. A contract between applicant and County shall be executed for the implementation of the RMP.
- g. 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 prepare the RMP and submit it to the *[PDS, ZONING]* and pay all applicable review fees. **TIMING:** Prior to the approval of any Final Map and prior to the approval of any plan and issuance of any permit, the RMP shall be approved. **MONITORING:** The *[PDS, PPD]* shall review the RMP for compliance with the content guidelines, the conceptual RCP, and this condition.

#### 48. BIO#10–WETLAND PERMITS:

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

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

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



**49. BIO#11–ENDANGERED SPECIES ACT SECTION & PERMITS**

**INTENT:** In order to comply with applicable regulations, including the State and Federal Endangered Species Act (ESA), for impacts to federally or state-listed species not covered by the MSCP (ie; San Diego fairy shrimp), Section 7 or Section 10(a)(1)(B) Consultation shall be obtained or verification from the respective resource agencies (USFWS) that a permit is not required shall be provided. **DESCRIPTION OF REQUIREMENT:** The following “take” permit and agreement shall be obtained from the respective resource agency satisfactory to the Director of Planning & Development Services or that such an agreement or permit is not required. **DOCUMENTATION:** The applicant or its designee shall consult the respective resource agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant or its designee shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [PDS, PCC] for compliance. **TIMING:** Prior to the approval of any Final Map and prior to the approval of any plan and issuance of any permit. **MONITORING:** The project applicant or its designee shall demonstrate, to the satisfaction of the Director of Planning and Development Services (or his/her designee), that it has secured any necessary take authorization from the respective resource agencies. The [PDS, PCC] shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans.

**50. BIO#12–BIOLOGICAL MONITORING**

**INTENT:** In order to prevent inadvertent disturbance to sensitive habitats, jurisdictional waters, and special status plants and wildlife, all grading located within or adjacent to sensitive habitats, jurisdictional waters, and special status plants and wildlife (eg. San Diego sunflower, prostrate navarretia, San Diego button celery, coastal barrel cactus, variegated dudleya, fairy shrimp, San Diego ring-neck snake, and burrowing owl) shall be monitored by a biologist. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities within or adjacent to sensitive habitats, jurisdictional waters, and special status plants and wildlife. The following shall be completed:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Report Format and Requirement Guidelines: Biological Resources](#) and this permit. The contract provided to the county shall include an agreement that this will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the biological consulting company and the County of San Diego shall be executed. The contract 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 bond separately with Planning & Development Services.

**DOCUMENTATION:** The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the [PDS, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to the approval of any plan or issuance of any permit, and prior to approval of the map, the requirement shall be completed. **MONITORING:** The [PDS, PCC] shall review the contract, 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.

**51. CULT#2 ARCHAEOLOGICAL MONITORING**

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

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

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

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

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

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

**INTENT:** In order to comply with the [County of San Diego Guidelines for Determining Significance for 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. **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.

**PRIOR TO BUILDING PERMIT:** *(Prior to approval of any building plan and the issuance of any building permit).*

### 53. PLN#1–SITE PLAN CONFORMANCE

**INTENT:** In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, as described in the Specific Plan Amendment conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The Project future sites shall be in substantial conformance to the approved landscape plan(s), building plans, and plot plan(s). This includes but is not limited to maintaining the following: all private patio areas, stormwater facilities, parking, and driveways areas, watering all landscaping at all times, design features, and all lighting wall/fencing and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The applicant or its designee and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Prior of issuance of building permit, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

### 54. AQ/GHG#1 - SITE DESIGN

**INTENT:** In order to implement a sustainable project design that would minimize energy consumption and Air Quality and Greenhouse Gas emissions. **DESCRIPTION OF REQUIREMENT:** The Project design elements or aspirational features shall be identified on all Building Plans for the project. **DOCUMENTATION:** The applicant or its designee or its designee shall comply with the requirements of this condition. **TIMING:** Prior to approval of any building plan or the issuance of any building permit, these Project design elements shall be identified on the building plans. **MONITORING:** The [PDS, BPPR] shall make sure that the Project design elements are identified on all building plans for the project. The [DPW,

*PDCI*] shall contact the [*PDS, PCC*] if the applicant or its designee or its designee fails to comply with this condition.

#### **55. ROADS#31 - DEBRIS MANAGEMENT REPORT (DMR)**

**INTENT:** In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. This includes grading, clearing and brushing material for grading projects over 5,000 cubic yards. For additional questions, please call (858) 694-2463 or email [CDRecycling@sdcountry.ca.gov](mailto:CDRecycling@sdcountry.ca.gov).

**DESCRIPTION OF REQUIREMENT:** Prior to Rough Grade Inspection and release, and prior to issuance of any building permit, a Final Debris Management Report must be submitted for review and approval by the DPW Recycling Compliance Official. The report shall include:

- Project name.
- List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.
- Provide copies of receipts for export facilities, haulers, or materials reused on site.
- Signed self-certification letter (see template).

**DOCUMENTATION:** Prior to Rough Grade Release and prior to issuance of any building permit, a final report shall be prepared and submitted for review and approval to the DPW Recycling Compliance Official. For additional questions, please call (858) 694-2463 or email [CDRecycling@sdcountry.ca.gov](mailto:CDRecycling@sdcountry.ca.gov). Templates for all forms required are available at: [https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD\\_Grading.html](https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD_Grading.html).

**TIMING:** Prior to building permit issuance, and Rough Grading release, the Debris Management Final Report shall be prepared and submitted to DPW Recycling Official [*DPW CO*] for review and approval. **MONITORING:** The [*DPW, CO*] shall review and approve the DMR documents for the project. The [*DPW, CO*], shall forward the approval of the DMR to [*DPW, PDCI*] and [*PDS, Building PCC*] for compliance with this condition.

#### **56. AQ/GHG#2 - WATER USE REDUCTION**

**INTENT:** In order to reduce impacts related to project water use, air quality and GHG emissions. **DESCRIPTION OF REQUIREMENTS:** The following design features shall be identified on all building Plans for the project:

- a. All hot water pipes shall be insulated, and hot and cold-water piping shall be separated.
- b. The maximum service pressure shall be set to 60 pounds per square inch to reduce potential leakage and prevent excessive flow of water from appliances.
- c. The project shall comply with the Model Water Efficient Landscape Ordinance, California Code of Regulations Title 23, Division 2, Chapter 2.7 (Section 490 et seq.).
- d. Majestic Management Company shall appropriately regulate the use of water for cleaning outdoor surfaces and vehicles through the Covenants, Conditions, and Restrictions.

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

identified on all building plans for the project. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant or its designee fails to comply with this condition.

### **57. AQ&GHG#3–ENERGY EFFICIENT DESIGN (SITE PLAN) CAL Solar**

**INTENT:** In order to implement a sustainable project design that would minimize energy consumption, greenhouse gas emissions. **DESCRIPTION OF REQUIREMENT:** The following design elements shall be implemented on all Building Plans for the project:

- a. The Project shall be designed to meet 2019 Title 24 energy efficiency standards.
- b. The Project shall be designed to meet \_\_\_\_\_ CalSolar energy efficiency standards for new industrial structures.
- c. Renewable energy would supply 100 percent of the Project's electricity needs through the required installation of rooftop solar PV panels (a photovoltaic system) on all light industrial buildings to the extent feasible. As an alternative to the installation of PV panels on a particular building unit, enrollment in a renewables program similar to SDG&E's EcoChoice may be substituted if the program can be verified to supply 100 percent of the electricity needs from renewable sources for that building unit for the life of that unit. The applicant or its designee must provide the County with documentation that the program meets the requirements stated herein by supplying the building unit with its electricity needs from renewable sources over the lifetime of the building. With each building permit, the estimated number of units requiring the installation of solar panel will be provided to the County to determine the overall remaining number of units needed to comply with this measure. Installation of energy efficient appliances (Energy Star™ or equivalent) and water heaters.

**DOCUMENTATION:** The applicant or its designee shall comply with the energy efficiency requirements. These energy features would undergo independent third-party inspection and diagnostics as part of the California Green Builder (CGB) verification and commissioning process. The energy features would also be verified in the Title 24 Compliance Report submitted during the building permit process. **TIMING:** Prior to approval of any building permit, the following design measures shall be implemented on the building plans. **MONITORING:** The [PDS, BPPR] shall make sure that the sustainable design measures are implemented on all building plans for the project.

### **58. AQ&GHG#4–WATER CONSERVATION (SITE PLAN)**

**INTENT:** In order to implement a sustainable project design that would minimize water consumption. **DESCRIPTION OF REQUIREMENT:** The following design features shall be implemented on all Building Plans for the project:

- a. The project shall incorporate water conservation strategies to reduce water usage. These may include, but not limited to, the following:
  - i. Use of sustainably designed plumbing systems and low-flow water fixtures;
  - ii. Incorporation of smart, weather-based, irrigation control systems; and
  - iii. High-efficiency drip irrigation system, drought-tolerant landscaping, use of reclaimed water for outdoor irrigation

**DOCUMENTATION:** The applicant or its designee shall comply with the energy efficiency requirements of this condition. These energy features would undergo independent third-party inspection and diagnostics as part of the California Green Builder (CGB) verification and commissioning process. The energy features would also be verified in the Title 24 Compliance Report submitted during the building permit process. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, the following design measures shall be implemented on the building plans. **MONITORING:** The [PDS, BPPR] shall make sure that the sustainable design measures are implemented on all building plans for the project.

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

#### **59. GEN#4- INSPECTION FEE**

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

#### **60. PLN#2–SITE PLAN IMPLEMENTATION**

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

#### **61. FLEET ELECTRIFICATION AND NET ZERO BUILDING – OPERATIONS-RELATED GHG**

**INTENT:** This project goal is provided in order to encourage the project applicant to strive to reduce greenhouse gas emissions and achieve project fleet electrification by 2030 and net zero building related GHG emissions by 2045. **DESCRIPTION OF GOAL:** As to operational GHG emissions, as an ongoing objective to strive to reduce GHG emissions, the project applicant is encouraged to strive to implement measures to electrify the project fleet by 2030 through mechanisms including, but not limited to, fleet conversion to electric. The applicant is encouraged to strive to upgrade the project building and operations to try and achieve 50% of the building powered by renewable energy by 2030, and 100% by 2045; and is encouraged to strive to install the necessary electrical infrastructure for accommodating solar panels, with

anticipated conversion to solar energy in the future pending FAA approval, consistent with the performance standards set forth below.

1. Construct the building to the most recent CALGreen certified standards, which include both mandatory and voluntary sustainability measures for distribution facilities in areas of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality.
2. Project applicant or designee is encouraged to strive to achieve net zero requirements by 2045:
  - To reduce the annual emissions through upgrades to the building, overall project energy efficiency, and converting to a 100% electric fleet.
  - To increase the number of EV stalls for full fleet electrification by 2030.
  - To exceed the 2019 CalGreen requirements to provide electrical infrastructure to accommodate EV charging stations for the entire fleet of delivery vans operating from the facility at full buildout.
  - To support the addition of electrical infrastructure for accommodating EV charging stations for the fleet of delivery vans operating from the facility to be powered by renewable energy by 2030.
  - To explore “efficient travel routes” to ensure all routes assigned to delivery vans are as efficient as possible (e.g., most fuel-efficient route).
3. The Project includes several Project Design Features (PDFs) that would result in the reduction of GHG emissions. The PDFs are incorporated into the Project design and would be implemented with approval of the Project.
  - No chilled, cold, or freezer warehouse space inside the facilities that would attract tractor trailers with transport refrigeration units.
  - Installation of electric vehicle charging infrastructure for passenger vehicles
  - Installation of sidewalk and bikeway improvements from the County’s Active Transportation Plan
  - No natural gas to serve the buildings.
  - Utilization of renewable energy and installation of energy-efficient features in compliance with CALGreen Title 24 requirements
  - Utilization of water efficiency and conservation requirements and installation of water-efficient features in compliance with CALGreen Title 24 requirements
  - Planting of 3,316 trees on-site
  - Cargo handling equipment would be electric.
  - All vehicle operators are required to comply with CARB Rule 2485 and CARB Rule 2449, which limits nonessential idling of diesel-fueled commercial vehicle engines and diesel-powered off-road equipment to five minutes or less. Prior to issuance of occupancy permits for buildings with loading dock areas, the County shall verify that signs are posted in these areas that inform vehicle and equipment operators about the requirements of these Rules except that such signs shall post a 3-minute idling restriction (instead of the 5-minutes required by CARB).

**DOCUMENTATION:** The project applicant is encouraged to strive to reduce GHG emissions associated with the project and is encouraged to implement measures during operation to reduce GHG emissions including fleet electrification and zero net energy building requirements. The applicant and subsequent owners are encouraged to strive to reduce GHG emissions through the incorporation of measures outlined herein. **TIMING:** Upon establishment of the use,

this goal encourages the applicant to strive and reduce GHG emissions for the duration of the term of this permit. **MONITORING:** The [PDS, DPW, PDCI] will work with the project applicant to reduce GHG emissions for this goal.

## 62. 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.



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

**INTENT:** In order to provide adequate Landscaping that addresses screening and water conservation, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Parking Design Manual](#), the COSD Grading ordinance, the Design Guidelines within the East Otay Mesa Business Park Specific Plan, and all landscaping shall be installed per applicable requirements.

**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 or its designee 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 or its designee 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 for each development phase. **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.

**64. AQ&GHG#5–CONSTRUCTION ARCHITECTURAL COATINGS (SITE PLAN)**

**INTENT:** In order to reduce emissions of Volatile Organic Compounds (VOC) **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measures:

- a. Use of low-VOC coatings in accordance with, or exceeding, SDAPCD Rule 67
- b. Residential interior coatings shall be less than or equal to 50 grams of VOC per liter (g/L)
- c. Light Industrial exterior coatings are to be less than or equal to 100 g/L
- d. Non-residential interior/exterior coatings are to be less than or equal to 100 g/L

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

**MONITORING:** The [PDS, BLDG] shall make sure that the construction contractor complies with the Air Quality requirements of this condition. The [PDS, BI] shall contact the [PDS, PCC] if the applicant or its designee fails to comply with this condition.

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

**65. PLN#3–ACCESSORY USES**

**INTENT:** A Minor Deviation or Modification to a Site Plan is not required for any building, structure or projection listed in Zoning Ordinance Section 4835 or any use listed in the Accessory Use Regulations, Sections 6150-6199 (or as otherwise referenced), provided the building, structure, or projection or use meets the specific accessory use setbacks either in the Site Plan or in the Specific Plan Amendment and meets all other conditions and restriction in the Site Plan. This condition is intended to comply with Zoning Ordinance Section 7175,

ensuring the ability to allow for structures as detailed in this section without Minor Deviation or Modification. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plans, building plans, and plot plans; should any accessory uses be proposed that do not meet the requirements as detailed in the Specific Plan Amendment and referenced in the sections above, the property owner shall be responsible for obtaining all necessary permits. **DOCUMENTATION:** None. The applicant or its designee and permittee shall conform in the Specific Plan requirements for Accessory Uses as detailed in the Specific Plan Amendment noted above. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit.

#### 66. PLN#4-SITE CONFORMANCE

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

#### 67. ROADS#3-SITE DISTANCE

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1E of the [County of San Diego Public Road Standards](#) an unobstructed sight distance shall be maintained for the life of this permit. **Description of Requirement:** There shall be a minimum unobstructed sight distance in both directions along public from any proposed project driveway accesses opening serving the project for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit.

#### 68. 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 or designee 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.

## GRADING AND IMPROVEMENT PLAN NOTES

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

### 1. 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 Jamul Indian Village Monitor (“Jamul 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 Jamul Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Jamul 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 the Jamul Monitor for a 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.

### 2. PALEO-GR#1 - PALEONTOLOGICAL MONITORING

**INTENT:** In order to comply with the County of San Diego Significance and Report Format Guidelines for Paleontological Resources, 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.

### 3. CULT#GR-2 - TEMPORARY FENCING – Archaeological Sites

**INTENT:** In order to mitigate for potential impacts to sites CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337 located northeast of Lone Star Road during construction, a temporary fencing plan shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and CEQA Section 15064.5 and 15064.7.

**DESCRIPTION OF REQUIREMENT:** Prepare and implement a temporary fencing plan for the protection of archaeological site(s) CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337 during any grading activities within one hundred feet (100') of these archaeological site(s). The temporary fencing plan shall be prepared in consultation with a County approved archaeologist and the Kumeyaay Native American monitor from the Jamul Band (Jamul Monitor). The fenced area shall include a buffer sufficient to protect the archaeological site(s). The fence shall be installed under the supervision of the County approved archaeologist prior to commencement of grading or brushing and be removed only after grading operations have been completed. The temporary fencing plan shall include the following requirements:

- a. Provide evidence to the Director of Planning & Development Services that the following notes have been placed on the Grading and/or Improvement Plan:
  - In the event that construction activities are to take place within 100 feet of archaeological site(s) CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337, the temporary fencing plan shall be implemented under the supervision of a County approved archaeologist that consists of the following: The project archaeologist shall identify the site boundaries.
  - The project archaeologist shall determine an adequate buffer for the protection of the site(s) in consultation with the County archaeologist and the Jamul Monitor.
  - Upon approval of buffers, install fencing under the supervision of the project archaeologist.
  - Submit to Planning & Development Services for approval, a signed and stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been installed in all locations of the project where proposed grading or clearing is within 100 feet of the archaeological site(s), CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337.
  - Fencing may be removed after the conclusion of construction activities.

**DOCUMENTATION:** Submit to the Planning & Development Services for approval, a signed and stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been installed in all locations of the project where proposed grading or clearing is within 100 feet of the archaeological site(s), CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [PDS, PPD] shall review the signed and stamped statement for compliance this condition.

### 4. BIO#GR-1–BURROWING OWL MONITORING

**INTENT:** In order to prevent inadvertent disturbance to burrowing owl, a preconstruction burrowing owl survey shall be conducted within the project area. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform burrowing owl surveys within 7 days of the start of any grading, clearing, grubbing, trenching, and construction activities area

within and adjacent to the development area and a preconstruction burrowing owl survey shall be conducted in the biological open space prior to disturbance within the biological open space (such as excavation of new vernal pools). If any active burrows are found, clearing shall not proceed until after consultation with County and Wildlife Agency staff and implementation of any protective measures required. The burrowing owl preconstruction surveys shall conform to the most current version of the [County of San Diego Report Format and Content Requirements: Biological Resources, including Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County \(Attachment A\)](#). **DOCUMENTATION:** The Biological Monitor shall prepare written documentation that certifies that the burrowing owl survey has been completed and that burrowing owls have been avoided. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall not allow any grading, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

#### 5. **BIO#GR-2–BIOLOGICAL MONITORING**

**INTENT:** In order to prevent inadvertent disturbance to sensitive habitat, all grading located adjacent to biological open space shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities within 100 feet of biological open space. The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan and Tentative Map:

- a. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the [PDS, PCC].
- b. The Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements, biological constraints, and biological sensitivities of the project. Such meeting shall include the [PDS, PCC].

**DOCUMENTATION:** The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on the site sensitive biological resources that are to be avoided. **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 invite the [PDS, PCC] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

#### 6. **BIO#GR-3–TEMPORARY FENCING – BIO OPEN SPACE AREAS**

**INTENT:** In order to prevent inadvertent disturbance to the biological open space and vernal pool, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and/or clearing in association with this grading plan, four-foot temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements and vernal pool habitat that do not allow grading, brushing, clearing or other disturbance. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary and designated Resource Avoidance Areas (RAAs). The

placement of such fencing shall be along the southern boundary of the biological open space area north of Lone Star Road and around the vernal pool watershed to the south of Lone Star Road and be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **MONITORING:** The [PDS, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.

#### 7. **BIO#GR-4-RESOURCE AVOIDANCE (AVIAN SPECIES)**

**INTENT:** In order to avoid impacts to raptors and migratory birds, which are a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO) and the Migratory Bird Treaty Act (MBTA), avian breeding avoidance measures and a Resource Avoidance Area (RAA) shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading during the general avian breeding season. If brushing, clearing, and/or grading must occur during the breeding season, a nesting bird survey shall be conducted within 3 days of the start of clearing. If an active nest is found during the nesting bird survey or during clearing/grading activities, the monitoring biologist shall notify and coordinate with County staff (and Wildlife Agencies if appropriate) to establish an acceptable buffer between the nest location and clearing/grading activities. Additionally, there shall be no brushing, clearing and/or grading such that none will be allowed within 300 feet of the biological open space during the breeding season of migratory birds within RAA as indicated on these plans. The breeding season is defined as occurring between February 1 and August 31. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no migratory birds are present in the vicinity of the brushing, clearing, or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

#### 8. **BIO#GR-5-RESOURCE AVOIDANCE (QUINO CHECKERSPOT BUTTERFLY)**

**INTENT:** In order to avoid impacts to Quino checkerspot butterfly, which is a sensitive biological resource pursuant to the Resource Protection Ordinance (RPO) and Endangered Species Act (ESA), preconstruction surveys will occur to define Resource Avoidance Areas (RAA) or to define the need for ESA Take Permits, if necessary. The RAA shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** The following surveys are required prior to approval of each phase of grading: 1) A qualified Quino checkerspot butterfly

biologist will examine the impact areas to determine if any portions of the impact area have suitable habitat for occupation by Quino checkerspot butterfly and will prepare a survey report. Upon written agreement with USFWS, a protocol survey may or may not be required. If it is determined that the site is occupied, the RAA will be defined and marked on all plans. If the project requires a “take,” evidence that an ESA Take Permit will be submitted to the Director of Planning and Development Services. 2) There shall be no brushing, clearing and/or grading such that none will be allowed within Quino checkerspot butterfly habitat RAAs year-round, including areas that support suitable host plants such as the dotseed plantain (*Plantago erecta*) as indicated on these plans. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no Quino checkerspot butterfly are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

#### 9. AQ/GHG#6—CONSTRUCTION EXHAUST EMISSIONS

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

- a. The project shall require the construction contractor to provide a construction fleet that uses heavy-duty diesel-powered equipment equipped with Tier 4 diesel engines. An exemption from these requirements may be granted by the County in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the County, the applicant shall be required to demonstrate that three construction fleet owners/operators in the San Diego Region were contacted and that those owners/operators confirmed Tier 4 equipment could not be located within the San Diego region.
- b. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained in accordance with manufacturer’s specifications before and for the duration of on-site operation.
- c. Simultaneous operation of multiple construction equipment units shall be minimized. During construction, vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.
- d. Electrical hookups shall be provided on site for the use of hand tools such as saws, drills, and compressors used for building construction to reduce the need for electric generators and other fuel-powered equipment. The use of electrical construction equipment shall be employed, where feasible.
- e. Construction equipment shall be outfitted with best available control technology (BACT) devices certified by the California Air Resources Board. A copy of each unit’s BACT

documentation shall be provided to the County of San Diego at the time of mobilization of each applicable unit of equipment.

- f. Haul truck staging areas shall be provided for loading and unloading soil and materials, and shall be located away from sensitive receptors at the furthest feasible distance (at least 1,000 feet)
- g. A Construction Traffic Control Plan shall be developed to ensure construction traffic and equipment use is minimized to the extent practicable. The Construction Traffic Control Plan shall include measures to reduce the amount of large pieces of equipment operating simultaneously during peak construction periods, scheduling of vendor and haul truck trips to occur during non-peak hours, establish dedicated construction parking areas to encourage carpooling and efficiently accommodate construction vehicles, identify alternative routes to reduce traffic congestion during peak activities and increase construction employee carpooling.

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

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

#### **10. AIR#1 – AIR QUALITY CONSTRUCTION EXHAUST**

**INTENT:** In order to mitigate for exhaust emissions (NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>) from heavy duty construction equipment. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measures:

- a. The entire construction fleet will be required to utilize California Air Resources Board (CARB)-certified Tier 3 or better equipment and equipped with diesel particulate filters.

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

#### **11. AIR#2 – AIR QUALITY CONSTRUCTION DUST**

**INTENT:** In order to mitigate for fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measures:

- a. A minimum of two applications of water will be applied during grading/grubbing activities between dozer/scrapper passes, as necessary.
- b. Water will be applied at least two times daily to all onsite unpaved roadways.
- c. Paving, chip sealing or chemical stabilization of internal roadways will be applied after completion of grading.



- d. Grading and earthmoving activities will be terminated if wind speeds exceed 25 mph.
- e. Haul trucks hauling dirt, sand, soil, or other loose materials will be covered or two feet of freeboard will be maintained.
- f. All long-term stockpiles must have a landscaped cover to reduce dust. All short-term stockpiles must be wetted daily.
- g. When active construction ceases on the site, disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the County and/or SDAPCD to reduce dust generation.
- h. Sweepers or water trucks will be used to remove “track-out” at any point of public street access.
- i. In accordance with the SDAPCD Rule 55 – Fugitive Dust Control, no dust and/or dirt will leave the property line. The following measures would be implemented to ensure the requirements of this rule are met:
  - 1. Airborne Dust Beyond the Property Line: No person will engage in construction or demolition activity subject to this rule in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60-minute period.
  - 2. Track-out/Carry-out: Visible roadway dust as a result of active operations, spillage for transport trucks, erosion, or track-out/carry-out will be minimized by the use of any of the following erosion control measures:
    - i. Track-out grates or gravel beds at each egress point.
    - ii. Wheel-washing at each egress during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and for outbound transport trucks.
    - iii. Secured tarps or cargo covering, watering, or treating of transported material.
    - iv. Removed at the conclusion of each workday when active operations cease, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry out, only particulate matter smaller than 10 microns in diameter (PM10)-efficient street sweepers certified to meet the most current South Coast Air Quality Management District (SCAQMD) Rule 1186 requirements will be used. The use of blowers for removal of track-out/carry-out will be prohibited under any circumstances.

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

## 12. BIO#GR-6–BIOLOGICAL MONITORING – DURING CONSTRUCTION

**INTENT:** In order to prevent inadvertent disturbance to sensitive habitat, all grading located adjacent to biological open space shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities within 100 feet of biological open space. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are

in or adjacent to any biological open space areas or sensitive habitats. If there are disturbances, the monitor must report them immediately to the [PDS PCC]. Additionally, the biologist shall perform the following duties:

- a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
- b. Perform periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
- c. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the gnatcatcher and its habitat, and the conservation measures that should be implemented during project construction;
- d. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US, including designation of a “no- fueling” zone within 25 feet of all drainages and storm drains;
- e. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and [PDS PCC] within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the PDS (final report will release bond);
- f. Confer with the Wildlife Agencies and [PDS PCC] within 24 hours any time protected habitat are being affected by construction;
- g. Attend construction meetings and other meetings as necessary;
- h. Designate a “no-fueling” zone within 25 feet of all drainages during the construction period.

**DOCUMENTATION:** The Project Biologist shall prepare and submit to the satisfaction the [PDS, PCC] monitoring reports, which indicate that the monitoring has occurred as indicated above. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Biologist or applicant fails to comply with this condition. The [PDS, PCC] shall review and approve the monitoring reports for compliance with this condition.

### 13. CULT#GR-4 - ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Kumeyaay Native American Monitor from

the Jamul Band (Jamul 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 Jamul 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 Jamul Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Jamul Monitor.
- b. **Inadvertent Discoveries:** In the event that previously unidentified potentially significant cultural resources are discovered:
  1. The Project Archaeologist or the Jamul 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. at the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
  2. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Jamul Monitor, shall determine the significance of the discovered resources.
  3. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
  4. 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 Jamul Monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
  5. 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 Jamul 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 Jamul Monitor.
  3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).

4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
  5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
  6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- d. Fill Soils.** The Project Archaeologist and Jamul Monitor shall evaluate fill soils to determine that they are clean of cultural resources.
- e. Monthly Reporting.** The Project Archaeologist shall submit monthly status reports to the **Director** of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.
- f. Disagreements.** The County Archaeologist shall make a determination for any disagreements between the Project Archaeologist and the Jamul Monitor related to archaeological monitoring.

**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.

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

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

- a. If paleontological resources are encountered during grading/excavation, the following shall be completed:

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

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

#### **15. DPW RECYCLING - GRADING MATERIAL DIVERSION:**

**INTENT:** In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. **DESCRIPTION OF**

**REQUIREMENT:** For all grading projects >5,000 cubic yards, a Daily Log of all grading, land clearing, and brushing material that is exported or reused/repurposed must be retained onsite. The Daily Log must include all export receipts or other vendor or disposal or transfer station facility information that accepted grading material from the approved grading project.

**DOCUMENTATION:** Daily Logs shall be prepared and kept on-site for inspection and include the following:

- A. Identify the project location.

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

**TIMING:** The following actions and logs shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall ensure that the grading contractor is preparing and maintaining the daily logs on-site. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.

#### 16. BIO#1-CONSTRUCTION BIOLOGICAL RESTRICTIONS

**INTENT:** In order to prevent indirect project construction impacts to the vernal pools and buffer biological open space area restrictions shall be in place during construction activities.

**DESCRIPTION OF REQUIREMENT:** During construction, the following measures shall be complied with to ensure indirect project construction impacts do not occur:

- a. No storage or fueling of construction equipment within 100 feet of the vernal pool and biological open space area.
- b. No storage or fueling of construction equipment within these areas.
- c. Only use of low sodium lighting is permitted. Lighting shall be selectively placed and/or shielded to avoid light directly entering into these areas from the proposed development and/or construction.
- d. Removal of invasive exotic species within these area as required and shall be performed without the use of mechanized equipment.

**DOCUMENTATION:** The Project Biologist shall prepare and submit to the satisfaction the [PDS, PCC] monitoring reports, which indicate that the monitoring has occurred as indicated above.

**TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Biologist or applicant fails to comply with this condition. The [PDS, PCC] shall review and approve the monitoring reports for compliance with this condition.

#### 17. NOISE#GR-1 TEMPORARY CONSTRUCTION NOISE:

**INTENT:** In order to minimize temporary construction noise for grading operations associated with SPA-22-001 and to comply with County Noise Ordinance 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. Select equipment capable of performing the necessary tasks with the lowest sound level and the lowest acoustic height possible.
- b. Implement alternatives to the standard backup beepers as feasible. These alternatives include strobe lights or products such as the Brigade Electronics, Inc. Broadband Sound system, which is equally effective while generating a lower noise level.
- c. Use specially quieted equipment, such as quieted and enclosed air compressors and properly working manufacturer-recommended mufflers on all engines.
- d. Construct enclosures around noise-producing stationary sources such as generators used for night lighting.
- e. Perform construction vehicle maintenance off site or between 7:00 a.m. and 7:00 p.m.
- f. Place the laydown area as far as possible from the closest noise sensitive receptors.
- g. Limit the delivery of material (with the exception of concrete) to the hours between 7:00 a.m. and 7:00 p.m.
- h. Turn off equipment when not in use.
- i. Temporary construction equipment operations shall comply with the County Noise Ordinance Sections 36.408, 409, and 410.

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

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

## 18. BIO#GR-7–BIOLOGICAL MONITORING

**INTENT:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to SPA-22-001, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources](#), a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact additional areas of sensitive habitats, burrowing owls, migratory birds, or other sensitive biological resources. The report shall conform to the [County of San Diego Report Format Guidelines: Biological Resources](#). It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

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

#### 19. CULT#GR-4 - 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:

- **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 Jamul Monitor must be included in the Negative Monitoring Report.
- **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.

#### 20. PALEO-GR#3 - PALEONTOLOGICAL MONITORING

**INTENT:** In order to comply with the County of San Diego Significance and Report Format Guidelines for Paleontological Resources, a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall prepare one of the following letters upon completion of the grading activities that require monitoring:

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



- b. If **Paleontological** Resources were encountered during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

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

## 21. DPW RECYCLING - GRADING MATERIAL DIVERSION – ROUGH GRADING

**INTENT:** In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. **DESCRIPTION OF REQUIREMENT:** At the conclusion of the grading activities and prior to the release of Rough Grade Inspection, and prior to issuance of any building permit, the Final Debris Management Report (DMR) must be prepared and submitted for review and approval. **DOCUMENTATION:** The DMR final report (see template) shall be prepared and submitted for review and approval by the [DPW, CO] and shall include:

- A. Project name.
- B. List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.
- C. Provide copies of receipts for export facilities, haulers, or materials reused on site.
- D. Signed self-certification letter (see template).

**TIMING:** The final report shall be prepared and submitted at Rough Grade inspection. **MONITORING:** The [DPW, PDC] shall ensure that the grading contractor has prepared and submitted the final report to [DPW, CO]. The [DPW, PDC] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.

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

## 22. BIO#GR-8–OPEN SPACE SIGNAGE & FENCING

**INTENT:** In order to comply with Condition BIO#5–OPEN SPACE SIGNAGE and BIO#6–OPEN SPACE FENCING pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) for PDS2022-SPA-22-001, the fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences shall be installed along the open space boundary and open space signs shall be placed every 100 feet on the permanent fencing as discussed in the Biological Technical Report dated March 2017 as shown on these plans and the approved Conceptual Grading and Development Plan.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.

- b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources  
Area Restricted by Easement  
RECURSOS AMBIENTALMENTE SENSIBLES  
Prohibida Su Entrada

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego, Planning & Development Services  
Reference: ER-15-98-190-13G

**DOCUMENTATION:** The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [PDS, PCC]. **TIMING:** Prior to the occupancy of any structure or use of the premises in reliance of Specific Plan Amendment 22-001, and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)), the fencing and signage shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

### 23. BIO#GR-9-EASEMENT AVOIDANCE

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

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. Uses, activities, and placement of structures expressly permitted by the Director of the Department of Planning & Development Services (PDS) of the County of San Diego, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to the Zoning Ordinance of the County of San Diego.
3. Activities conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of PDS.
4. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health Quality of the County of San Diego, in a location and manner approved by the Director of PDS.

5. Continued use and maintenance of the existing dirt road for trail purposes.
6. Construction, use, and maintenance of Lone Star Road, including grading, embankments, slopes, and drainage structures necessary to build said road.

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

#### **24. CULT#GR-6 - 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:

- Department of Parks and Recreation Primary and Archaeological Site forms.
- Daily Monitoring Logs
- Evidence that all cultural materials have been curated and/or repatriated 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.

- 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.

## 25. PALEO-GR#4 PALEONTOLOGICAL MONITORING

**INTENT:** In order to comply with the County of San Diego Significance and Report Format Guidelines 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 a 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](#)), 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.

## 26. LNDSCP#GR-1—CERTIFICATION OF INSTALLATION

**INTENT:** In order to provide adequate Landscaping that provides adequate screening, and to comply with the COSD Water Efficient Landscape Design Manual, the COSD Water Conservation in Landscaping Ordinance, the COSD Parking Design Manual, the Specific Plan Amendment 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.

## 27. HAZ#GR-3—SOIL TESTING

**INTENT:** In order to comply with the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, and to follow the recommendation identified in the Limited Phase I ESA for this project, soil sampling will be conducted, as required, and analyzed for pesticide contamination. **DESCRIPTION OF REQUIREMENT:** A signed, stamped addendum to the Limited Phase I ESA shall be prepared by a Registered Engineer or Professional Geologist. The addendum shall include the following information or as modified by DEHQ:

- a. Documentation that the soil sampling occurred between six inches to 1.5 feet BGS.
- b. Findings which identify the location of on-site soils exceeding the residential RSLs for pesticides.
- c. For contaminated soils, provide a letter from DEHQ stating that a VAP work plan has been prepared and approved to remediate contaminated soils.

- d. For contaminated soils remediation, provide a copy of the contract and a signed sealed statement from the Registered Engineer or Professional Geologist, which states that they will implement the VAP work plan as part of the grading required to implement the site remediation activities as permitted.
- e. Provide evidence that all required work has been fully incorporated into the Grading Plans pursuant to the County Grading Ordinance 87.101 et. al.

**DOCUMENTATION:** Upon completion of the soil testing, the applicant shall submit copies of the assessment (and a work plan for soil remediation, if applicable) to the [PDS, PCC] for approval. **TIMING:** Prior to final grading release, commencement of construction, or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [PDS, PCC] shall review the report and any additional evidence for compliance with this condition. The work plan shall be approved by DEHQ.

**28. HAZ#GR-4—CERTIFICATION OF COMPLETION**

**INTENT:** In order to verify that all of the site remediation work was completed pursuant to the Site Assessment and Mitigation Program (SAM), a closure letter shall be provided. **DESCRIPTION OF REQUIREMENT:** All soil remediation shall be completed pursuant to the Department of Environmental Health Quality (DEHQ), Voluntary Assistance Program (VAP). **DOCUMENTATION:** The applicant shall provide the “Closure Letter, or Concurrence Letter,” to the [PDS, PCC] that the soil remediation has been completed to the satisfaction of the [DEHQ, SAM]. If the Director of PDS determines the remediation work will take an enormous amount of time that would be detrimental to ultimate project implementation, approval of other engineering plans and/or issuance of other project permits may be permitted as long as there is no risk of effects to public health and safety. Concurrence from the [DEHQ, SAM] is required, and the applicant shall enter into a secured agreement for the completion of the remediation work. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the applicant shall comply with this condition. **MONITORING:** The [DEHQ, SAM], shall verify completion of the required remediation, and shall issue a Closure Letter to the applicant and a copy to the [PDS, PCC]. The [PDS, PCC] shall review the “Closure Letter,” for compliance with this condition.

.....

**SITE PLAN FINDINGS:**

Otay Majestic Specific Plan Amendment establishes design standards, roadway standards, setbacks, site plan criteria, building mass, materials, heights, signage/lighting, and provisions of native landscaping palettes.

- a. That the proposed development meets the intent and specific standards and criteria prescribed in Specific Plan Amendment and applicable Zoning Ordinance sections.
- b. That the proposed development is consistent with the San Diego County General Plan, Otay Subregional Plan and East Otay Mesa Business Park Specific Plan, considering all aspects of the General Plan and Otay Subregional Plans, the Specific Plan will further the goals, objectives, and policies of all the elements of the plans and not obstruct their attainment.

In addition, the proposed development is in substantial conformance with the Otay Subregional Plan because the Specific Plan provides detailed site design, addresses the existing rural character of the area and encourages development that meets the intent of the Otay Subregional Plan.

- c. That any applicable standards or criteria waived by the Director pursuant to Section 7158d have been or will be fulfilled by the condition or conditions of a Use Permit or Variance. No standard or criteria has been waived.

.....

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

**STORMWATER ORDINANCE COMPLIANCE:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Quality Management Plan (SWQMP), 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 the property owner keep the Storm Water Pollution Prevention Plan (SWPPP) onsite and updated as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

**LOW IMPACT DEVELOPMENT NOTICE:** The San Diego Regional Water Quality Control Board (RWQCB) 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 and amended in November 2015. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

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

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below

<http://www.sdcounty.ca.gov/PDS/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.

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

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

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

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

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

**NOTICE:** This subject property may contain Quino checkerspot butterfly and/or San Diego fairy shrimp. The Federal government has listed both species as *endangered* under the Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.). THE LISTING STATUS OF ONE OR BOTH SPECIES MAY RESULT IN AN APPLICANT'S INABILITY TO PROCEED WITH HIS/HER PROJECT WITHOUT A PERMIT FROM THE FEDERAL GOVERNMENT IF THE SPECIES IN QUESTION OR ITS HABITAT IS PRESENT ON THE PROJECT SITE. The applicant is advised to contact the United States Fish and Wildlife Service to determine the applicability of the prohibitions under the Act to each applicant's property.

**NOTICE:** This project has been found to conform to the San Diego County Multiple Species Conservation Program Subarea Plan, Biological Mitigation Ordinance and Implementing Agreement. Upon fulfillment of the requirements for permanent mitigation and management of preserved areas as outlined in Section 17.1 (A) of the County's Implementing Agreement for the Multiple Species Conservation Program (MSCP) Plan, Third Party Beneficiary Status can be attained for the project. Third party beneficiary status allows the property owner to perform "incidental take" under the State and Federal Endangered Species Acts, of species covered by the MSCP Plan while undertaking land development activities in conformance with an approval granted by the County in compliance with the County's Implementing Agreement.



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

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

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

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

**Notice:** The subject property contains habitat which may be used for nesting by migratory birds. Any grading, brushing, or clearing conducted during the migratory bird breeding season, February 1 – August 31, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act. The applicant may submit evidence that nesting or breeding migratory birds will not be affected by the grading, brushing or clearing to these agencies: California Department of Fish and Wildlife, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201, <http://www.dfg.ca.gov/>; and United States Fish and Wildlife Service, 2177 Salk Avenue, Suite 250, Carlsbad, California 92008, (760) 431-9440, <http://www.fws.gov/>.

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

<b>EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS</b>			
<b>Planning &amp; Development Services (PDS)</b>			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
<b>Department of Public Works (DPW)</b>			

Private Development Construction Inspection	PDCI	Land Development Project Review Teams	LDR
<b>Department of Environmental Health Quality (DEHQ)</b>			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
<b>Department of Parks and Recreation (DPR)</b>			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
<b>Department of General Service (DGS)</b>			
Real Property Division	RP		

ON MOTION of Supervisor \_\_\_\_\_, Seconded by Supervisor \_\_\_\_\_, this Site Plan Permit is approved by the Board of Supervisors of the County of San Diego, State of California, at a regular meeting held on this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2024 by the following vote:

AYES:

ABSENT:

**Attachment E –  
ENVIRONMENTAL DOCUMENTATION**



# County of San Diego

**DAHVIA LYNCH**  
DIRECTOR

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

**VINCE NICOLETTI**  
ASSISTANT DIRECTOR

March 2024

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

### **FOR PURPOSES OF CONSIDERATION OF OTAY MAJESTIC PROJECT**

**PDS2022-SPA-22-001, PDS2023-VTM-5651, PDS2023-STP-23-00.7PDS2022-ER-98-19-0131**

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

#### **1. Background on previously certified EIR, Supplemental EIRs, and Addenda pertaining to the Project:**

##### **EAST OTAY MESA BUSINESS PARK SPECIFIC PLAN EIR (1994 EIR)**

A Final EIR for the East Otay Mesa Business Park Specific Plan (EOMBPSP) (SP 93-004, Log. No. 93-19-06) having State Clearinghouse No. 92101099 was certified by the San Diego County Board of Supervisors on July 17, 1994 ("1994 EIR"). As originally approved, the East Otay Mesa Business Park Specific Plan, which was evaluated by the 1994 EIR, is a mixed-use project including industrial, commercial, fire/police services, transit, and residential uses on a 3,300-acre area of southern San Diego county. The certified Final 1994 EIR evaluated the East Otay Mesa Business Park Specific Plan that proposed 2,359 acres of industrial uses, 154 acres of commercial uses, fire/police services, road right-of-way, a transit station totaling approximately 32 acres, and 753 acres of hillside residential uses.

The 1994 EIR found effects to Land Use, Landform Alteration/Visual Quality, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Transportation and Circulation, Air Quality, Health and Safety, Public Services and Utilities, and Population/Housing/ Employment would be significant without mitigation. Mitigation measures were identified to reduce these effects to a level below significance. Additionally, the 1994 EIR found significant and unmitigable impacts to Biological Resources and Noise. A Statement of Overriding Considerations was made in approving the East Otay Mesa Business Park Specific Plan.

In the years since the certification of the original 1994 EIR, two addenda and two Supplemental EIRs have been processed and approved by the County for projects located within the East Otay Mesa Business Park Specific Plan area, including the 253.1 acres that make up the Project site area.

The term "Project" refers to the area subject to the requested entitlements. The Project includes an Amendment to the East Otay Mesa Business Park Specific Plan, Vesting Tentative Map, and Site Plan to allow the development of up to 2,850,000 s.f. of Class A industrial buildings within 12 structures on an approximately 253.1-acre site. A detailed description of the proposed Project is included in the response to question 5 below. It should be noted that as part of this Project, the project evaluated in the 2018 SEIR would be withdrawn and the current Project returns to the previously-approved industrial uses contemplated in all of the CEQA documents prepared before the 2018 SEIR.

Table 1, *Prior Environmental Documents Prepared for the EOMBSP and Project Site*, provides a list of the various environmental documents that have specific application to the Project evaluated herein as they pertain to the Project site and/or the evaluation of environmental impacts associated with the Project, and are described below.

### **EAST OTAY MESA SPECIFIC PLAN SUNROAD CENTRUM SUPPLEMENTAL EIR (2000 SEIR)**

A Supplemental EIR (SEIR) for the Sunroad Otay Industrial Subdivision (TM 5139-RPL6, Log No. 9101099) having State Clearinghouse No. 92101099 was certified by the San Diego County Planning Commission on December 15, 2000. The project evaluated therein covered proposed implementing development on approximately 250.5 acres in the northwest quadrant of the East Otay Mesa Business Park Specific Plan area. The project included 96 industrial lots with a minimum lot area of one-acre, 22 commercial lots on 34.4 acres, and a 51.7-acre biological open space area north of the future Lone Star Road. The associated traffic study assumed that industrial uses would generate 100 trips per acre and commercial uses would generate 500 trips per acre, for a total of 26,780 average daily trips (ADT). Water was to be provided by the Otay Water District and sewer from the East Otay Mesa (EOM) Sewer Maintenance District. Fire protection and emergency services to 210.5 acres of the total area were to be provided by the Rural Fire Protection District. The remaining 40 acres were conditioned to provide evidence of adequate fire protection and emergency medical services. Off-site improvements to Otay Mesa Road in the City of San Diego were required as traffic mitigation. The project included a Minor Amendment to the San Diego County Multiple Species Conservation Program and proposed conservation of sensitive vernal pool and coastal sage scrub/native grassland habitats north of

Lone Star Road and an isolated wetland/vernal pool on one of the industrial lots south of Lone Star Road. The certified 2000 SEIR found that the project would cause significant impacts to Land Use, Biological Resources, Cultural Resources, Transportation/Circulation, and Air Quality. Impacts to Biological Resources and Cultural Resources were lowered to a level below significance following the implementation of mitigation measures, while impacts to Transportation/Circulation and Air Quality required a Statement of Overriding Considerations for significant and unmitigable impacts.

### **REVISED TENTATIVE MAP TM5319-RPL6R EIR ADDENDUM (2003 ADDENDUM)**

On April 11, 2003, an Addendum to the previously certified 1994 EIR and certified 2000 SEIR was approved by the Planning Commission for the Revised Sunroad Otay Project (TM5139-RPL6R, Log No. ER 98-19-013A). The project included a revised subdivision map covering 253.1 acres that reduced the number of industrial lots from 96 to 56 by increasing the size of each lot over the same development footprint previously analyzed. The primary map change involved the incorporation of a revised street network, which was approved as part of the project's East Otay Mesa Business Park Specific Plan Amendment (SPA 00-005; GPA 02-CE1, ER 93-19-006). Grading quantities increased from 1,350,000 to 1,450,000 cubic yards but were expected to balance on the site as previously evaluated. In addition, the project included a subdivision map (Tentative Map; TM5139-RPL6R) that divided the property into six units as opposed to the five units defined in the previously approved version of the project. Minor changes in the proposed elevation of Lone Star Road improved the adequacy of the open space easement required to protect one vernal pool located north of the road and one isolated pool south of the road, with the open space easement south of Lone Star Road increasing in size. The deletion of certain road improvement requirements as part of the project resulted in an increased development potential and increased projected traffic volume. No new significant effects were identified; however, a Minor Amendment to the Multiple Species Conservation Program was processed and approved and biological mitigation measures were modified. All other aspects of the project remained the same. After the approval of the revised Tentative Map, the open space lot was recorded (Map 14733) and dedicated as open space.

### **SUNROAD OTAY TECH CENTRE (2012 ADDENDUM)**

On March 9, 2012, an Addendum to the previously certified 1994 EIR and 2000 SEIR was approved by the Planning Commission for the Sunroad Otay Tech Centre Project, which consisted of a revised subdivision map (Tentative Map; TM5538) covering approximately 253.1 acres. The revised map reduced the number of lots from 56 to 52 lots, with one lot dedicated to stormwater detention, one lot dedicated for a sewer pump station, and one open space lot. The open space lot was 51.3 acres and an additional 0.41-acre open space easement crossed another lot. The industrial lots were assumed to be developed with technology business park uses, which allows for logistics and e-commerce uses, with 28 acres having a commercial overlay subject to the regulations defined in the Specific Plan. Additionally, the revised Tentative Map divided the site into five units as opposed to the six units previously approved in 2003. The road network for the project was changed to conform with the then-current version of the County's General Plan Circulation Element and the East Otay Mesa Business Park Specific Plan. Grading quantities increased to 1,700,000 cubic yards from 1,450,000 cubic yards but earthwork was expected to

balance on the site as was previously evaluated. The associated traffic report assumed that technology park uses would generate 120 trips per acre and commercial uses would generate 700 trips per acre. The project’s expected traffic volume was thus calculated to increase to 30,566 ADT from 26,780 ADT. All other aspects of the project remained the same. No new significant environmental effects were identified.

**OTAY 250 SUNROAD EAST OTAY MESA BUSINESS PARK GENERAL PLAN AMENDMENT AND SPECIFIC PLAN AMENDMENT (2018 SEIR)**

On July 25, 2018, a Supplemental EIR for the Otay 250 Sunroad East Otay Mesa Business Park Specific Plan Amendment (SPA-15-001, Log No. PDS2015-ER-15-98-190-13G) having State Clearinghouse No. 2016031028 was certified by the County Board of Supervisors. The 2018 SEIR evaluated proposed changes to the previously approved Specific Plan, which included the establishment of a new Mixed-Use Village Core area within the Specific Plan area that allowed for the construction of a mix of employment, retail, and residential uses. The project covered the same 253.1 acres previously analyzed in the documents identified above with the addition of an off-site and adjacent sewer line connection improvement. The project included maximum entitlement for 3,158 residential dwelling units, 78,000 square feet (s.f.) of general commercial uses, 765,000 s.f. of employment uses, and 51.3 acres of permanent biological open space conservation. The associated traffic study assumed that residential units would generate 8 trips per unit, that technology park uses would generate 120 trips per acre, that specialty retail would generate 120 trips per acre, and that neighborhood commercial would generate 960 trips per acre, for a total of 34,124 ADT. The certified 2018 SEIR found that the project would cause significant impacts related to Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, Paleontological Resources, and Traffic/Transportation. Impacts to Air Quality required a Statement of Overriding Considerations for significant and unmitigable impacts, while all other impacts were found to be less than significant following mitigation. It should be noted that on March 24, 2023, a Tentative Map Time Extension (PDS2022-TM-5607RTE) was approved for the Tentative Map associated with the 2018 SEIR project.

The aforementioned documents are on file at the offices of the County Department of Planning & Development Services (PDS).

**Table 1 Summary of Prior Environmental Documents Prepared for the EOMBSP and Project Site**

<b>Environmental Document</b>	<b>Date Certified/ Approved</b>	<b>Description</b>	<b>Comments</b>
East Otay Mesa Business Park Specific Plan EIR (SP 93-004)	July 27, 1994	The project covered 3,300 acres and entailed 2,359 acres of industrial uses, 154 acres of commercial uses, fire/police services, road right-of-way, a transit station totaling approximately 32 acres, and 753 acres of hillside residential uses.	Includes analysis and mitigation measures applicable to the Project. The mitigation measures were superseded in 2000 and 2018 by

		<p>The certified EIR found significant and mitigated effects to Land Use, Landform Alteration/Visual Quality, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Transportation and Circulation, Air Quality, Health and Safety, Public Services and Utilities, and Population/Housing/Employment. These effects were determined to be mitigated or avoided to a level below significance. Additionally, the certified EIR found significant and unmitigable impacts to Biological Resources and Noise, requiring a Statement of Overriding Considerations.</p>	<p>Supplemental EIRs, as well as current policies and standards.</p>
<p>Supplemental EIR for Sunroad Otay Industrial Subdivision (TM 5139RPL)</p>	<p>December 15, 2000</p>	<p>The implementing project covering 250 acres of the Specific Plan area entailed 96 one-acre minimum industrial lots and a 51.7-acre biological open space lot.</p> <p>The 2000 SEIR found that the project would cause significant effects to Land Use, Biological Resources, Cultural Resources, Transportation/Circulation, and Air Quality. Impacts to Traffic and Air Quality required a Statement of Overriding Considerations for significant and unmitigable impacts. Off-site improvements to Otay Mesa Road in the City of San Diego were required as traffic mitigation. The other effects were avoided or mitigated to a level below significance.</p>	<p>Includes analysis and mitigation measures applicable to the revised Project.</p>
<p>Addendum to the 1994 EIR and 2000 SEIR for the Sunroad Otay Industrial Subdivision (TM 5139RPL6R)</p>	<p>April 11, 2003</p>	<p>The revised project covering 253.1 acres reduced the number of industrial lots from 96 to 56 lots by increasing the size of each lot over the same development footprint previously approved. The revised project also included a revised street network, revised grading quantities, revised biological mitigation measures, and revised subdivision map.</p> <p>No new significant effects were identified; however, a Minor Amendment to the Multiple Species</p>	<p>Includes analysis and revised biological mitigation measures applicable to the revised Project.</p>



		Conservation Program was processed and approved.	
Addendum to the 1994 EIR and 2000 SEIR for the Sunroad Otay Tech Centre Project (TM5538).	March 9, 2012	<p>The revised project covering 253.1 acres reduced the number of industrial lots from 56 to 52 lots, with one lot dedicated to stormwater detention, one lot dedicated for a sewer pump station, and one open space lot. Open space was defined in a 51.3-acre open space lot and 0.41-acre open space easement. The revised project also revised the road network, revised grading quantities, and revised the expected traffic volume to 30,566 ADT from 26,780 ADT.</p> <p>No new significant environmental effects were identified.</p>	No new impacts or mitigation measures were identified.
Supplemental EIR for the Otay 250 Sunroad East Otay Mesa Business Park Specific Plan Amendment (SPA-15-001)	July 25, 2018	<p>The revised project covering 251.3 acres amended the East Otay Mesa Business Park Specific Plan to include a new Mixed-Use Village Core area allowing 3,158 residential dwelling units, 78,000 s.f. of general commercial uses, 765,000 s.f. of employment uses, and 51.3 acres of permanent biological open space conservation.</p> <p>The 2018 SEIR found that the project would cause significant impacts to Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, Paleontological Resources, and Traffic/Transportation. Impacts to Air Quality required a Statement of Overriding Considerations for significant and unmitigable impacts, while all other impacts were found to be less than significant following mitigation.</p>	Includes analysis and mitigation measures applicable to the revised Project.

**APPLICABILITY OF PREVIOUS DOCUMENTS IN THIS EIR ADDNEDUM**

This EIR Addendum relies on the analysis from the above-listed 1994 EIR, 2000 SEIR, 2003 and 2012 EIR Addenda, and 2018 SEIR. The Project entails a proposal to implement light industrial land uses on the portions of the site designated for development and consistent with the light industrial land use designation previously approved for the site in the East Otay Mesa Business Park Specific Plan and evaluated in the 1994 EIR, 2000 SEIR, 2003 EIR Addendum, and 2012 EIR Addendum. Thus, for the discussion and comparative analysis of environmental impacts related to the topics of land use and operation of the land uses, this Addendum primarily tiers from the original 1994 EIR, 2000 SEIR, 2003 Addendum, and 2012 Addendum. The most recent evaluations of on-site physical conditions and impacts occurred as part of the 2018 SEIR which evaluated the site for development of mixed-use development within the same (and greater) physical impact footprint as the Project. Thus, it is appropriate for the discussion and analysis in this EIR Addendum to primarily tier from the 2018 SEIR for the evaluation of physical ground-disturbing impacts (the Project would physically disturb approximately 8.0 fewer on-site acres than the approved project analyzed in the 2018 SEIR and add an off-site sewer connection, resulting in a net reduction in physical disturbance area.) Each environmental topic evaluated in this Addendum discloses the appropriate previous CEQA compliance document(s) for comparative analysis and provides a summary of the conclusions in the previously approved CEQA document(s) as appropriate. A summary of the mitigation measures from the previously approved CEQA documents that are applicable to the Project is included as Attachment E. The 1994 EIR, 2000 SEIR, 2003 and 2012 EIR Addenda and 2018 SEIR are incorporated by reference to this document.

**2. Lead Agency Name and Address**

County of San Diego, Planning and Development Services  
5510 Overland Avenue  
San Diego, California 92123

- a. Contact: Greg Mattson, AICP, Project Manager (Contract Planner)
- b. Phone Number: (619) 895-7177
- c. E-mail: [Gregory.Mattson@sdcounty.ca.gov](mailto:Gregory.Mattson@sdcounty.ca.gov)

**3. Project Applicant's name and address**

Sunroad Otay Partners, L.P.  
c/o Sunroad Enterprises  
8620 Spectrum Center Blvd., Suite 1100  
San Diego, CA 92123  
(562) 948-4347

- a. Contact: Tom Simmons
- b. Phone Number: (562) 948-4347
- c. E-Mail: [tsimmons@majesticrealty.com](mailto:tsimmons@majesticrealty.com)

**4. Summary of the activities authorized by present permit/entitlement applications**

The most recent entitlement for the Project site, approved in 2018, established a mixed-use land use designation for the approximately 253.1-acre Project site within the larger East Otay Mesa Business Park Specific Plan Area. The most recent entitlement designates seven planning areas: four mixed-use planning areas, two technology business park planning areas, and one open space planning area. The mixed-use designation permits civic and commercial uses, including light industrial uses, as well as residential uses. This most recent entitlement allows for up to 3,158 residential dwelling units, 78,000 s.f. of commercial space, and 765,000 s.f. of employment uses.

Prior to 2018, the previously approved entitlement for the site, approved in 2012 (TM5538), allowed for development of the Project site with 52 industrial lots with 27.3 acres of those lots having a commercial overlay, with one lot dedicated to stormwater detention, one lot dedicated for a sewer pump station, and one open space lot consisting of 51.3 acres north of the future Lone Star Road.

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

The Project entails a proposed Amendment to the East Otay Mesa Business Park Specific Plan to remove the most recent, previously-approved "Mixed-Use-Residential Emphasis" land use designation on the Project site and replace it with a "Light Industrial" land use designation.

As shown in Attachment A, Regional Location Map, the Project site consists of approximately 253.1 gross acres in the East Otay Mesa area of San Diego county and is currently undeveloped. The Project site was designated for light industrial development and open space conservation from 1994 to 2018 and redesignated for mixed use development with a residential emphasis and open space conservation from 2018 to present day. Approval of the Project would retain the approved 51.3-acre open space conservation area but change the mixed-use land use designation for the developable portion of the site back to light industrial, as it was designated from 1994 to 2018.

Approval of the Project would allow for up to 2,850,000 s.f. of Class A industrial buildings (Parcels 1 to 12) and roads spread out over five phases. The Project would include approximately 51.3 acres of permanently conserved biological open space at the northeastern corner of the site (Parcel D) northeast of Lone Star Road, and a combination of permanently conserved open space and manufactured slope on 13.1 acres (Parcels A, B, and C) southwest of the future intersection of Lone Star Road and Zinser Road. Compared to the prior 2018 entitlement, natural open space conservation on the site would increase by approximately 8.0 acres. The Project's internal street pattern would match the existing grid pattern of the surrounding area. The Project would require the extension of utility lines including water, sewer, electric, and gas. Water would be provided by Otay Water District, sewer by San Diego County Sanitation District, and gas and electric service would be provided by San Diego Gas & Electric. Police protection services would be provided by the County of San Diego Sheriff's Department and fire protection services would be provided by the San Diego County Fire Protection District which works in collaboration with the California Department of Forestry and Fire Protection (CalFire).

The Project would require land use and zoning changes to the approved East Otay Mesa Business Park Specific Plan, as shown in Attachment B, Project Specific Plan Amendment. The Project’s Specific Plan Amendment (SPA) would designate the majority of the site for “Light Industrial” land uses, which would replace the current land use designation of “Mixed Use – Residential Emphasis.” The “Conservation/Limited Use” designation for open space conservation purposes would not change. Additionally, the SPA proposes a grid-oriented street pattern that differs from the curvilinear street pattern approved as part of the previous 2018 entitlements.

The Project also includes site-specific development applications to allow for the development of buildings and associated improvements on the portions of the site designated for light industrial development, in addition to an off-site sewer connection. Thus, the Project includes a Vesting Tentative Map (No. 5156), shown in Attachment C, Project Vesting Tentative Map, to subdivide the site into 12 numbered parcels and four lettered parcels (16 total parcels) and a Site Plan, shown in Attachment D, Project Site Plan, for the proposed development of 12 buildings ranging in size from approximately 145,607 s.f. to 291,020 s.f. Based on the design characteristics of the buildings, they are reasonably expected to be occupied by general warehousing and high-cube transload and short-term warehouse uses, consistent with the Specific Plan’s light industrial land use designation, to be used in part, as part of international goods movement given the site’s close proximity to the U.S./Mexico border.

**6. SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.**

The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> NONE               | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Greenhouse Gas Emissions         | <input type="checkbox"/> Hazards and Hazardous Materials    |
| <input type="checkbox"/> Geology and Soils             | <input type="checkbox"/> Land Use and Planning            | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Hydrology and Water Quality   | <input type="checkbox"/> Population/Housing               | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Noise                         | <input type="checkbox"/> Transportation                   | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Recreation                    | <input type="checkbox"/> Wildfire                         | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Utilities and Service Systems |   |   |

**DETERMINATION:**

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

- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major

revisions to the previous EIR or MND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate upon completion of an ADDENDUM.

No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with an EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.

Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However, all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.

Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.



March 5, 2024

Signature

Date

Greg Mattson

Project Manager

Printed Name

Title

## INTRODUCTION

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

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

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

CEQA Guidelines, Section 15164(a) states that the lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred. If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

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

**ENVIRONMENTAL REVIEW CHECKLIST UPDATE**

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

YES NO

The 1994 EIR includes an analysis of landform alteration impacts as they relate to visual quality. In addressing landform alteration and visual quality impacts, the 1994 EIR relied on County polices in effect at that time for determining significance, including the Hillside Review Policy (I-73) and the Resource Protection Ordinance. Additionally, the 1994 EIR referenced the County’s Resources Conservation Area (RCA) program for developing policies to preserve resources in the East Otay Mesa area, and the County Scenic Highway Element for scenic highway designation.

Based on the 1994 EIR, buildout of the Specific Plan area would result in developing the flatter portions of the Specific Plan area to accommodate construction of the planned industrial and commercial uses, as well as two major highways and a network of surface streets. The 1994 EIR identified a number of potential impacts to landform alteration/visual quality for projects located within the Specific Plan Area as a whole and concluded that, for the most part, no significant landform alteration impacts would occur for areas of the Specific Plan where industrial uses are planned. However, where industrial development is planned in the vicinity of Johnson Canyon that could involve placing fill within the canyon, significant landform alteration impacts were identified to occur. Additionally, the 1994 EIR concluded significant landform alteration impacts associated with residential development in the Hillside Residential areas of the Specific Plan. The 1994 EIR included aesthetics mitigation measures that applied to residential development.

Relative to visual resources, the 1994 EIR identified sensitive visual receptors for development areas within the Specific Plan area as existing residents, future residents, and travelers on proposed scenic routes (i.e., SR-125 and SR-905). The 1994 EIR concluded that impacts to residents would be considered less than significant, because the Otay Mesa area is already developing with industrial and institutional uses in the area, and the East Otay Mesa Business Park Specific Plan, which allowed building heights of up to 150 feet, would be consistent with on-going development. For the major scenic resources of the area – the Otay River Valley and the San Ysidro Mountains – the 1994 EIR evaluated the potential for development within the Specific Plan area to affect views but determined that planned development within the East Otay Mesa Business Park Specific Plan area would not detract from the aesthetic qualities and dominance that the San Ysidro Mountains provide for the area. Relative to scenic highways, no officially designated State scenic highways were located in the area at the time the 1994 EIR was certified, and no State scenic highway is currently designated in the area. The 1994 EIR determined that routes in the area could be designated in the future and that sufficient measures were provided

in the Specific Plan's requirements to ensure that impacts to scenic highways would not be anticipated.

The environmental initial study prepared for the certified 2000 SEIR, which evaluated the Sunroad Otay Industrial Subdivision project, as well as the associated 2003 and 2012 Addenda, found that impacts to aesthetics resulting from implementing industrial development and the conservation of 51.3 acres of open space on the 253.1-acre Project site would be less than significant, which is the same conclusion reached by the 1994 EIR. The 2000 SEIR and its associated 2003 and 2012 Addenda did not note any changes to the existing on-site conditions, impacts, or mitigation measures different from those evaluated in the 1994 EIR.

Similarly, the 2018 SEIR concluded that although the 2018 entitlements introduced a residential use type to the Specific Plan area, site planning standards relative to intensity and bulk regulations would remain consistent with what was previously approved, including maximum building heights allowed for uses within the mixed-use village core up to 75 feet tall. The 2018 SEIR found that the previously approved project to be consistent with the less-than-significant finding disclosed in the 1994 EIR.

Similar to the previously approved 1994, 2000, 2003, and 2012 entitlements for the Project site, the Project site is proposed to be designated for light industrial and open space conservation land uses. The Project's physical impact footprint is approximately 8.0 acres less than analyzed for the previously approved projects for the site and the Project would not result in any significant and adverse impacts to scenic landforms or visual resources. Additionally, developing 12 buildings on the Project site ranging from approximately 145,607 s.f. to 291,020 s.f. would not result in any new or greater impacts to aesthetics than previously analyzed. The proposed grading concept and building heights are substantially the same as previously assumed and evaluated in the 1994 EIR, 2000 SEIR, 2002 and 2012 Addenda, and 2018 SEIR other than a reduction in impact footprint of approximately 8.0 acres. Also, the 1994 EIR, 2000 SEIR, and 2002 and 2012 Addenda concluded that industrial uses would be consistent with surrounding development. No substantial changes in the immediately surrounding area have occurred since that time in terms of existing or planned land uses. Consistent with the land uses allowed by the EOMBPSP, light industrial development is under construction west of the Project site, west of Harvest Road and east of the Project site on Vann Centre Boulevard.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to aesthetics. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that cause would one or more significant effects to aesthetics.

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



Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)), result in the loss of forest land or conversion of forest land to non-forest use, or involve other changes in the existing environment which could result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

YES NO

The 1994 EIR found that the loss of important farmland (Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance) to be less than significant, as there was limited area with these classifications and agricultural use could continue in the Specific Plan area as an interim use prior to project build-out. Additionally, active agricultural activities were not substantially present at the time of certification of the 1994 EIR.

The 2018 SEIR disclosed that the Project site is designated as Farmland of Local Importance and contains soil types classified as Prime Agricultural Soils. However, the Project site was not under a Williamson Act contract at the time of certification of the 2018 SEIR. The 2018 SEIR found that the Project site had not been used for agricultural purposes since 1996, and there were no active agricultural operations in the Project site's vicinity at the time of the 2018 SEIR's certification. As stated in the 2018 SEIR, the Project site is within the East Otay Mesa Business Park Specific Plan and had been approved for urban development and grading under the Specific Plan and previously approved Tentative Maps for the site, respectively, since 1994. Additionally, the 2018 SEIR stated that the Project site does not contain forest lands or timberland; thus, the project was found to not conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland production zones. No impact regarding agricultural resources was found to occur.

Similar to the analysis conclusions that were made for the previously approved 1994, 2000, 2003, 2012 and 2018 entitlements for the Project site, although the Project site contains land designated as Farmland of Local Importance, the Project site is not currently under a Williamson Act contract and there are no active agricultural operations on the Project site or in the Project site's immediate vicinity. The Project site also does not contain forest lands or timberland and is not zoned for timberland production. The Project site is approved for urban development and open space conservation under the East Otay Mesa Business Park Specific Plan.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to agricultural resources. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to agricultural resources.

III. **AIR QUALITY** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively

considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES NO

The 1994 EIR included an analysis of air quality regulations and legislation pertinent at the time of its preparation, as well as existing conditions and impacts related to the East Otay Mesa Business Park Specific Plan project. The 1994 EIR identified the following air quality impacts as significant: construction impacts, vehicular impacts, stationary source impacts, and total emissions. The 1994 EIR included air quality mitigation measures that relate to construction, facilities to promote the use of alternative transportation methods, and transportation. The 1994 EIR mitigation measures applicable to the Project can be found in Attachment E to this document.

The 2000 SEIR addressed air quality impacts from proposed light industrial development on the Project site and presented the mitigation measures from the 1994 EIR, determining that the measures were sufficient and that no additional measures were required. The 2000 SEIR mitigation measures applicable to the Project can be found in Attachment E to this document. The 2003 and 2012 Addenda similarly found that that the proposed light industrial development on the Project site would fall below the pollutant emission levels disclosed in the 1994 EIR.

Development of the Project would physically disturb slightly less land area than analyzed for the site under the 1994 EIR, 2000 SEIR, 2003 and 2012 Addenda, and 2018 SEIR, and a similar amount of building space. Thus, the short-term construction emissions would be similar as previously disclosed, and incrementally reduced due to more restrictive federal, state, and local regulations pertaining to construction equipment fleets than were in place in the prior analysis years. For example, short-term construction emissions are anticipated to be less than the emissions disclosed and analyzed in the 1994 EIR, 2000 SEIR, and 2018 SEIR due to the implementation of newer and cleaner off-road equipment that has been developed since those documents were prepared. The Project applicant would be required to implement the applicable mitigation measures imposed by the 1994 EIR, 2000 SEIR, and 2018 SEIR and would also be subject to the same or more stringent regulatory requirements, as such requirements have become stricter since the time the 1994 EIR, 2000 SEIR, and 2018 SEIR were certified (thereby reducing a greater amount of fugitive dust and other emissions). The mitigation measures applicable to the Project can be found in Attachment E to this document.

Table 2, *Construction Emissions Summary*, summarizes the anticipated criteria pollutant emissions during Project construction activity.

**Table 2 Construction Emissions Summary**

Year	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Summer (lbs/day)						
2025	4.11	37.20	32.40	0.09	4.60	2.48
2026	46.10	17.70	35.30	0.05	4.10	1.36
2027	3.81	32.00	31.00	0.09	4.38	2.28
2028	39.32	50.10	67.00	0.15	7.74	3.46
2029	19.50	14.70	24.70	0.05	2.12	0.79
2030	3.53	26.70	30.00	0.09	4.18	2.09
2031	38.55	43.20	63.80	0.15	7.47	3.19
2032	21.40	13.30	24.00	0.05	2.17	0.76
Winter (lbs/day)						
2025	4.10	37.20	32.30	0.09	4.60	2.48
2026	51.13	56.65	71.24	0.15	8.86	3.93
2027	3.81	32.10	30.90	0.09	4.38	2.28
2028	38.32	46.20	59.30	0.14	7.50	3.29
2029	23.81	47.20	60.40	0.15	6.58	3.08
2030	3.52	26.70	29.90	0.09	4.18	2.09
2031	37.64	39.40	56.40	0.14	7.25	3.05
2032	22.20	23.70	29.60	0.09	4.07	2.00
Total Maximum Daily Emissions	51.13	56.65	71.24	0.15	8.86	3.93
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

As shown above in Table 3, based on the estimated daily construction emissions, the Project would result in less than significant construction criteria pollutant emissions. A Mobile Source Health Risk Assessment was prepared for the currently proposed Project (*Appendix A.2*) to evaluate potential health risk impacts to sensitive receptors. As detailed in the Mobile Source Health Risk Assessment the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity.

Operationally, the Project would result in approximately the same amount of developed acreage and approximately the same amount of traffic generation as previously analyzed in the 1994 EIR, 2000 SEIR, 2003 and 2012 Addenda, and 2018 SEIR but would also be subject to updated federal, state, and local regulations that are more protective of the environment when compared to the regulations that existed when the prior analyses were conducted. For example, vehicle emissions requirements are stricter and building code provisions under the California Building Standards Code (CALGreen) as implemented by the County of San Diego require a greater level of energy efficiency than prior versions of the building code. The emissions reductions provided by stricter regulations would not, however, be sufficient to avoid the significant and unavoidable air pollutant impacts that were disclosed in the previously certified 1994 EIR, 2000 SEIR, and 2018 SEIR. Therefore, although the Project would result in fewer operational air pollutants as compared to the impacts disclosed for the previously approved project, impacts would remain significant and unavoidable.

Table 3, *Criteria Pollutant Emissions Summary*, summarizes the anticipated criteria pollutant emissions under the Project’s existing approved 2018 entitlement and under the proposed Project relying on both the Institute of Transportation Engineers (ITE) and San Diego Association of Governments (SANDAG) trip rate scenarios. An Air Quality Technical Memorandum was prepared for the Project (*Appendix A.1*) for supporting analysis. As further discussed under Section XVII, *Transportation*, the Project’s trip generation is based on ITE rates; however, a comparison to SANDAG trip rate scenarios is also provided for informational purposes.

**Table 3 Criteria Pollutant Emissions Summary**

Scenario	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Summer (lbs/day)						
Approved Entitlement <sup>1</sup>	211.08	155.89	1,046.32	3.23	218.04	63.89
ITE	105.21	114.11	345.53	1.13	61.22	17.16
SANDAG	165.38	73.92	858.08	1.88	165.37	43.22
Winter (lbs/day)						
Approved Entitlement <sup>1</sup>	215.59	164.55	1,086.17	3.08	218.05	63.90
ITE	84.73	118.10	207.12	1.10	61.06	16.94
SANDAG	143.63	79.59	676.13	1.79	165.21	42.99

<sup>1</sup> Source: Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment SCH No. 2016031028 Final Supplemental EIR (March 2018), Table 2.1-6.

As shown above in Table 3, based on the estimated daily operational emissions, the Project would result in lower criteria pollutant emissions as compared to the previously approved project under both the ITE and SANDAG trip rate scenarios. Furthermore, as detailed in the Mobile Source Health Risk Assessment (*Appendix A.2*), the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project operational activity.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant air quality impacts. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more air quality impacts.

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

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

YES NO

The 2018 SEIR determined that the previously approved project's development impact footprint would result in significant direct and indirect impacts to San Diego button-celery (**Impact BI-1**), San Diego fairy shrimp (**Impact BI-2**), and Riverside fairy shrimp (**Impact BI-3**). Additionally, the 2018 SEIR found that the project's development impact footprint would result in significant direct impacts to variegated dudleya (**Impact BI-4**), burrowing owl habitat (**Impacts BI-5 and BI-13**), loggerhead shrike foraging and nesting habitat (**Impact BI-9**), black-tailed jackrabbit foraging and breeding habitat (**Impact BI-10**), raptor foraging habitat (**Impact BI-11**), and disturbed wetland habitat (**Impact BI-14**). The 2018 SEIR also found that the project's development impact footprint would result in significant indirect impacts to Biological Open Space (**Impact BI-12**). Significant impacts to special status wildlife species include turkey vulture foraging habitat (**Impact BI-6**), northern harrier breeding and foraging habitat (**Impact BI-7**), and white-tailed kites (**Impacts BI-8**). The 2018 SEIR noted that if impacted disturbed wetlands are considered to be Waters of the U.S., the approved project's development's impact footprint also would result in direct impacts to Federally-protected wetlands (**Impact BI-15**). Mitigation Measures **M-BI-1** through **M-BI-15** were included in the 2018 SEIR for impacts to biological resources. The 2018 SEIR found that all potential significant impacts to biological resources would be mitigated to less-than-significant levels with the incorporation of Mitigation Measures **M-BI-1** through **M-BI-15**. The 2018 SEIR mitigation measures applicable to the Project can be found in Attachment E to this document.

A Biological Resources Technical Memorandum was prepared for the Project (*Appendix B.1*). Additionally, a Species Assessment Memorandum to evaluate the potential for occurrence for the western spadefoot toad and Crotch's bumblebee was also prepared for the Project (*Appendix B.2*). The development footprint of the Project is the same as for the previously approved projects on the site. A slight increase of the native grassland area in the eastern corner of the Project site was noted during field surveys conducted in 2023; otherwise, the other habitat types and aquatic resources are the same as previously mapped. As explained below, the Project would not result in any significant biological impacts different from, or more severe than, those analyzed and disclosed in 2018 SEIR for the previously approved project.

A site visit to verify vegetation mapping and assess the Project site for the potential to support sensitive species was made on February 8, 2023. Habitat assessments of sensitive species included the plant species variegated dudleya (*Dudleya variegata*), prostrate navarretia (*Navarretia prostrata*), and San Diego button-celery (*Eryngium aristulatum* var. *parishii*); and the sensitive wildlife species Quino checkerspot butterfly (*Euphydryas Editha quino*). A site visit to survey a proposed off-site utility alignment and continuation of the habitat assessment for sensitive plant species was made on May 8, 2023.

### Sensitive Plant and Wildlife Species

No variegated dudleya were observed during the 2023 Project site visit, and no individuals of this species were observed on-site where the species was previously documented or in surrounding

areas. Variegated dudleya was last documented on the Project site in 2006 and was not documented during surveys conducted in 2015 or 2016 and 2020 or 2021. Thus, given the current habitat conditions on the Project site, there is a low probability that the species occurs on the Project site.

No individuals of either prostrate navarretia or San Diego button-celery were observed during the 2023 site visit. Each of the known vernal pools along with other low-lying areas on the site was searched for evidence of these species. The quality of the vernal pools on-site have been degraded somewhat by the invasion of non-native grasses, which may affect the distribution of vernal pool species through displacement due to competition for space and resources. Additionally, off-road vehicle activity has affected some of the vernal pools on-site. Prostrate navarretia was last documented on the Project site in 1993 and San Diego button-celery was last observed on-site in 2004. Neither species was observed in surveys conducted in 2015 or 2016 and 2020. Due to current site conditions, there is a low probability that the aforementioned species occur on the Project site.

Other than the sensitive plant communities analyzed above, there were no other sensitive species observed during the 2023 habitat assessments conducted on the Project site. Therefore, impacts to sensitive plant communities would be reduced under the Project as compared to the previously approved project, due to the current absence and unlikely reoccupation of the site with sensitive plant species that were previously mapped and reduction in the Project's impact footprint by approximately 8.0 acres compared to the previously analyzed impact footprint.

No Quino checkerspot butterfly or larvae were observed during the 2023 site visit. None of the preferred host, larval, or nectar plants were observed on the Project site. A habitat assessment on the Project site in 2020 concluded that the on-site habitat conditions were not conducive for the Quino checkerspot butterfly. Given the site's existing conditions and the lack of observation of any host or larval plants during the 2020 and 2023 site visits, there is a low probability for the Quino checkerspot butterfly to occur on-site.

The Species Assessment Memorandum evaluated the potential for occurrence for the western spadefoot toad and Crotch's bumblebee on-site. There is a moderate potential for the western spadefoot toad to occur on the Project site. There are vernal pools present on-site and disturbed wetlands comprised of two agricultural ponds and a depressional feature along the base of an existing berm. These features can hold water during a normal or above normal wet season sufficient to support the life cycle of this toad species. Historic occurrences of western spadefoot toad are recorded within a half mile to the north in vernal pools and wetlands associated with Johnson Canyon. The Project would avoid direct impacts to the vernal pools and other disturbed wetlands on-site. Furthermore, the wetland areas include setback buffers to limit any indirect impacts and would be preserved in dedicated open space easements. Therefore, no impacts are anticipated to occur to the western spadefoot toad, if present.

There is a low potential for Crotch's bumble bee to forage or nest on the Project site. Much of the Project site supports dense non-native grassland with few natural openings to support the preferred nectar plants for the species. In addition, portions of the Project site have been historically used for agricultural purposes and the eastern part of the site has been subject to on-

going illegal off-road-vehicle activity. These disturbances have affected the overall habitat quality of the area. One historic occurrence of Crotch's bumble bee was recorded in 1998 to the southeast of the Project site. Most of the area where this occurrence was recorded has now been developed and any remaining suitable habitat now occurs further to the east and separated from the Project site by development.

There were no other sensitive wildlife species observed during the habitat assessments conducted on the Project site. Therefore, impacts to sensitive wildlife communities would be reduced under the Project as compared to the previously approved project, due to the current absence and unlikely reoccupation of the site with Quino checkerspot butterfly that was previously mapped, avoidance of impact to the western spadefoot toad, the current absence and unlikely reoccupation of the site with Crotch's bumblebee, and reduction in the Project's impact footprint by approximately 8.0 acres compared to the previously analyzed impact footprint.

As explained in the 2018 SEIR for the previously approved project, qualified biologists performed focused surveys for a number of highly sensitive species and the resources on which they rely. These surveys included: (i) general surveys in 2015 and 2016 to confirm or update documentation of biological resources on-site since the previously certified 2000 SEIR; (ii) focused surveys for rare plants; (iii) focused surveys for vernal pools; (iv) focused surveys for fairy shrimp; (v) focused surveys for wetlands; (vi) focused surveys for Quino checkerspot butterfly; and (vii) focused surveys for burrowing owl. All other biological resources identified in the 2018 SEIR were found to be no longer present on the Project site.

Based on surveys and other available data, the 2018 SEIR concluded that the approved project's development impact footprint would have significant impacts on the following: San Diego button-celery (**Impact BI-1**), San Diego fairy shrimp (**Impact BI-2**), Riverside fairy shrimp (**Impact BI-3**), variegated dudleya (**Impact BI-4**), burrowing owl habitat (**Impacts BI-5 and BI-13**), loggerhead shrike foraging and nesting habitat (**Impact BI-9**), black-tailed jackrabbit foraging and breeding habitat (**Impact BI-10**), raptor foraging habitat (**Impact BI-11**), disturbed wetland habitat (**Impact BI-14**), Biological Open Space (**Impact BI-12**). Significant impacts to special status wildlife species include turkey vulture foraging habitat (**Impact BI-6**), northern harrier breeding and foraging habitat (**Impact BI-7**), and white-tailed kites (**Impacts BI-8**). The 2018 SEIR recommended various mitigation measures which, if adopted and implemented, would reduce these impacts to less-than-significant levels.

As compared to the previously approved project, the Project would have substantially the same development impact footprint but would result in fewer impacts to sensitive plant and wildlife species because some of the previously-documented species are no longer present on the site and have no reasonable potential to reoccupy the site and 8.0 fewer acres of on-site impacts would occur. As stated above, there is a low probability that variegated dudleya, prostrate navarretia, San Diego button-celery, and Quino checkerspot butterfly individuals would occur on the Project site. Other than the aforementioned species, there were no other sensitive species observed during habitat assessments conducted on the Project site. Therefore, the Project would result in fewer impacts to sensitive plant and wildlife species as compared to the impacts disclosed for the previously approved project.

### **Sensitive Vegetation Communities**

The 2018 SEIR found that the previously-approved project's development impact footprint would result in significant impacts associated with the permanent removal of approximately 195.99 acres of naturalized non-native grassland habitat and approximately 0.11-acre of disturbed wetlands. These impacts were found to be significant and required mitigation, which was completed as of the date of certification of the 2018 SEIR.

The limits of disturbance of the Project would result in less impacts to on-site biological resources than under the previously approved project. As compared to the previously approved project, the Project would result in the reduction of on-site impacts to an estimated 8.0 acres of on-site non-native grassland.

The biological survey conducted for the Project included a survey of an off-site sewer connection that was not included in the 2018 SEIR for the previously approved project. However, the off-site sewer connection is proposed within a planned County roadway right-of-way. The off-site sewer connection construction activity would impact approximately 0.65-acre of non-native grassland and 0.08-acre of disturbed habitat off-site. However, the reduction of on-site impacts to approximately 8.0 acres of non-native grassland would more than compensate for the impacts associated with the off-site sewer connection. Therefore, impacts would be reduced overall as compared to the previously approved project and no additional mitigation is required.

### **Jurisdictional Aquatic Resources**

The 2018 SEIR for the previously approved project found that the Project site supports three wetland/riparian habitats: disturbed wetlands, non-native riparian, and vernal pools. The disturbed wetland areas within the agricultural stock pond and man-made swale on-site were identified as County of San Diego Resource Protection Ordinance (RPO) wetlands. Therefore, the 2018 SEIR found that the loss of disturbed wetlands would result in a significant impact (**Impact BI-14**). Additionally, the 2018 SEIR identified non-native riparian habitat in the northeastern corner of the site as an RPO wetland and the drainage within the habitat was also identified as USACE- and CDFW-jurisdictional as Waters of the U.S. and streambed, respectively (**Impact BI-15**). However, because the non-native riparian habitat would be protected in the Open Space Easement approved and designated as part of the previously approved project, the 2018 SEIR found that impacts to this resource would be less than significant.

The 2018 SEIR found that no federally-protected wetlands would be impacted because on-site vernal pools were not USACE-jurisdictional wetlands at the time of the 2018 SEIR's preparation. Additionally, the 2018 SEIR found that the federally-protected Waters of the U.S. within Johnson Canyon in the northeastern portion of the site would be protected in the Open Space Easement; thus, no Federally-protected wetlands potentially requiring a buffer would be impacted by the project evaluated in the 2018 SEIR. Therefore, the 2018 SEIR concluded that there would be less-than-significant impacts to jurisdictional aquatic resources.

The Biological Resources Technical Memorandum (*Appendix B.1*) prepared for the Project found that the limits of physical disturbance for the Project would be less physically impactful to on-site biological resources than under the previously approved project evaluated in the 2018 SEIR.



Particularly, the proposed grading limits would avoid direct impacts to aquatic resources that include the disturbed wetlands associated with the abandoned agricultural pond and those that occur adjacent to a berm. Further, the Project also contains an Open Space Easement that would protect the federally-protected Waters of the U.S. within Johnson Canyon. Thus, the Project would result in similar or decreased impacts to jurisdictional aquatic resources as compared to the previously approved project and all impacts would be reduced to less than significant with mitigation.

### **Wildlife Corridors**

As found in the 2018 SEIR for the previously approved project, the Project site supports poor habitat for wildlife movement and is bordered by Otay Mesa Road and industrial development to the south and I-215 to the west. The only part of the Project site that is likely to serve as a wildlife corridor is Johnson Canyon along the northeastern edge of the site. As stated in the 2018 SEIR, development would be concentrated in the southern portion of the site and Johnson Canyon would be protected in an Open Space Easement.

Similar to the previously approved project, the Project's proposed development impact footprint is concentrated in the southern portion of the site and an Open Space Easement would be included in the northern portion of the site. Therefore, the Project would have similar less than significant impacts to wildlife corridors as compared to the previously approved project.

### **Consistency with Plans, Policies, and Ordinances**

The 2018 SEIR disclosed that the Project site is located within the Multiple Species Conservation Plan (MSCP) and development activities on the site would be required to comply with MSCP requirements, including Wildlife Agency consultation pertaining to previously approved Minor and Major Amendment areas. In sum, the 2018 SEIR found that the previously approved project would not interfere with the Natural Communities Conservation Planning Process (NCCP). The 2018 SEIR found that all conditions associated with Conditional Concurrence for the Minor Amendment to the MSCP County Subarea Plan would be met by the project evaluated in the 2018 SEIR, and the project would be required to comply with the Conservation Measures included in the USFWS Biological Opinion for the Sunroad Centrum project. Thus, the 2018 SEIR found that the previously approved project would not preclude or prevent the preparation of the subregional NCCP, and impacts would be less than significant. Additionally, the previously approved project was found to not impact any coastal sage scrub and would conform to the goals and requirements of the MSCP, Major and Minor Amendment Areas, and the East Otay Mesa Business Park Specific Plan. The 2018 SEIR found that a portion of the Project site is located within a Biological Resource Core Area (BRCA). The previously approved project design was designed to minimize impacts to the BRCA; thus, impacts related to the BRCA were found by the 2018 SEIR to be less than significant and no mitigation was required.

The 2018 SEIR found that the previously approved project would impact RPO wetlands and sensitive habitat lands. The 2018 SEIR noted that the mima mound depression along Lone Star Road that contained 30 San Diego button-celery individuals in 2004 was considered to be sensitive habitat land. The 2018 SEIR found that the previously approved project's impacts to

sensitive habitat lands and RPO wetlands would be significant (**Impact BI-14**) and mitigation was required.

Similar to the previously approved project, the Project would be required to comply with MSCP requirements and the Project would be required to comply with the Conservation Measures included in the USFWS Biological Opinion for the Sunroad Centrum Project. Furthermore, the Project would continue to be required to mitigate impacts to sensitive habitat lands and RPO wetlands. Therefore, the Project would have similar impacts related to consistency with plans, policies, and ordinances as compared to the previously approved project.

As compared to the previously approved project, the Project would result in fewer or similar impacts to biological resources. The limits of disturbance for the Project would impact less on-site biological resources than under the previously approved project. Specifically, the Project would avoid direct impacts to aquatic resources that include disturbed wetlands. Furthermore, impacts to non-native grassland in the area adjacent to these disturbed wetlands would also be reduced. Off-site impacts associated with the sewer connection west of the Project site were not addressed in previous biological resource studies; however, installation of the off-site sewer connection would impact approximately 0.7-acre of non-native grassland and approximately 0.1-acre of disturbed habitat off-site west of Zinser Road which would be more than compensated for by the Project's reduced on-site impact footprint of an estimated 8.0 acres of non-native grassland as compared to the previously approved project evaluated in the 2018 SEIR. Furthermore, the Project would not adversely affect wildlife corridors, which is the same conclusion found in the 2018 SEIR for the previously approved project. In summary, the Project would result in fewer impacts to biological resources compared to those identified in the 2018 SEIR and no additional mitigation would be required.

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

YES NO

The 2018 SEIR determined that ground-disturbing construction activities in the previously approved project's development impact footprint would result in potentially significant direct impacts to subsurface deposits should cultural resources be encountered during construction (**Impact CR-1**). Mitigation measure **M-CR-1** recommended by the 2018 SEIR would reduce these impacts to less-than-significant levels. Mitigation measure **M-CR-1** can be found in Attachment E to this document.

A Cultural Resources Survey Memo was completed by ASM Affiliates for the Project (*Appendix C*), which summarizes a 2016 cultural resources survey and evaluation by ASM Affiliates and a

2023 survey of the proposed off-site sewer connection. Four cultural resources were identified on the Project site. An additional fifth resource was previously recorded on the Project site, but was confirmed to no longer be present. The search identified three prehistoric cultural resources (SDI-9975, SDI-12337, AND SDI-12730). SDI-12337 consists of seven total sites that were combined into one large site due to their overlapping boundaries and/or close proximity to each other. The fourth resource is a historic segment of P-37-31491, an old alignment of Otay Mesa Road. SDI-9975 is considered to be not significant under CEQA and SDI-12730 is considered to be significant under CEQA; however, all archaeological sites are considered important under County guidelines. Both SDI-9975 and SDI-12730 are located outside of the area of potential effect within the Open Space Easement and would not be affected by the Project.

The 2018 SEIR for the previously approved project and the Cultural Resources Memo for the Project found no evidence of human remains, including those interred outside of formal cemeteries; no evidence was discovered during the records search, literature, review, field survey, or site testing and evaluation.

Within the Project's physical impact footprint, there is a potential for significant impacts to subsurface cultural resource deposits should resources be encountered during ground-disturbing construction activities. Similar to the previously approved project, impacts to subsurface deposits by the Project would be mitigated to less-than-significant levels through the implementation of an archaeological monitoring program.

As with the previously approved project, the Project would avoid impacts to SDI-9975 and SDI 12730 through their location within the Open Space Easement. Impacts to subsurface deposits within the Project footprint area (**Impact CR-1**) should they be encountered during ground-disturbing construction activities were found to be mitigated to less than significant through the implementation of an archaeological monitoring program (**M-CR-1**). Similarly, the mitigation measure will apply to address the Project's potential impacts and impacts would be reduced to less-than-significant levels through grading monitoring by a qualified archaeologist and Native American Monitor and the curation discovered artifacts.

No new mitigation measures beyond those included in the 2018 SEIR for the previously approved project are necessary for the Project. The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified impacts to cultural resources. The Project's physical disturbance impact would be substantially the same as the previous project although reduced by approximately 8.0 acres on-site. There are no changes in circumstances and/or "new information of substantial importance" that would cause one or more effects to cultural resources.

VI. **ENERGY** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to energy including: resulting in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation, and/or conflicts with or obstruct a state or local plan for renewable energy or energy efficiency?

YES NO

Energy use was not specifically analyzed within the 1994 EIR, 2000 SEIR, or 2018 SEIR as a separate issue area under CEQA. At the time, Energy Use was contained within Appendix F of the CEQA Guidelines and since then has been moved to the issue areas within Appendix G of the CEQA Guidelines. However, the issue of energy use in general was discussed within the previous CEQA compliance documents. The 1994 EIR, 2000 SEIR, and 2018 SEIR contained enough information about energy use as part of projected air quality emissions associated with buildout of the EOMBPSP and Project site, respectively, that with the exercise of reasonable diligence, information about potential effects due to energy use was readily available to the public. No mitigation measures related to energy use were required.

Energy demands of the Project site under both construction and operation would be similar to or less what was anticipated for the site by the 1994 EIR and 2000 SEIR.

Development of the Project would fall within the development impact footprint of the previously approved projects, the exceptions being that approximately 8.0 fewer acres would be disturbed on-site and an off-site sewer improvement would occur off-site. The light industrial land use proposed by the Project is the same land use type evaluated in the 1994 EIR, 2000 SEIR and 2003 and 2012 Addenda. Since the EIR was certified in 1994 and SEIR was certified in 2000, federal, State, and local regulations have become more stringent, thereby resulting in increased energy efficiency for construction vehicles and equipment as compared to what was assumed by the previously approved projects. For example, energy consumption of construction equipment is anticipated to be less than assumed in the 1994 EIR and 2000 SEIR due to the implementation of newer and more energy efficient off-road equipment that has been developed since those documents were prepared.

Operationally, the Project would result in approximately the same amount of developable area and approximately the same amount of traffic generation as previously analyzed in the 1994 EIR, 2000 SEIR, and 2003 and 2012 Addenda but would also be subject to updated federal, State, and local regulations that are more protective of the environment when compared to the regulations that existed when the prior analyses were conducted. For example, buildings constructed to the current California Building Standards Code (CALGreen) as implemented by the County of San Diego operate more efficiently than older buildings and modern vehicles also are more energy efficient and transitioning away from fossil fuels and toward electric power.

Therefore, the Project would result in reduced energy consumption for operational activities compared to what was assumed for the previously approved projects. The Project would be required to comply with all current and applicable energy conservation plans and regulations. Impacts relative to energy would be less than significant and no mitigation is required.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant energy impacts. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more energy impacts.

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

YES NO

The 1994 EIR for the previously approved project found that development within the Specific Plan area would result in significant impacts due to the potential for ground acceleration/shaking from regional seismic activity, liquefaction and seismically-induced settlement, flooding of open reservoirs on-site due to seismic events, ground failure, and soil-related hazards such as erosion, expansion, or settlement. The 1994 EIR included mitigation measures relative to Geology and Soils; however, these mitigation measures are superseded by current building codes and recommendations included within the Project’s Updated Geotechnical Investigation required as a County regulatory requirement. Therefore, these mitigation measures are not applicable to the Project.

The 2018 SEIR for the previously approved project found that the Project site contains weak and highly expansive claystones and potentially compressive fill soils, topsoils, and deposits that would require special consideration during grading operations. However, remedial grading recommendations presented in the 2018 SEIR geotechnical investigation were to be followed, and no impacts were anticipated with compliance with grading requirements.

An Updated Geotechnical Investigation was prepared for the Project site (*Appendix D*). Impacts associated with seismic ground ruptures are considered less than significant. The Project site is not located within an established Alquist-Priolo Earthquake Fault Zone. The potential impacts associated with seismic ground shaking has not changed between the previous 1994 EIR or 2018 SEIR; however, the CBC has been updated to require more resilient buildings. The design of structures built as part of the Project would be built in accordance with the California Building Code (CBC) currently adopted by the County.

The Updated Geotechnical Investigation concluded that, due to the proposed Project’s grading plan and fill and the soil makeup of the Project site, potential impacts associated with liquefaction hazard at the Project site is low. The Project site is not located within a Tsunami Hazard Zone, and the risk associated with inundation hazard due to tsunamis is less than significant. Further, since the Project site is not located downstream from any large bodies of water, the risk associated with inundation due to seiches is less than significant. The Project site is not located

within a Special Flood Hazard Area, and the risk associated with inundation due to flooding is less than significant.

No evidence of landslide was observed as part of the Updated Geotechnical Investigation. The risk associated with ground movement hazard due to landslide is thus less than significant. Additionally, based on the subsurface conditions of the Project site, the risk associated with ground subsidence or seismic settlement hazard is low.

The Project does not propose any changes that would cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects to geologic resources. There are no changes in circumstances under which the Project is being undertaken and/or “new information of substantial importance” that would cause one or more effects to geologic resources.

VIII. **GREENHOUSE GAS EMISSIONS** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that result in one or more new significant effects or a substantial increase in the severity of previously identified significant effects associated with greenhouse gas emissions or compliance with applicable plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES NO

The 1994 EIR and 2000 SEIR did not include an analysis of greenhouse gas emissions as it was not required by CEQA at the time; however, the Air Quality sections included an analysis of short-term construction impacts and operational impacts to air quality. The 1994 EIR and 2000 SEIR contained enough information about projected air quality emissions associated with buildout of the East Otay Mesa Business Park Specific Plan and light industrial uses on the Project site, respectively, that with the exercise of reasonable diligence, information about potential effects due to greenhouse gas (GHG) emissions was readily available to the public. See *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515 where the court found the potential impact of GHGs on climate change alone did not require preparation of a supplemental EIR since such information has been available since before the original EIR had been certified. The 2012 Addendum, however, did rely on a technical global climate change evaluation that disclosed the previously approved project’s GHG generation as 33,061 CO<sub>2</sub> equivalent emissions per year, reduced to 32,956 metric tons of CO<sub>2</sub> equivalent emissions per year with mitigation consisting of Statewide standards and project design features. While the 2012 Addendum estimated GHG emissions at 33,061 MT CO<sub>2</sub>e, the 2018 SEIR reevaluated the estimated emissions from the 2012 Addendum, providing a revised estimate of 28,411 MT CO<sub>2</sub>e for the project’s emissions evaluated in the 2012 Addendum.

The 2018 SEIR also included an evaluation of GHG emissions, concluding that the previously approved project would emit 37,554 metric tons of CO<sub>2</sub> equivalent emissions per year, reduced to 32,786 metric tons of CO<sub>2</sub> equivalent emissions per year with mitigation consisting of project design features, which is approximately the same annual quantity of GHG emissions calculated

for the previously approved project in the 2012 Addendum. The GHG emissions reported in the 2018 SEIR was 28,411 MT CO<sub>2</sub>e.

The 2018 SEIR evaluated impacts to GHG emissions based on if the project would increase GHG emissions compared to the existing environmental setting. The threshold of significance for GHG emissions was net zero, utilizing carbon offsets as one mitigation measure to achieve net zero. The 2018 SEIR concluded impacts would be less than significant with implementation of mitigation.

The analysis of the Project is based on a comparison of emissions from the Project to previously-approved entitlements for industrial uses on the Project site. Therefore, the Project's analysis compares the revised estimate of 28,411 MT CO<sub>2</sub>e for the project's emissions inclusive of emission reductions achieved from project design features evaluated in the 2012 Addendum that studied industrial uses to the emissions anticipated by the Project.

The Project includes several Project Design Features (PDFs) that would result in the reduction of GHG emissions. The PDFs are summarized below. The PDFs are incorporated into the Project design and would be implemented with approval of the Project.

- No chilled, cold, or freezer warehouse space inside the facilities that would attract tractor trailers with transport refrigeration units
- Installation of electric vehicle charging infrastructure for passenger vehicles
- Installation of sidewalk and bikeway improvements from the County's Active Transportation Plan
- No natural gas to serve the buildings
- Utilization of renewable energy and installation of energy-efficient features in compliance with CALGreen Title 24 requirements
- Utilization of water efficiency and conservation requirements and installation of water-efficient features in compliance with CALGreen Title 24 requirements
- Planting of 3,316 trees on-site
- Cargo handling equipment would be electric
- All vehicle operators are required to comply with CARB Rule 2485 and CARB Rule 2449, which limits nonessential idling of diesel-fueled commercial vehicle engines and diesel-powered off-road equipment to five minutes or less. Prior to issuance of occupancy permits for buildings with loading dock areas, the County shall verify that signs are posted in these areas that inform vehicle and equipment operators about the requirements of these Rules except that such signs shall post a 3-minute idling restriction (instead of the 5-minutes required by CARB).

The Project would reduce the amount of traffic generated by development of the site as compared to what was evaluated for the Project site in the 2000 SEIR, 2003 and 2012 Addenda, and 2018 SEIR. Specifically, and as documented in the Project's Traffic Analysis (*Appendix H*), the Project would generate approximately 20,211 fewer average daily vehicular trips as compared to the previously approved project evaluated by the 2000 SEIR and 2003 and 2012 Addenda and 27,555 fewer average daily trips as compared to the previously approved project evaluated by the 2018 SEIR. Because the majority of GHG emissions associated with light industrial developments is

the result of vehicular traffic, the Project’s level of GHG emissions would be reduced in comparison to the previously approved projects evaluated by the 2000 SEIR, 2003 and 2012 EIR Addenda, and the 2018 SEIR. Additionally, there have been numerous regulations adopted since the 1994 EIR, 2000 SEIR, 2003 and 2012 Addenda, and 2018 SEIR were certified that would result in reduced Project-related GHG emissions compared to the previously approved projects, including AB 1493, which specifies fuel efficiency standards, and the California Building Standards Code Title 24 energy efficiency requirements (CALGreen), which impose more stringent energy efficiency requirements as compared to what was in effect when the previously approved projects were approved.

The Project’s GHG emissions were compared to the existing approved entitlements evaluated in the 2000 SEIR, 2003 and 2012 Addenda, and 2018 SEIR and included evaluation of traffic using both the ITE and SANDAG methodologies. As further discussed under Section XVII, *Transportation*, the Project’s trip generation is based on ITE rates; however, a comparison to SANDAG trip rate scenarios is also provided for informational purposes. Table 3, *GHG Emissions Summary*, summarizes the anticipated GHG pollutant emissions for the Project, which falls below the total amount of GHG emissions that were disclosed in the 2012 Addendum and the 2018 SEIR.

**Table 4 GHG Emissions Summary**

Scenario	Total CO2E (MT/yr)
2012 EIR Addendum Emissions <sup>1,2</sup>	28,411
2018 SEIR Emissions <sup>1</sup>	32,786
Proposed Project with ITE Trip Generation Rates	17,067
Proposed Project with SANDAG Trip Generation Rates	24,888

1. Source: Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment SCH No. 2016031028 Final Supplemental EIR (March 2018), Table 2.4-9.

2. While the 2012 Addendum estimated GHG emissions at 33,061 MT CO<sub>2</sub>e, the 2018 SEIR reevaluated the estimated emissions from the 2012 Addendum, providing a revised estimate of 28,411 MT CO<sub>2</sub>e. (Urban Crossroads, 2023a)

As shown above in Table 4, both the ITE and SANDAG trip rate scenarios would result in lower GHG emissions than under the existing approved entitlement. Accordingly, the Project would not generate GHG emissions that may have a significant impact on the environment and would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to GHG emissions. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to GHG emissions.

IX. **HAZARDS AND HAZARDOUS MATERIALS** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more



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

YES NO

The 1994 EIR contained an analysis of health and safety impacts related to buildout of the Otay Mesa Business Park Specific Plan area. The 1994 EIR found that development could result in potential impacts relative to exposure of people living or working within the Specific Plan area to hazardous substances due to potential use of hazardous materials and potential exposure of people to hazardous substances due to the transport of hazardous materials. The 1994 EIR found that no hazardous materials or petroleum products were located on-site, and no evidence was found of a release of hazardous materials in the Otay Mesa Business Park Specific Plan area.

The 2018 SEIR found that the previously approved project's commercial and light industrial land uses would increase the number of facilities that transport, use, store, and dispose of hazardous materials; however, the previously approved project would be subject to applicable rules, policies, and regulations and would not result in direct impacts related to the routine transport, use, storage, or disposal of hazardous materials. Additionally, the 2018 SEIR found that because there were no existing or planned schools located within one-quarter mile of the Project site, the previously approved project would result in less-than-significant impacts regarding potential hazardous emissions or materials within one-quarter mile of an existing or proposed school. Further, the Project site was determined to not be listed as a Cortese Site.

The 2018 SEIR disclosed that the Project site is located approximately one mile east of Brown Field Municipal Airport. The Project site is located within Review Area 1 of Brown Field Municipal Airport, and the western portion of the Project site is located within three safety zones for Brown Field. The Brown Field ALUCP provides restrictions regarding residential development within the safety zones. The 2018 SEIR found that, with adherence to the regulations of the Brown Field ALUCP and 2011 General Plan goals/policies related to airport hazards, impacts would be less than significant, and no mitigation would be required. There were no private airstrips located in the Project site's vicinity. The 2018 SEIR also found that the previously approved project would

not result in significant impacts associated with wildland fires and emergency response, and mitigation would not be required.

The 2018 SEIR found that the San Diego County Fire District was in the process of implementing full-time fire and emergency services in the East Otay Mesa Business Park Specific Plan at the time the 2018 SEIR was certified. The previously approved project was conditioned to fund the additional increment related to residential uses for the construction, equipment, and ongoing operations and maintenance of the new fire station. The Fire Protection Plan (FPP) prepared for the previously approved project determined that project would potentially increase the number of people exposed to wildfire risks, but the previously approved project was found to be designed to minimize wildfire exposure risks. The previously approved project was conditioned to implement design considerations and maintain the property in accordance with San Diego County Building and Fire Codes. Impacts were determined to be less than significant.

The Project site is vacant land and does not contain on-site hazardous waste contamination. The Project does not propose land uses that would use hazardous substances in excess quantities. Similar to the previously approved project evaluated in the 1994 EIR and 2000 SEIR, the Project's commercial and industrial land uses would increase the number of facilities that transport, use, and dispose of hazardous materials in the Project area. However, the Project would be subject to applicable rules, regulations, and policies that would not result in direct impacts related to the routine transport, use, storage, or disposal of hazardous materials, and impacts would be less than significant.

As with the previously approved project, the Project site is located within Review Area 1 of Brown Field Municipal Airport. However, since the Project does not propose residential uses, potential impacts relative to airport hazards would be less compared to those of the previously approved project evaluated in the 2018 SEIR. There are no private airstrips within the Project vicinity. Additionally, the Project would be subject to the Brown Field ALUCP and General Plan goals/policies relative to airport hazards, and impacts would be less than significant.

A Fire Protection Plan (FPP) prepared for the Project (*Appendix J*) indicated that the closest fire station to the Project site is San Diego Fire/Rescue Department Station #43, located at 1590 La Media Road, approximately 2.1 miles from the southwestern portion of the Project site. The response time from this fire station is compliant with the 5-minute response time goal included in the San Diego County General Plan, as shown in Table 5.

As shown in Table 6, using San Diego County Fire agencies calculated 155 annual calls per 1,000 population, the Project's estimated 2,333 on-site employees associated with the Project would generate up to 361 calls per year. Most of these calls are expected to be medical-related. Therefore, the Project is not expected to cause a decline in emergency response times by adding an average of one call per day, and impacts would be less than significant.

**Table 5 Closest Responding Fire Station Summary**

Station No.	Location	Equipment	Staffing	Maximum Travel Distance <sup>1,2</sup>	Travel Time <sup>2</sup>
City of San Diego Station #43	Otay Station 1590 La Media Road	<ul style="list-style-type: none"> <li>▪ Type 1 Engine</li> <li>▪ Truck</li> <li>▪ Brush Unit</li> <li>▪ Crash Unit</li> <li>▪ Ladder Truck</li> <li>▪ Brush Engine</li> </ul>	1 SDFD Engine Company (3 full time firefighters)  1 CAL FIRE/ San Diego County Fire Authority Engine Company (3 full time firefighters)	2.10 mi.	4 minutes, 13 seconds

1 Distance measured to farthest portion of Project site

2 Assumes travel at 35 mph travel speed and does not include donning turnout gear and fire dispatch time. Actual travel speeds are likely to be closer to 45 mph speed limits.

Source: (Dudek, 2023)

**Table 6 Calculated Call Volume Associated with the Project**

Emergency Calls per 1,000 (County Data)	Number of Staff	Avg. No. Calls per Year (2,333\1,000 x 155)	Avg. No. Calls Per Day (361\365)
155	2,333	361	1

Source: (Dudek, 2023)

The Project would be required as a required design feature to implement the proposed Fuel Management Zones (FMZs) as included in the Project-specific FPP, as well as fully comply with the San Diego County Fire Code requirements. Like the previously proposed projects, the Project would not interfere with an adopted emergency response plan or emergency evacuation plan. Further, while the project evaluated in the 2018 SEIR planned to add residents to the Project site, the Project includes industrial development which would result in fewer people being on the Project site and thus a reduced risk of exposing people to a significant risk of wildland fires. The Project would not result in the exposure of people or structures to a significant risk involving wildland fires. Impacts would be less than significant.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects associated with hazards and hazardous materials. There are no changes in circumstances under which the Project is being undertaken and/or “new information of substantial importance” that would cause one or more effects to hazards and hazardous materials.

X. **HYDROLOGY AND WATER QUALITY** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level;

substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES NO

The 1994 EIR found that implementation of the East Otay Mesa Business Park Specific Plan would result in significant sedimentation and increased runoff. With the implementation of mitigation measures, impacts were reduced to less-than-significant levels. The 2018 SEIR for the previously approved project found that no impacts to water quality, groundwater resources, or drainage would occur. The 2018 SEIR also noted that no impacts relative to inundation or seiche would occur, and risks associated with flooding would be less than significant.

A Preliminary Drainage Study (*Appendix F1*) and a Stormwater Quality Management Plan (SWQMP) (*Appendix F2*) were prepared for the Project. With implementation of site design and low-impact design features, Best Management Practices (BMPs), and compliance with applicable standards and guidelines, construction of the Project would result in less-than-significant impacts associated with drainage pattern or hydrology alterations. The Project would not result in peak-flow increases that would exceed the capacity of stormwater drainage systems or result in substantial erosion or siltation. All stormwater runoff would be conveyed to biofiltration detention basins on-site that are designed to attenuate the 100 year peak flows; thus, operational impacts would be less than significant.

The Project does not propose the use of groundwater for any purpose and would not affect off-site groundwater usage. As stated in the Project-specific Preliminary Drainage Study (*Appendix F1*), groundwater was not encountered within 18 feet below the lowest proposed surface and is not expected to be a constraint to the Project's development. Therefore, impacts to groundwater would be less than significant. The Project site is located outside of any FEMA floodplain boundaries. Therefore, impacts to hydrology and water quality would be less than significant and no mitigation would be required.

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

YES NO

The 1994 EIR found that implementation of the East Otay Mesa Business Park Specific Plan would replace presently undeveloped areas with a mix of industrial, residential, and supporting commercial uses, with the dominant uses being industrial. The 1994 EIR determined that implementation of the Specific Plan (including the project) would result in land use compatibility impacts between residential, commercial, and industrial uses. Additionally, the 1994 EIR noted that the previously approved project would result in impacts to existing residential uses due to lighting and noise impacts from commercial and industrial land uses within the Specific Plan area. With the implementation of mitigation measures, the 1994 EIR concluded that the previously approved project would result in less than significant impacts relative to land use.

The 2000 SEIR that evaluated light industrial development within the Project site and found that, since the County designated the previously approved project area as a Minor Amendment Area of the Multiple Species Conservation Program (MSCP) Subarea Plan, land uses were to be reevaluated for consistency with the MSCP Subarea Plan. The 2000 SEIR identified significant impacts associated with incompatible land uses between designated residential units off-site and the proposed industrial and commercial uses, as well as the proposed uses near Johnson Canyon within the Specific Plan area. With the implementation of mitigation measures, impacts were found to be less than significant. Additionally, the 2000 SEIR determined that the previously approved project would have a significant impact on the goals and policies of the MSCP Subarea Plan; however, with agency-approval of the Minor Amendment and Resource Conservation Plan, the 2000 SEIR determined that impacts would be reduced to less-than-significant levels.

The Project site is currently undeveloped, and no existing established community surrounding the Project site would be physically divided by construction or operation of the Project. The 1994 EIR and 2000 SEIR evaluated buildout with industrial and commercial uses, and the Project's industrial land uses would be consistent with the land uses evaluated for the Project site as part of prior EIRs. Additionally, as part of the review of the Project, the County of San Diego evaluated the Project for consistency with applicable General Plan and East Otay Mesa Business Park Specific Plan policies and concluded that the Project would not conflict with existing land use plans, policies, and regulations. The Project also does not conflict with the previously approved Minor Amendment and MSCP Subarea Plan as discussed in Section IV, Biological Resources.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to land use and planning. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that cause would one or more effects to land use and planning.

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

YES NO

The issue of mineral resources was not included for analysis within the 1994 EIR, 2000 SEIR, or 2003 or 2012 Addenda. The 2018 SEIR for the previously approved project determined that the Project site had been classified as an area of "Potential Mineral Resource Significance" (MRZ-2). The 2018 SEIR noted, however, that the Project site was approved by the East Otay Mesa Business Park Specific Plan for industrial development that precluded mining, was surrounded by undeveloped lands, industrial/business park uses, and single-family homes, and was not identified for future extraction of mineral resources at the time of the 2018 SEIR's certification. Additionally, no active or abandoned mines or quarries were located in the Project site's vicinity. Therefore, the Project site was determined to not be suitable for mining and the previously approved project would not result in the significant loss of availability of a known mineral resource, and no mitigation was required.

Geologic conditions across the Project area are essentially the same as described in the 2018 SEIR and the Project site is precluded from mining by the East Otay Mesa Business Park Specific Plan. The Project's proposed development areas fall within the physical impact footprint of the previously approved project, the exception of a proposed off-site sewer improvement. Although the off-site sewer improvement for the Project was not studied in the 2018 SEIR, the improvement is located within a planned roadway right-of-way that would preclude the extraction of mineral resources. Impacts relative to mineral resources would be less than significant, and no mitigation is required.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to mineral resources. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to mineral resources.

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

or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES NO

The 2000 SEIR for the previously approved project determined that planned noise sensitive uses within 1,260 feet north of the centerline of Lone Star Road that would exceed the County's noise standard of 60 dBA Leq for residential uses; however, no homes existed in the area at the time. The 2000 SEIR found that because the previously approved project entailed commercial and industrial land uses, it did not propose any noise sensitive uses. Further, the 2000 SEIR found that wildlife species expected to occur within areas that are subjected to traffic-related noise were not considered to be noise sensitive. Therefore, the 2000 SEIR found that no significant noise related impacts were expected to occur.

A Noise Memorandum (*Appendix G*) was prepared for the Project. The primary noise source under the Project would be vehicle traffic along Otay Mesa Road. The Project would be subject to the County Noise Element, but the proposed light industrial uses are not considered to be noise sensitive. The Noise Memorandum determined that the allowable noise levels would not be exceeded at any location and impacts would be less than significant with no mitigation required.

The Noise Memorandum (*Appendix G*) determined that general construction activities would not cause any significant noise impacts to surrounding sensitive receptors and impacts would be less than significant and with no mitigation required.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant noise impacts. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more noise impacts.

**XIV. PALEONTOLOGICAL RESOURCES** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with activities that could directly or indirectly damage a unique paleontological resource or site?

YES NO

The 1994 EIR, the 2000 SEIR, and 2003 and 2012 Addenda did not address the topic of paleontological resources, but the topic was analyzed in the 2018 SEIR for the previously approved project. The 2018 SEIR disclosed that The Project site is located within a "High" paleontological sensitive area of the county. The previously approved Project's grading plan was expected to reach the subsurface Otay Formation, with the potential to yield fossils. Because the previously approved project's earthwork would exceed the County's threshold of 2,500 c.y. in areas of high or moderate paleontological sensitivity, impacts were determined to be potentially

significant (**Impact PR-1**) and mitigation measure **M-PR-1** was included to require monitoring of excavation activities during grading and salvage, identification, and curation of fossil remains if found. Mitigation measure **M-PR-1** can be found in Attachment E to this document.

The Project would likewise have the potential to encounter the subsurface Otay Formation during its grading operation and **M-PR-1** would apply to mitigate impacts to less than significant. The Project's on-site grading footprint is 8.0 acres less than the previously approved project but includes trenching for an off-site sewer line that was not discussed in the 2018 SEIR. Off-site impacts associated with the sewer connection west of the Project site were not addressed in previous studies; however, installation of the off-site sewer connection would impact approximately 0.8-acre of area within the planned right-of-way for Zinser Road. Therefore, the Project's potential to encounter fossil remains is substantially the same as was found in the 2018 SEIR.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to paleontological resources. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more significant effects to paleontological resources.

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

YES NO

The 1994 EIR that evaluated the East Otay Mesa Business Park Specific Plan determined that impacts related to population, housing, and employment would be less than significant. The 2018 SEIR that introduced planned mixed use development with a residential emphasis to the site found that although the potential population and housing effects could occur from the introduction of up to 3,158 residential units from stimulated off-site growth, that planned employment use growth was already anticipated in the General Plans and Community Plan for the surrounding areas of the City of Chula Vista and the Otay Mesa Community Plan Area in the City of San Diego. Therefore, the 2018 SEIR concluded that the previously approved project would result in less-than-significant impacts in regard to stimulated growth. The 2018 SEIR also found that the Project site did not contain existing housing, and therefore the previously approved project would not result in the displacement of housing units.

The Project does not include any residential development. Thus, the Project would result in less population growth as compared to the previously approved project evaluated in the 2018 SEIR. While the Project would increase employment opportunities in the area, it is expected that jobs would be filled by residents in the surrounding area. Similar to the previously approved projects, the Project would not displace any existing housing or substantial numbers of people because



the Project site is currently vacant. Therefore, the Project would result in less than or similar less-than-significant impacts as compared to the previously approved project.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to population and housing. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more significant effects to population and housing.

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

YES NO

The 1994 EIR for the East Otay Mesa Business Park Specific Plan concluded that implementation of the Specific Plan would not result in significant impacts in regard to fire protection and emergency services, police protection, parks and recreation, water service, and gas and electricity services. In regard to schools, the 1994 EIR found that although Specific Plan buildout would have an impact on schools, payment of required schools facilities fee would mitigate impacts to less-than-significant levels.

The 2018 SEIR for the previously approved project noted that the previously approved project would be conditioned to provide funding for the construction, equipping, and ongoing operations and maintenance of a new fire station and thus would result in less-than-significant impacts relative to fire protection and emergency services. The 2018 SEIR found that the previously approved project would result in the need for additional law enforcement personnel. With the payment of fair share contribution of the cost to develop the future Sheriff's station and incorporation of crime prevention through environmental design (CPTED) principles, the previously approved project was found to result in less-than-significant impacts relative to police protection.

The 2018 SEIR noted that the previously approved project would be served by Sweetwater Union High School District and San Ysidro Elementary School District. The previously approved project was conditioned to pay school fees prior to the issuance of building permits and, with the payment of school facilities fees, impacts relative to schools would be less than significant. The 2018 SEIR concluded that the previously approved project provided public services that would be adequate to meet the needs of its residents, and no significant impacts would result.

Similar to the 2018 SEIR, the Project Applicant would continue to be conditioned to contribute fair-share funding for fire and sheriff services. Furthermore, although the Project includes industrial uses and would not require school facilities, the Project would nonetheless be required to pay school impact fees. Therefore, the Project would result in less than or similar less-than-significant impacts as compared to the previously approved project.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to public services. Further, because residential uses are not proposed there would be a reduced impact on schools compared to the previously approved project. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to public services.

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

YES NO

The 1994 EIR concluded that no significant impacts to parks, trails, or library facilities would occur as a result of the East Otay Mesa Business Park Specific Plan, and no mitigation was necessary. The 2018 SEIR for the previously approved project found that the previously approved project would not require the construction of new park area, since the previously approved project contained planned parks and a trail segment to serve the residential uses. Thus, the 2018 SEIR concluded that no significant impacts to recreation would result, and no mitigation was required.

In contrast to the previously approved project, the Project does not contain residential uses. As such, the Project would not result in a direct demand for resident-generated recreational resources and would not directly require the construction or expansion of recreational facilities on-site. The Project does not propose land uses that would cause the deterioration of recreational facilities and would not require the expansion or construction of recreational facilities. Thus, the Project would result in lesser impacts in comparison to the previously approved project.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to recreation. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to recreation.

**XVIII. TRANSPORTATION** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an

increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES NO

### Analysis Methodology

Senate Bill 743 (SB 743) was passed in 2013, which required that by July 1, 2020, a project's transportation impacts be evaluated based on a Vehicle Miles Traveled (VMT) measure, instead of evaluating impacts based on Level of Service (LOS) criteria. The Natural Resources Agency finalized updates to the CEQA Guidelines in January 2019 that were approved by the Office of Administrative Law and are currently in effect. CEQA Guidelines § 15064.3(b) now includes specific considerations for evaluating a project's transportation impacts using a VMT measure, instead of evaluating impacts based on LOS criteria, as required by SB 743. However, the appropriate methodology for analyzing the Project evaluated herein remains LOS, for the following reasons.

LOS was used as the basis for determining the significance of traffic impacts as standard practice in CEQA documents for decades, including at the time the East Otay Mesa Business Park Specific Plan EIR was certified in 1994 and its 2000 EIR and 2018 SEIR were prepared and certified. Although as of July 1, 2020, LOS can no longer be the basis for determining an environmental effect under CEQA, CEQA Guidelines § 15064.3(c) is clear that "[t]he provisions of [§ 15064.3] shall apply prospectively as described in [CEQA Guidelines] section 15007." CEQA Guidelines § 15007(c) specifically states: "[i]f a document meets the content requirements in effect when the document is sent out for public review, the document shall not need to be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved." As noted above, the Guidelines changes with respect to VMT took effect on July 1, 2020, while the East Otay Mesa Business Park Specific Plan EIR was certified in 1994 and its two Supplemental EIRs and various Addenda were approved through 2018. As such, and in accordance with CEQA Guidelines §§ 15064.3(c) and 15007(c), revisions to the previously certified EIR are not required under CEQA in order to conform to the new requirements established by CEQA Guidelines § 15064.3. See *A Local & Regional Monitor v. City of Los Angeles* (1993) 12 Cal.App.4th 1773, 1801. Furthermore, potential effects associated with VMT were known or should have been known at the time the EIR and its Supplemental EIRs were prepared and certified, and the adoption of the requirement to analyze VMT does not constitute significant new information requiring preparation of a subsequent or supplemental EIR. See *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1320. Because the CEQA compliance document for the Project is an EIR Addendum, LOS remains the appropriate analysis metric.

The SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region was published in April 2002 and provides a limited amount of information regarding industrial and warehouse uses. In fact, SANDAG's publication does not specify a percentage of trucks or trip length associated with the overall trip rate identified. The latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) was released in September 2021 and includes more current and detailed survey data associated with industrial and warehouse land use types. The ITE Trip Generation Manual includes additional information associated with truck trips from industrial and warehouse land uses, including percentage of trucks, types of trucks, and different trip lengths based on land use type.

The County of San Diego Transportation Study Guidelines, published in September 2022 (page 11), acknowledge the use of ITE's Trip Generation Manual as a valid source for the evaluation of traffic. As such, it is most appropriate for the Project to be analyzed using the latest published information from ITE for purposes of trip estimating. For the reasons stated above, for purposes of analysis and evaluation of impacts as compared to the original 1994 EIR and 2000 SEIR, the ITE rates are utilized.

### **Analysis**

The 1994 EIR included an analysis of transportation regulations pertinent at the time of the EIR's certification, as well as existing conditions and impacts related to the East Otay Mesa Business Park Specific Plan project. The 1994 EIR identified interjurisdictional inconsistencies in future roadway designations as an impact. Mitigation for transportation impacts was general and required interjurisdictional coordination for future roadway designations. Due to the general nature of these mitigation measures and the fact that all applicable interjurisdictional roadways have since been constructed, the mitigation measures included in the 1994 EIR are not applicable to the Project.

The 2000 SEIR also addressed transportation/traffic and contained new mitigation for new impacts (due to the extension of Otay Mesa Road to SR-905), in addition to carrying over previous mitigation that remained applicable to the previously approved project for the site. That mitigation no longer applies based on the results of the Project's Traffic Analysis (*Appendix H*). The 2000 SEIR mitigation measures are located on pages 2-62 through 2-66 of the 2000 SEIR.

A Traffic Analysis (*Appendix H*) was prepared for the Project to determine whether the Project would have new or substantially more severe transportation impacts as compared to the previously approved projects. Table 7, *Project Average Daily Trips*, indicates the Project would generate 6,569 average daily trips (ADT). In comparison, the previously approved project analyzed in the 2000 SEIR for light industrial and commercial uses would generate 26,780 ADT; thus, the Project would reduce trips by 20,211 ADT. Similarly, the previously approved project analyzed in the 2018 SEIR for mixed uses would generate 34,124 ADT; thus, the Project would reduce trips by 27,555 ADT.

**Table 7 Project Average Daily Trips**

Land Use	Size (X)	PCE Factor <sup>b</sup>	Daily Trip Ends (ADTs)		AM Peak Hour					PM Peak Hour				
					Formula	In:Out Split <sup>a</sup>	Volume			Formula	In:Out Split	Volume		
			In	Out			Total	In	Out			Total		
			Formula	Volume										
<b>Warehousing<sup>c</sup></b>														
Passenger Vehicles	1,553.25 KSF	1.0	1.58(X)+38.29	2,492	0.12(X)+23.62	77:23	162	48	210	0.12(X)+26.48	28:72	60	153	213
Heavy Trucks (w/ PCE) <sup>e</sup>		2.0	0.54(X)+7.47	1,692	0.02(X)	52:48	32	30	62	0.03(X)	52:48	48	45	93
<b>High-Cube Transload and Short-Term Storage Warehouse<sup>d</sup></b>														
Passenger Vehicles	1,296.75 KSF	1.0	1.4(X)	1,815	0.08(X)	77:23	80	24	104	0.1(X)	28:72	36	94	130
Heavy Trucks (w/ PCE) <sup>e</sup>		2.0	0.22(X)	570	0.02(X)	49:51	25	27	52	0.01(X)	47:53	12	14	26
<b>Total Trips</b>				<b>6,569</b>			<b>299</b>	<b>129</b>	<b>428</b>			<b>156</b>	<b>306</b>	<b>462</b>

**Footnotes:**

- a. Rates are based on Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11<sup>th</sup> edition.
- b. PCE = Passenger Car Equivalent
- c. Land Use 150 – Warehousing (ITE)
- d. Land Use 154 – High-Cube Transload and Short-Term Storage Warehouse (ITE)
- e. Heavy Vehicle Rate

(LLG, 2024)

The Project would generate substantially less traffic volume as compared to the previously approved projects. Additionally, the Traffic Analysis (*Appendix H*) determined that the Project is not calculated to result in any significant LOS-related impacts to any study area intersection and no mitigation measures are required. Thus, impacts would be less than significant.

The Project would consist of a number of roadways within the Project site to facilitate internal circulation. All on-site roadways would either be designed and constructed per County of San Diego Public Road Standards or have been subject to a design review and approval by the County of San Diego Public Works Division. In addition, all classified Mobility Element roadways within the Project site would be constructed to conform to the roadway classifications outlined in the EOMBSP Circulation Element. Because the Project's roadways are either consistent with County of San Diego Public Road Standards or have been reviewed and approved by the County Public Works Division, the Project would not result in a substantial increase in hazards due to a roadway design feature. Additionally, because of this compliance with standards and regulations, the Project would not result in inadequate emergency access. Impacts would be less than significant.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to transportation. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to transportation.

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

YES NO

The 2018 SEIR for the previously approved project addressed resources important to Native American Tribes under the subject area of Cultural Resources. Native American consultation or communication did not reveal any culturally or spiritually significant sites known to be located on the Project site. No Traditional Cultural properties that served religious or community practices were found on the site, and no Tribal Cultural Resources were identified or reported from the Native American contacts. Thus, the 2018 SEIR found that impacts to tribal cultural resources were less than significant.

Based on the analysis of the currently proposed Project's Cultural Resources Survey Memo (*Appendix C*), it was determined that known tribal cultural resources are not present within the Project site. However, as concluded in the Cultural Resources section, the potential exists to discover such resources during ground-disturbing construction activities on the Project site, in the same manner as encompassed for archaeological resources. As such, with the implementation of the Project, there would be no greater potential for impacts to significant tribal cultural resources than disclosed in the Cultural Resources section of the 2018 SEIR. Impacts would be potentially significant (**Impact CR-1**) and mitigation measure **M-CR-1** recommended by the 2018 SEIR would reduce these potential impacts to less-than-significant levels.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to tribal cultural resources. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to tribal cultural resources.

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

YES NO

The 1994 EIR prepared for the East Otay Mesa Business Park Specific Plan found that the Specific Plan would result in significant impacts relative to solid waste, since a landfill for solid waste disposal may not be available after the Otay Landfill was closed; however, impacts were found to be mitigated to less-than-significant levels with a goodwill serve letter from the County Public Works, Solid Waste Division. Additionally, the 1994 EIR concluded that the Specific Plan only established wastewater disposal for the first 400 net acres of industrial or commercial development, and development beyond this amount could result in potentially significant impacts on wastewater service. Thus, the 1994 EIR concluded that mitigation required that no development be allowed until all necessary infrastructure and treatment plants were constructed and operable.

Based on the findings from the Otay Water District's 2015 Urban Water Management Plan (UWMP) and the Water Authority's 2010 UWMP, the 2018 SEIR for the previously approved project concluded that the previously approved project evaluated in the 2018 SEIR would not result in unanticipated demands and no significant impacts relative to water services would occur. The 2018 SEIR found that the previously approved project was consistent with the wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB) and would not require construction of new or expanded water or wastewater treatment facilities. Thus, the previously approved project was found to not result in significant impacts relative to wastewater. The 2018 SEIR noted that the previously approved project required relocation of gas lines. However, all utility relocated would occur within the previously approved project development area, and no impacts relative to gas and electricity beyond those assumed as part of construction would occur. The 2018 SEIR also found that there was sufficient existing solid waste capacity to accommodate the previously approved project's solid waste disposal needs, and impacts associated with solid waste were found to be less than significant.

The Project would not create any greater demand on utilities and service systems compared to what was analyzed for the previously approved project in the 2018 SEIR. Otay Water District released its 2020 Urban Water Management Plan in June 2021, which shows adequate supplies

based on planned land uses and that considered the previously approved project. Furthermore, the light industrial land uses proposed by the Project would demand much less water and generate much less wastewater requiring treatment than the technology center, commercial, and residential land uses previously approved. As discussed under the topic of Energy, the Project also would be more energy efficient and consume less energy than the previously approved projects. Similarly, the Project would not generate any greater amount of solid waste requiring landfill disposal than assumed for the previously approved projects. Service availability letters for the Project are contained in *Appendix I*.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to utilities and service systems. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more utilities or service systems effects.

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

Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

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

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

YES NO

As described in this Checklist, there are no changes in the Project, changes in circumstances under which the Project is undertaken and/or "new information of substantial importance" that result in any of the mandatory findings of significance.

The Project's Biological Technical Memorandum (see Appendix B.1) included cumulative impact analyses for biological resources. Off-site impacts associated with the sewer connection west of the Project site were not addressed in previous biological resource studies; however, installation of the off-site sewer connection would impact approximately 0.7-acre of non-native grassland and approximately 0.1-acre of disturbed habitat off-site west of Zinser Road. This technical memorandum determined that the Project, including off-site sewer connection, would reduce the



overall acreage of impacts to biological resources by approximately 8.0 acres on site compared to the previously approved project.

The Project would result in potentially significant impacts to biological resources, including direct and indirect impacts to sensitive vegetation communities, and special status plant and wildlife species; however, impacts would be mitigated to less than significant and the Project's contribution is less than cumulatively considerable. Refer to Section IV, Biological Resources of this checklist for mitigation measures.

The Project's contribution to cumulative impacts have been analyzed and disclosed throughout this EIR Addendum and in Appendices A through J. The Project includes the same development impact footprint as the previously approved project other than the on-site reduction of 8.0 acres of impact and the addition of an off-site sewer connection located within an existing planned right-of-way; therefore, cumulative impacts related to physical impact area (i.e., biological resources, cultural resources, geology and soils, and tribal cultural resources) would not increase impacts as compared to the previously approved project. Furthermore, the Project would generate less traffic and result in a concomitant reduction in air quality, GHG, and noise impacts compared to the previous projects; therefore, the cumulative impacts of the Project would also be reduced. Thus, the Project would not cause new or significantly greater contributions to cumulative impacts previously analyzed and disclosed in the 1994 EIR, 2000 SEIR, 2003 and 2012 Addenda, and 2018 SEIR prepared for previously approved projects on the Project site.

The Project would not have environmental effects that will cause substantial adverse effects on human beings. Refer to Section III, Air Quality (Sensitive Receptors), Section VII, Geology and Soils (rupture or faults), Section IX, Hazards and Hazardous Materials (wildfire hazard and emergency evacuations), and Section XV Public Services (fire protection and law enforcement services).

## **7. Attachments**

- A. Regional Location Map
- B. Project Specific Plan Amendment
- C. Project Vesting Tentative Map
- D. Project Site Plan
- E. Summary of Mitigation Measures

## **8. Appendices**

- A1. Air Quality and Greenhouse Gas Technical Memorandum
- A2. Health Risk Assessment
- B1. Biological Resources Technical Memorandum
- B2. Species Assessment Memorandum
- C. Cultural Resources Technical Memorandum
- D. Geotechnical Technical Memorandum
- E. Phase I Environmental Site Assessment
- F1. Drainage Study

- F2. Stormwater Quality Management Plan
- G. Noise Technical Memorandum
- H. Traffic Technical Memorandum
- I. Service Availability Letters
- J. Fire Protection Plan

## REFERENCES

ASM Affiliates. 2023. *A Cultural Resources Survey and Update Memo for the Sunroad—East Otay Mesa Project, San Diego, California*. May 2023.

Dudek. 2023. *Fire Protection Plan East Otay Mesa Business Park Otay 200 Project FPP*. July 2023.

Geocon. 2023. *Updated Geotechnical Investigation, Sunroad 200 Otay Mesa and Harvest Roads*. June 2023.

Linscott Law and Greenspan (LLG) Engineers. 2024. *Transportation Study Otay Majestic Project*. January 2024.

PBLA Engineering. 2023. *Preliminary Drainage Study*. April 2023.

PBLA Engineering. 2023. *Stormwater Quality Management Plan*. May 2023.

RECON. 2023. *Otay 250 – SPA Proposed Change to TM5607 to an Industrial Project Biological Resource Analysis*. June 2023.

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SCS Engineers. 2015. *Phase I Environmental Site Assessment*. July 2015.

Urban Crossroads. 2023. *Otay Mesa 200 Emissions Comparison*. August 2023.

Urban Crossroads. 2023. *Otay Mesa 200 Mobile Source Health Risk Assessment*. August 2023.

Urban Crossroads. 2023. *Majestic Otay Noise Impact Analysis*. August 2023.

## PREVIOUS ENVIRONMENTAL ANALYSIS INCORPORATED BY REFERENCE

Environmental Impact Report, July 1994. East Otay Mesa Business Park Specific Plan. SCH No. 92101099.

Supplemental Environmental Impact Report, December, 2000. East Otay Mesa Specific Plan Sunroad Spectrum TM 5139. SCH No. 92101099.

Addendum to the Environmental Impact Report. April 2003. Revised Tentative Map TM5319-RPL6R. SCH No. 92101099.

Addendum to the Environmental Impact Report. December 2012. Sunroad Otay Tech Centre TM 5538. March 2012. SCH No. 92101099.

Supplemental Environmental Impact Report, March 2018. Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment, SCH No. 2016031028.



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

Discussion:

**Wetland and Wetland Buffers:**

The site contains approximately 0.11-acre of disturbed wetland habitat as defined by the San Diego County Resource Protection Ordinance. The project site supports three wetland/riparian habitats: disturbed wetlands, non-native riparian, and vernal pools. The disturbed wetland areas within the agricultural stock pond and man-made swale on-site were identified as County of San Diego Resource Protection Ordinance wetlands. The proposed grading limits would avoid direct impacts to aquatic resources that include the disturbed wetlands associated with the abandoned agricultural pond and those that occur adjacent to a berm. The project also contains an Open Space Easement that would protect the federally protected Waters of the U.S. within Johnson Canyon. Thus, the project would result in similar or decreased impacts to jurisdictional aquatic resources as compared to the previously approved project, and all impacts to wetlands would be reduced to less than significant with mitigation. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

**Floodways and Floodplain Fringe:**

The project is not located near any floodway or floodplain fringe area as defined in the Resource Protection Ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

**Steep Slopes:**

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance. Approximately 3.4 percent of the subject property contains steep slopes; however, no steep slopes are present in areas proposed for project grading. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the Resource Protection Ordinance.

***Sensitive Habitats:***

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. The project would result in direct impacts to approximately 188.64 acres of non-native grassland. However, the project would be required to comply with MSCP requirements, and the project would be required to comply with the Conservation Measures included in the USFWS Biological Opinion for the Sunroad Centrum Project. Furthermore, the project would result in similar or decreased impacts to jurisdictional aquatic resources as compared to the previously approved project, and all impacts to sensitive habitat lands would be reduced to less than significant with mitigation. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the Resource Protection Ordinance.

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

The property has been surveyed by a County of San Diego approved archaeologist and it has been determined that three pre-contact cultural resources and one historic structure are present within the project site. The project would include mitigation measures as previously required to avoid potential direct and indirect impacts to cultural resources. Additionally, mitigation measures may be required to address unknown resources potentially discovered during grading and/or ground disturbing activities. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the Resource Protection Ordinance.

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

YES

NO

NOT APPLICABLE

The project Priority Development Project Storm Water Quality Management Plan (PDP SWQMP) has been reviewed and is found to be complete and in compliance with the WPO. As outlined in the project's PDP SWQMP (dated May 26, 2023), the project will implement source control, site design and structural BMPs to reduce potential pollutants, to the maximum extent practicable, from entering storm water runoff.

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

YES

NO

NOT APPLICABLE

The project would not expose people to nor generate potentially significant noise levels during construction or operation which exceed the allowable limits of the County of San

Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

**NOISE ORDINANCE COMPLIANCE:** In order to comply with the [County Noise Ordinance 36.401](#) et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), noise generating equipment and project related noise sources associated with the future use and discretionary actions shall be subject to further noise evaluation. The owner or applicant of the project shall demonstrate that the proposed project complies with the sound level limits pursuant to the Noise Ordinance Section 36.404 and the General Plan Noise Elements.

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**Draft Conditions:**

No noise-related mitigation measures have been identified for the Project. Noise generating equipment and project related noise sources associated with the future use and discretionary actions shall be subject to further noise evaluation at the time of equipment operation. The owner or applicant of the project shall demonstrate that the proposed project complies with the sound level limits pursuant to the Noise Ordinance Section 36.409 during construction, and Section 36.404 and the General Plan Noise Elements during operation.

**MULTIPLE SPECIES CONSERVATION PROGRAM  
CONFORMANCE STATEMENT**

**Otay Majestic  
PDS2022-SPA-22-001  
APN 646-080-26, -27, -28, -29, -31, -32, -33, 646-240-30, and 646-310-17**

**March 6, 2024**

The project proposes a Specific Plan Amendment (SPA) to the East Otay Mesa Business Park Specific Plan to establish a new Light Industrial Master Planned Business Park area, which would allow for the construction of a series of Class A industrial buildings. The project is utilizing the same development footprint that of the approved Otay 250 project (PDS2015-SPA-15-001, PDS2015-TM-5607), which was approved by the Planning Commission on April 13, 2018. A Biological Technical Report (REC Consultants, Inc; March 2017) was prepared and accepted for the approved Otay 250 project. A Biological Resource Memorandum (RECON Environmental; June 5, 2023) was provided for the proposed project and includes the results of the site visits that were conducted on February 8, 2023 and May 8, 2023 to verify vegetation mapping and perform sensitive species assessments. A Biological Resource Memorandum (RECON Environmental; March 1, 2024) was provided and includes sensitive species assessments for western spadefoot toad and Crotch's bumble bee.

It was verified that the vegetation mapping of the project site is similar to what was previously reported for the approved project. There is a small increase in the native grassland area noted in the eastern corner of the property. However, the other habitat types and aquatic resources are the same as previously mapped.

Habitat assessments for the sensitive plant species variegated dudleya (*Dudleya variegata*), prostrate navarretia (*Navarretia prostrata*), and San Diego button-celery (*Eryngium aristulatum* var. *parishii*) were conducted. No variegated dudleya were observed during the recent site visit. This species was last documented on the site in 2006, when only 11 individuals were observed, and was not found during surveys conducted in 2015, 2016, 2020, or 2021. Given the current habitat conditions on the site, there is a low probability that the species still occurs on the site. Prostrate navarretia and San Diego button-celery were not observed during the most recent site visit, nor during surveys conducted in 2015, 2016, or 2020. Given the current habitat conditions on the site there is a low probability that these species still occur on the site.

A general habitat assessment for the sensitive wildlife species Quino checkerspot butterfly (*Euphydryas editha quino*) was conducted during the recent site visits. None of the preferred host, larval, or nectar plants was observed on the site. The last protocol survey for Quino checkerspot butterfly conducted on the site occurred in 2016, and a small patch of dot-seed plantain was observed but no Quino



checkerspot butterfly or larvae were observed. In addition, a habitat assessment conducted in 2020 concluded that the onsite habitat conditions were not conducive for this butterfly species. Given the existing condition of a dense non-native grassland and thatch and lack of observation of any host or larval plants during the current habitat assessment, it was concluded that there is a low probability for the Quino checkerspot butterfly to occur on the site.

A general assessment was conducted to evaluate the potential for the project site to support western spadefoot toad (*Spea hammondi*) and Crotch's bumble bee (*Bombus crotchii*). The general assessment was based on site visits conducted in February and May of 2023 and a search of the California Natural Diversity Data Base (CNDDDB) species occurrence database and the U.S. Fish and Wildlife Service (USFWS) all species occurrence database. There is a moderate potential for western spadefoot toad to occur on the project site. There are vernal pools present on-site and disturbed wetlands comprised of two agricultural ponds and a depression feature along the base of an existing berm. These features can hold water during a normal or above normal wet season sufficient to support the life cycle of this toad species. However, the proposed project will avoid direct impacts to these features as these areas will have setback buffers and will be preserved in open space easements. Therefore, no impacts are anticipated to occur to this species. There is a low potential for Crotch's bumble bee to forage or nest on the project site. Much of the project site supports dense non-native grassland with few natural openings to support the preferred nectar plants for the species. The dense growth and thatch of non-native grasses on the site has eliminated any historic openings in the habitat where these nectar plants would occur and observations of substantial populations for preferred nectar plants is lacking for the site.

A review of the grading limits for the proposed project was conducted to verify that the impacts to biological resources were in substantial conformance with as those addressed with the approved project. The review concluded that the grading limits of disturbance for the proposed industrial project would impact less onsite biological resources than under the previously approved project. Offsite impacts associated with the sewer connection to the west of the project site were not addressed in previous biological resource studies. This construction activity would impact approximately 0.65 acre of non-native grassland and 0.08 acre of disturbed habitat offsite. The reduction in onsite impacts to an estimated 8 acres of non-native grassland would be more than the impacts associated with the offsite sewer connection and, therefore, no increase in impacts previously reported. Therefore, no additional mitigation would be required, and the previously approved Otay 250 biological mitigation measures will apply to this proposed project.

The approximately 250 acre proposed project site is located within the County's Multiple Species Conservation Program (MSCP) in land designated as Minor Amendment Area, Minor Amendment Area Subject to Special Consideration, and Major Amendment Area. MSCP Findings were provided and accepted for the approved Otay 250 project, dated March 23, 2017. A Minor Amendment was

processed for the Sunroad Centrum (TM-5139) project and concurrence was received from the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife on November 14, 2003. Once the mitigation has been completed, the site will be designated as Take Authorized and Hardline Preserve.

**MSCP COMPLIANCE**  
**SUNROAD – OTAY 250, GPA-15-008; SPA-15-001; REZ-15-007 TM 5607;**  
**ER 15-98-190-13G**

**MARCH 23, 2017**

This process results in a determination of whether or not a project is compliance with the Endangered Species Act (ESA) (Section 10, Implementing Agreement between the County of San Diego and the California Department of Fish and Game and the U.S. Fish and Wildlife Service). An applicant receives Third Party Beneficiary Status under the ESA when: 1) necessary mitigation has occurred in compliance with Section 10 of the Implementing Agreement; 2) the determined mitigation includes an immediately effective requirement to maintain the biological values of the land committed for mitigation; and 3) the mitigation has been imposed through a condition of development (such as a mitigation agreement) that is recorded and runs with the land and is enforceable against and binding upon the Third Party Beneficiary and any successor in interest to the Third Party Beneficiary. Third Party Beneficiary Status may be attained for the project as a whole, or for a discrete phase(s) of the project, so long as the mitigation for the discrete phase(s) is not functionally dependent in the context of the MSCP and Subarea Plan upon the mitigation proposed for subsequent phases.

**PROJECT DESCRIPTION:**

The Otay 250 Specific Plan Amendment project consists of an amendment to the East Otay Mesa Business Park Specific Plan, an amendment to the Otay Subregional Plan, a Rezone and a Tentative Map. The approximately 253-acre Project site is located within the previously approved East Otay Mesa Business Park Specific Plan (EOMBPSP). The project proposes a Specific Plan Amendment (SPA) to the EOMSP to establish a new Mixed-Use Village Core area, which would allow for the establishment of a mix of employment, retail, and residential uses. The proposed project would authorize a maximum of 3,158 dwelling units, 78,000 square feet of general commercial uses, and 765,000 square feet of employment uses, and approximately 51.34 acres of permanent biological open space (the project dedicated open space lot).

Approximately 201.39 acres will be impacted on the site, and another 2.69 acres will be impacted offsite to the north and east. Approximately 51.75 acres will be preserved within a 51.34-acre biological open space lot and a 0.41-acre open space easement. Development of the project site will result in significant impacts to non-native grassland and disturbed wetland habitats, and to variegated dudleya, San Diego button-celery, coast barrel cactus, fairy shrimp, turkey vulture, northern harrier, white-tailed kite, loggerhead shrike, San Diego black-tailed jackrabbit, burrowing owl, and raptors.

The project site was approved for development in 2012 to subdivide the site into 55 lots (Sunroad Centrum). Sunroad Centrum consists of 52 technology business park lots ranging in size from 1.8 acres to 5.3 acres, one lot for a sewer pump station, one storm water detention lot, and a 51.34-acre dedicated open space lot. A 0.41-acre easement

within the subdivision was identified as an open space easement established for the protection of biological resources (vernal pools).

Mitigation for impacts to biological resources was proposed and approved through the December 2000 FSEIR for Sunroad Centrum, which included a Resource Conservation Plan (RCP). An updated final RCP was prepared and approved for the Sunroad Centrum project in December 2003. The December 2003 RCP included revisions and additions to the approved FSEIR mitigation measures. A conditional concurrence for a Minor Amendment was completed in 2003. Subsequent to the conditional concurrence for a Minor Amendment, 51.34 acres of on-site biological open space was dedicated, 54.1 acres of non-native grassland habitat was purchased off-site at the Hollenbeck Canyon Wildlife Area and translocation of barrel cactus species was completed as identified in the RCP.

The mitigation measures from the 2003 RCP, the 2003 Minor Amendment, and the 2012 Conditions of Approval are carried forward to mitigate the impacts of this Project. The mitigation measures include onsite habitat preservation within established biological open space easements (vernal pools, native grassland, non-native grassland, riparian habitat); onsite preservation of vernal pools; onsite fairy shrimp preservation, habitat creation/restoration, and fairy shrimp translocation; onsite variegated dudleya preservation; onsite barrel cactus preservation and translocation; onsite wetland creation; and purchase of offsite mitigation land for non-native grassland and variegated dudleya. Applicability of the approved mitigation measures to new determinations of significant impacts based on current County guidelines is also described in this report. All Project mitigation measures are summarized in Section 8 of this report.

**Table Summarizing Project Impacts and Mitigation With Respect to Habitat Type**  
(all numbers represent acreage)

	<b>Direct Impacts</b>	<b>Proposed Open Space</b>	<b>Offsite Mitigation</b>	<b>Total Area Onsite</b>
<b>Disturbed Wetlands</b> (mitigation ratio = 2:1)	0.11	.22	0.0	0.11
<b>Non-Native Grassland</b> (mitigation ratio = 0.5:1)	195.99	46.87 <sup>1</sup>	49.28	240.24
<b>Disturbed/Developed</b> (no mitigation required)	7.91	0.0	0.0	10.23

<sup>1</sup> of which 0.11 in biological open space will be used for wetland creation

**BMO FINDINGS**

1. Approximately 60 acres of the site is a BRCA because it is underlain by clay soils which support sensitive plant species, including San Diego button celery, variegated dudleya, San Diego barrel cactus and spreading navarretia. The BRCA contributes to the wildlife corridor associated with Johnson Canyon.
2. The rest of the project site is not a BRCA with the following findings supporting this conclusion (Area shown on "Open Space Map").
  - a. The land is not shown as a Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

**Findings of Fact:**

The non-BRCA land is not shown as a Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map. The project is located on Otay Mesa, east of Brown Field, north of Otay Mesa Road and both east and west of Harvest Road. A portion of the site is a Major Amendment Area, a Minor Amendment Area and a Minor Amendment Area with special concerns. The Minor Amendments has been approved by the Wildlife Agencies (please see attached 2003 Conditional Concurrence and Sunroad Centrum MSCP Findings). The Major Amendment is not required because all of this area will be within a conservation easement for resource preservation.

- b. The land is not located within an area of habitat which contains biological resources that support or contribute to the long-term survival of sensitive species, and is not adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

**Findings of Fact:**

The non-BRCA land is not located within an area of habitat which contains biological resources that support or contribute to the long-term survival of sensitive species. It is non-native grassland that has supported agriculture for many years.

- c. The land is not part of a regional linkage/corridor. The site is not land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale. The site does not contain adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife. The site has not been identified as the primary linkage/corridor between the northern and

southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)

**Findings of Fact:**

The non-BRCA land is not part of a regional linkage or corridor because it lies within an area in which all native habitats have been converted by intensive agriculture to non-native grassland or disturbed habitats. Agriculture has been practiced on this site and in the greater East Otay Mesa area over the course of many decades.

While not a part of a regional corridor, onsite portions of Johnson Canyon and its slopes will be preserved in order to maintain a wildlife corridor between the Otay River Valley to the north and the Otay Mountains to the east. Additionally, a very small portion of the site (most of which will be preserved) in the northeastern corner is contiguous with larger blocks of habitat. However, this finger, relative to the larger undisturbed habitat of which it is a part, is small and is surrounded almost entirely by land disturbed primarily through agricultural practices. It represents a “dead end” for species that may be utilizing the habitat as a corridor. The site has not been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher (Attachment I of the BMO).

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

**Findings of Fact:**

All of the non-BRCA lands are mapped as “Agricultural”.

- e. The land does not consist of or is not within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

**Findings of Fact:**

The non-BRCA lands while greater than 500 acres have been repeatedly disturbed by agriculture. No diversity of flora or fauna is found. In fact, after six years of being left fallow, only mustard and invasive non-native grasses have returned. There has been no succession to shrublands.

- f. The land does not contain a high number of sensitive species and is not adjacent or contiguous to surrounding undisturbed habitats, and does not contain soil derived from the following geologic formations: gabbroic rock; metavolcanic rock; clay; and coastal sandstone, which are known to support sensitive species.

**Findings of Fact:**

No sensitive plant species were identified on the non-BRCA lands. No diversity of flora or fauna is found. In fact, after six years of being left fallow, only mustard and invasive non-native grasses have returned. There has been no succession to shrublands. Soils are derived from clay but are 100% altered by past agriculture.

**FINDINGS FOR CONFORMANCE WITH THE  
BIOLOGICAL MITIGATION ORDINANCE**

The Biological Mitigation Ordinance has several sets of criteria that must be met when projects are designed. They include Findings under Article V. A. Project Design Criteria, and findings in Attachments G and H. These findings are to be made, if appropriate, in addition to the overall findings listed for conformance with the Subarea Plan.

**PROJECT DESIGN CRITERIA.**

1. Project development shall be sited in areas to minimize impact to habitat;

**Findings of Fact:** The proposed development has designed open space that will protect the viability of sensitive resources. All (0.21 acre) of the vernal pool habitat (supporting two sensitive plant species and the endangered San Diego fairy shrimp), 1.96 acres of native grassland, and 46.87 acres of non-native grassland will be preserved onsite. Impacts to *Dudleya variegata* and *Ferocactus viridescens* will be minimized through transplantation of individuals from areas that are proposed for development into the preserved open space onsite (dudleya may be mitigated by off-site purchase of habitat). While there will be some loss of sensitive habitat associated with the proposed project, that loss has been limited and therefore meets the standards set forth in the Biological Mitigation Ordinance and appropriate mitigation measures have been included as part of the project. Impacts to 0.11 acre of disturbed wetlands/waters will be mitigated through onsite creation of disturbed waters and fairy shrimp habitat. It is proposed that impacts to native grassland and non-native grassland be

mitigated both on and offsite. Mitigation for impacts to 195.99 acres of non-native grassland, at a 0.5:1 mitigation ratio, will be accomplished by the on site preserve of 48.72 acres of non-native grassland and the purchase of 49.28 acres of habitat off-site.

2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance:

**Findings of Fact:**

Development is concentrated away from the sensitive resources. Areas not proposed for development will be placed in an open space preserve managed by a Habitat Conservation Plan.

3. Notwithstanding the requirements of the Slope Encroachment Regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design which may encroach into steep slopes to avoid impacts to habitat;

**Findings of Fact:**

The site does not contain steep slope areas that can be utilized for development to better provide for the protection of sensitive resources located in flatter areas. The only sloping areas onsite are the banks of Johnson Canyon. Johnson Canyon and its slopes will be preserved in order to maintain a wildlife corridor. Preservation of Johnson Canyon and its slopes as a wildlife corridor is consistent with the East Otay Mesa Specific Plan.

4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations;

**Findings of Fact:**

The project is not affected by roads to the degree that a reduction in standards could reduce the impacts associated with it. The project would require offsite improvements to Otay Mesa Road. These road improvements are expected to result in an impact to 0.1 acre of non-native grassland and mitigation in accordance with the BMO has been included in the mitigation totals.

5. Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H.

**PRESERVE DESIGN CRITERIA (ATTACHMENT G).**

The project conforms to the Preserve Design Criteria and the linkages and corridors criteria as specified through the findings of the project design criteria.



## DESIGN CRITERIA FOR LINKAGES AND CORRIDORS (ATTACHMENT H).

- a. Habitat linkages as defined by the Biological Mitigation Ordinance, rather than just corridors, will be maintained.

**Findings of Fact:**

The proposed development area is not part of a regional linkage because it lies within an area in which habitats have constraints due to adjacency to disturbed (through agriculture) lands or developed lands. A portion of the proposed project does meet the definition of a linkage as defined in the Biological Mitigation Ordinance has been preserved. This portion of the site in the northeastern corner is contiguous with larger blocks of habitat from Otay River to the Otay Mountains.

- b. Existing movement corridors within linkages will be identified and maintained.

**Findings of Fact:**

The proposed development area is not considered part of a linkage as described in section A above.

- c. Corridors with good vegetative and/or topographic cover will be protected.

**Findings of Fact:**

Johnson Canyon and its slopes encompassed by the project site will be preserved in order to maintain a wildlife corridor between the Otay River Valley to the north and the Otay Mountains to the east. Preservation of Johnson Canyon and its slopes as a wildlife corridor is consistent with the East Otay Mesa Specific Plan. In addition, the project's conformance with the MSCP and the Biological Mitigation Ordinance further add to the regional connectivity of the open space preserved onsite. The portion of the BRCA south of proposed Lone Star Road has been disturbed by agriculture and will be functionally separated from the more valuable habitat north of the road. All land north of the road will be preserved as a conservation easement subject to an RCP.

- d. Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.

**Findings of Fact:**

The proposed development area does not contain a linkage that meets these specifications. However, portions of Johnson Canyon and its slopes encompassed by the project site will be preserved in order to maintain a

wildlife corridor between the Otay River Valley to the north and the Otay Mountains to the east. All land north of the Lone Star Road will be preserved as a conservation easement subject to an RCP.

- e. The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.

**Findings of Fact:**

The proposed development area does not contain a linkage that meets these specifications. However, portions of the BRCA adjacent to Johnson Canyon and its slopes encompassed by the project site will be preserved in order to maintain a wildlife corridor between the Otay River Valley to the north and the Otay Mountains to the east. All land north of the Lone Star Road, which is contiguous with Johnson Canyon, will be preserved as a conservation easement subject to an RCP.

- f. If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.

**Findings of Fact:**

All land north of the Lone Star Road, which is contiguous with Johnson Canyon, will be preserved as a conservation easement subject to an RCP. This will maintain a wildlife corridor between the Otay River Valley to the north and the Otay Mountains to the east. The portion of this corridor that lays onsite is approximately 1500 feet from the bottom of Johnson Canyon. Preserved open space adequately buffers the onsite portion of the corridor from adjacent development to the southwest. Furthermore, the development is set back from the rim of the canyon and separated from the open space by Lone Star Road and a 5-foot fence.

- g. Visual continuity (i.e., long lines-of-site) will be provided within movement corridors. This makes it more likely that animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be

set back from the canyon rim and screened to minimize their visual impact.

**Findings of Fact:**

Within the portion of the corridor preserved onsite, non-native grassland, non-native riparian, San Diego Mesa Claypan Vernal Pool and Native Grassland are proposed to be preserved. Wildlife traveling through Johnson Canyon will not have a visual change. The proposed development is set back from the rim of the canyon and separated from the open space by Lone Star Road and a 5-foot fence.

- h. Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.

**Findings of Fact:**

The design of the project includes conditions and criteria to limit night-time disturbance, including building setbacks, shielded lighting, and limited access. This area already has light disturbance from the State Prison.

- i. Barriers, such as roads, will be minimized. Roads that cross corridors should have 10-foot high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.

**Findings of Fact:**

The open space, which includes the Johnson Canyon corridor, will not have any roads or barriers within it.

- j. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition, and vegetated with native vegetation if possible; a line-of-site to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.

**Findings of Fact:**

The project does not have a wildlife crossing, since there is no proposed crossing of the open space.

- k. If continuous corridors do not exist, archipelago (or steppingstone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is less than 1-2 miles.

**Findings of Fact:**

The project proposes a continuous corridor.

**FINDINGS IN CONFORMANCE WITH THE SUBAREA PLAN**

All projects whether considered an exception or an exemption to the Biological Mitigation Ordinance must conform to the San Diego County Subarea Plan. The concept of conformance to the plan does not mean specific and direct compliance with the mitigation ratios. Exemption and exception is intended to provide for flexibility from those standards when there are specific reasons to do so. Conformance with the Subarea Plan does involve the review of the project to see that it does not create a situation where a project is affecting the potential for preserve design.

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

**Findings of Fact:**

The project will not conflict with the no-net-loss-of-wetlands standard in satisfying state and federal wetland goals and policies. The project proposes to directly impact, by grading, 0.2 acre of disturbed wetland/waters. As part of the permit process with this resource, a detailed site-specific mitigation and monitoring plan has been prepared. Impacts to disturbed water/wetlands onsite will be in-kind replacement of habitat quality. Specifically, the objective of the wetlands mitigation plan shall be to create five basins (totaling 0.1 acre) that will collect water adequately to provide habitat for the two species of fairy shrimp and to ensure no net loss of wetland habitat value. In addition, another 0.1 acre of wetland creation will be required to bring up the mitigation ratio to 2:1.

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

**Findings of Fact:**

The proposed project will place 66 percent of the BRCA including the most diverse and unique habitats within conservation easements. The preservation of all vernal pools (which support two sensitive plant species and the endangered San Diego fairy shrimp), 0.4 acre of southern willow scrub, 3.2 acres of coastal

sage scrub, 3.1 acres of native grassland, and 44.7 acres of non-native grassland meets this criteria.

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

**Findings of Fact:**

The proposed project will place 66 percent of the BRCA including the conservation of spatially representative examples of very high value habitats. The preservation of all vernal pools (which support two sensitive plant species and the endangered San Diego fairy shrimp), 1.96 acres of native grassland, and 46.87 acres of non-native grassland meets this criteria. The portion of the BRCA, ranked as “very high” that will be developed (15 acres) is disturbed by agriculture and is cut off from the larger portion of BRCA by the adopted circulation element route of Lone Star Road.

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

**Findings of Fact:**

The proposed project will place open space easements on land that is configured to maximize the ratio of surface area to perimeter. This is accomplished by minimizing intrusions by development into the preserve area boundary and maintaining boundaries of gently sweeping curves rather than acute indentations and peninsulas of development partially surrounded by preserved land. In addition the project has been designed with an adequate setback from development to avoiding lighting and noise conflicts. A five-foot fence barrier will border the road interface with the preserve.

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

**Findings of Fact:**

Areas proposed for preservation in open space contain the majority of sensitive species and habitats on site. Development is primarily restricted to areas currently occupied by non-native grassland habitat, a Tier III habitat, the least sensitive of all habitat types found onsite. One agricultural contains fairy shrimp. While the fairy shrimp are endangered, this artificial occupied habitat is not natural or sensitive. In the 2003 Biological Opinion for Sunroad Centrum, the Wildlife Agencies agreed to a project design which impacts the pond is appropriate with mitigation that will create habitat for fairy shrimp.

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

**Findings of Fact:**

No key regional populations of covered species are present on the site. The project does provide for conservation of sensitive habitats in biologically functioning units. The majority of the sensitive habitats are being protected in place through dedication of a conservation easement. The conservation easement has been designed to minimize impacts to these sensitive habitats and to wildlife species using the Johnson Canyon corridor. All of the vernal pools (which support two sensitive plant species and the endangered San Diego fairy shrimp) and of the southern willow scrub habitat associated with Johnson Canyon will be preserved onsite. While there will be some loss of sensitive habitat associated with the proposed project, that loss has been limited and therefore meets the standards set forth in the Biological Mitigation Ordinance and appropriate mitigation measures have been included as part of the project.

The proposed development has designed open space that will protect the viability of sensitive resources. All (0.2 acre) of the vernal pool habitat (supporting two sensitive plant species and the endangered San Diego fairy shrimp), 1.96 acres of native grassland, .39 acres of non-native riparian and 46.87 acres of non-native grassland will be preserved onsite. Impacts to *Dudleya variegata* and *Ferocactus viridescens* will be minimized through transplantation of individuals (or off-site purchase of dudleya habitat) from areas that are proposed for development into the preserved open space onsite. While there will be some loss of sensitive habitat associated with the proposed project, that loss has been limited and therefore meets the standards set forth in the Biological Mitigation Ordinance and appropriate mitigation measures have been included as part of the project. Impacts to 0.11 acre of disturbed wetlands/waters will be mitigated through onsite creation of disturbed waters and fairy shrimp habitat. It is proposed that impacts to native grassland and non-native grassland be mitigated both on and offsite. Mitigation for impacts to 195.99 acres of non-native grassland, at a 0.5:1 mitigation ratio, will be accomplished by the on site preserve of 46.87 acres of non-native grassland and the purchase of 49.28 acres of habitat off-site.

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

**Findings of Fact:**

Onsite a “finger” of land of “very high” habitat value projects into the northeast corner of the project site. This finger is contiguous with a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species. But, this area has been impacted by past agriculture and will be isolated from the conservation area by Lone Star Road. The most sensitive portion of land onsite with a “very high” habitat value (i.e. that containing seven vernal pools) located onsite will be preserved. Additionally, portions of Johnson Canyon and its slopes encompassed by the project site will be preserved in order to maintain a wildlife corridor between the Otay River Valley to the north and the Otay Mountains to the east. Approximately 1500 feet from the canyon bottom is included in the conservation easement. In addition, other portions of the corridor are/will be preserved through a discretionary review process in and outside the East Otay Mesa Specific Plan area. To the south and west the project site is surrounded by either disturbed (primarily through agriculture) or developed land.

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

**Findings of Fact:**

The project site supports three sensitive plant species; barrel cactus (*Ferocactus viridescens*), button celery (*Eryngium aristulatum*), and variegated dudleya (*Dudleya variegata*). One additional sensitive plant was identified during past surveys and is presumed to exist onsite: *Prostrate navarretia* (*Navarretia fossalis*). Both the *Navarretia fossalis* and the *Eryngium aristulatum* occur within the J22 vernal pool complex. Preservation of the vernal pool complex (mima mound-pool topography plus watershed) in designated open space will reduce impacts to below a level of significance. A further mitigation measure providing for the conservation of covered species is salvage and relocation, *Dudleya variegata* and *Ferocactus viridescens* to the preserved open space. A minimum of 80% of the transplanted populations will be maintained under the Resource Conservation Plan (RCP). The RCP also provides for creation/enhancement of shrimp habitat.

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

**Findings of Fact:**

The project proposes a conservation easement that will preserve any potential or likely corridors and the best quality habitat onsite such that it could be included within a sound preserve system. The project open space and purchase of habitat in Hollenbeck Canyon will contribute to the preserve system in the Subarea.

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

**Findings of Fact:**

The project has included specific measures through project design and management that would reduce edge effects. The sensitive area preserved in open space borders proposed development on only one side. Access to the sensitive habitat is precluded by Lone Star Road and through the provision of fencing of the proposed open space. The use of non-native, invasive plant species will be prohibited around all residential, industrial and commercial structures, and along roads and entryways. All project lighting will be directed away from the open space. To avoid direct impacts to the one vernal pool located south of Lone Star Road, it will be preserved with its watershed and fenced, and managed in conjunction with the pools in the northern open space. Some indirect impacts are expected, but overall, the project's preservation design is good and will have edge effect reduced.

11. Every effort has been made to avoid impacts to BRCA, sensitive resources and specific sensitive species as defined in the Biological Mitigation Ordinance.

**Findings of Fact:**

The proposed development has avoided 66 percent of the BRCA and has designed open space that will protect the sensitive species on the site. All (0.2 acre) of the vernal pool habitat (supporting two sensitive plant species and the endangered San Diego fairy shrimp), 1.96 acres of native grassland, 0.39 acre of non-native riparian and 46.87 acres of non-native grassland will be preserved onsite. Impacts to *Dudleya variegata* and *Ferocactus viridescens* will be minimized through transplantation of individuals from areas that are proposed for development into the preserved open space onsite (or off-site purchase of dudleya habitat). While there will be some loss of sensitive habitat associated with the proposed project, that loss has been limited and therefore meets the standards set forth in the Biological Mitigation Ordinance and appropriate mitigation measures have been included as part of the project. The total area preserved onsite totals 51.6 acres in a consolidated open space north of Lone Star Road (adjacent to Johnson Canyon corridor/linkage) and includes a vernal pool open space south of Lone Star Road.



**CONCLUSION:**

Review of the project's impacts on biological resources and a determination of whether or not necessary mitigation have occurred, in compliance with Section 10 of the Implementing Agreement between the County of San Diego and the California Department of Fish and Game and the U.S. Fish and Wildlife Service.

This project has been found to conform to the San Diego County Multiple Species Conservation Program Subarea Plan, Biological Mitigation Ordinance and Implementing Agreement. Upon fulfillment of the requirements for permanent mitigation and management of preserved areas as outlined in Section 17.1(A) of the County's Implementing Agreement for the Multiple Species Conservation Program (MSCP) Plan, Third Party Beneficiary Status can be attained for the project. Third party beneficiary status allows the property owner to perform "incidental take" under the State and Federal Endangered Species Acts, of species covered by the MSCP plan while undertaking land development activities in conformance with an approval granted by the County in compliance with the County's Implementing Agreement.



**US Fish and Wildlife Service**  
 Carlsbad Fish and Wildlife Office  
 6010 Hidden Valley Road  
 Carlsbad, CA 92009  
 (760) 431-9440  
 FAX (760) 431-9624



**California Department of  
 Fish and Game**  
 4949 Viewridge Avenue  
 San Diego, CA 92123  
 (858) 467-4201  
 FAX (858) 467-4299

In Reply, Refer To:  
 FWS-SDG-944.6

Gary L. Pryor, Director  
 County of San Diego  
 Department of Planning and Land Use  
 5201 Ruffin Road, Suite B  
 San Diego, California 92123-1666

RECEIVED  
 NOV 19 2003

NOV 14 2003

San Diego County  
 DEPT. OF PLANNING & LAND USE

Attn: Ms. Maggie Loy

Re: Wildlife Agencies' Review and Conditional Concurrence for the Sunroad Centrum Minor Amendment to the MSCP County Subarea Plan (TM5139RPL6R)

Dear Mr. Pryor:

The California Department of Fish and Game (Department), and the U.S. Fish and Wildlife Service (Service), hereafter collectively referred to as the Wildlife Agencies, have been working with the applicant and County staff on the Sunroad Centrum project since August of 1998. Our conditional concurrence on the Minor Amendment to the County of San Diego's Multiple Species Conservation Program (MSCP) for the Sunroad Centrum project is based upon the August 2003, *Sunroad Centrum Resource Conservation Plan* (RCP); the County's letter dated September 19, 2003, requesting the Wildlife Agencies' approval for a Minor Amendment to the MSCP; and the Service's biological opinion for the project (FWS-SDG-944.5), dated November 12, 2003.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The Department is a trustee agency under the California Environmental Quality Act and is responsible for ensuring appropriate conservation of fish and wildlife resources including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act, and administers the Natural Community Conservation Program.

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The project is located on Otay Mesa, east of Brown Field, and adjacent to Harvest Road, in San Diego County. The proposed project falls within the South County Segment of the MSCP. The majority of the site has been designated as a Minor Amendment area. The northeast portion of the site has been designated a Major Amendment area. The project site is approximately 253 acres in size, with proposed development of 55 one-acre commercial/industrial lots.

Approximately 201.8 acres of habitat are proposed to be impacted; however, the project will avoid impacts to the Major Amendment area. Approximately 51.3 acres on-site will be fenced and managed in perpetuity as open space, including the existing vernal pool complex, the proposed San Diego barrel cactus (*Ferocactus viridescens*) transplantation area, and the vernal pool basins to be created.

Proposed project impacts to the federally listed as endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*) and Riverside fairy shrimp (*Streptocephalus woottoni*) were addressed in the Service's biological opinion for the project. In addition, the federally listed as threatened spreading navarretia (*Navarretia fossalis*), and variegated dudleya (*Dudleya variegata*), an MSCP narrow endemic species, occur within the proposed open space, but will not be impacted. Impacts to San Diego barrel cactus will occur, but will be mitigated through implementation of the *Sunroad Centrum Barrel Cactus Transplantation Plan* (REC, August 2003).

The Wildlife Agencies concur with the minor amendment for the Sunroad Centrum project provided the *Conservation Measures* outlined in the Service's biological opinion are carried out, the measures described in the RCP are implemented, and the following conditions are met:

1. The RCP should be modified to require three-strand fencing to be installed around the entire perimeter of the conserved area, except where the chain-link fencing is required to protect the vernal pools. *3 Ft 10-15 ft approx*
2. The Long-term Management, Maintenance, and Monitoring Plan needs to be more specific that it covers management of the entire 51.3 acre preserve. *No project impact here to provide MSCP management language.*
3. The PAR and resulting endowment need to be modified to include costs for fence construction and the periodic repair/replacement of both the three-strand and the chain-link fencing associated with the preserve.
4. Either the County or the Department must hold the endowment for long-term management; the site manager cannot hold the endowment. We recommend that the County hold the endowment because the Department's requirements assume a lower rate of return, which will result in a higher endowment.
5. The document must specify who will be holding title to the property or be the grantee of the conservation easement. We recommend that either the County hold title and that the Department hold a conservation easement, or that the County hold the conservation easement and the Department be named as a third party beneficiary.
6. The Long-term Management, Maintenance, and Monitoring Plan needs to be revised so that weeding requirements are not solely subject to approval by the conservation manager.

The County should have authority to direct weed management. Furthermore, the plan should direct that highly invasive exotics, particularly those listed on List A of the California Exotic Pest Plant Council, be prioritized for removal.

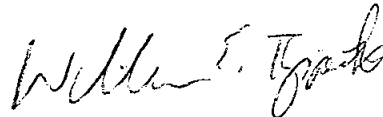
7. As we have previously recommended, site inspections to ensure fencing and signage is maintained should be performed on a monthly basis. Preserved properties in this area of the County have been under considerable pressure from off-road vehicles and other activities, and quarterly site inspections are not expected to be sufficient.
8. The above conditions should be resolved prior to the project being approved by the County Board of Supervisors.

If you have questions or comments regarding the contents of this letter, please contact Mr. David Mayer (Department) at (858) 467-4234, or Ms. Kathleen Brubaker (Service) at (760) 431-9440, extension 255.

Sincerely,



*FOR*  
Therese O'Rourke  
Assistant Field Supervisor  
Carlsbad Field Office  
U.S. Fish and Wildlife Service



William E. Tippets  
Deputy Regional Manager  
South Coast Region  
California Department of Fish and Game



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Ecological Services  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road  
Carlsbad, California 92009

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NOV 18 2003

NOV 12 2003

In Reply, Refer To:  
FWS-SDG-944.5

Memorandum

San Diego County  
DEPT. OF PLANNING & LAND USE

To: Jim Bartel, Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California

From: *JOL* Therese O'Rourke, Assistant Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California *Therese O'Rourke*

Re: Biological Opinion for the Sunroad Centrum Project on East Otay Mesa, San Diego County, California; FWS Log No. (1-6-03-FW-944.5)

This document transmits the U.S. Fish and Wildlife Service's (Service) biological opinion based on our review of the proposed implementation of the Sunroad Centrum Project that is located in a Minor Amendment area, within the County of San Diego's Multiple Species Conservation Program (MSCP) on east Otay Mesa, and its effects on the endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*) and Riverside fairy shrimp (*Streptocephalus woottoni*) in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Although critical habitat has been designated for the San Diego fairy shrimp, no critical habitat occurs within the action area, and therefore critical habitat will not be addressed.

This biological opinion is based on information provided in the August 2003, *Sunroad Centrum Resource Conservation Plan* (prepared by REC; RCP); a letter dated September 19, 2003, from the County of San Diego, Department of Land Use and Planning, requesting concurrence on the Minor Amendment; electronic mail of conservation measures to be incorporated into the project description; the project proposal; field investigations conducted by Service staff; and other information available in our files. A complete administrative record of this consultation is on file at this office.

## Consultation History

We have been working with the applicant and County staff on this project since August of 1998. We identified our concerns over the project's potential impacts to biological resources during a

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series of meetings on: November 18, 1998; February 11, 1999; May 18, 1999; and July 14, 1999. Of particular concern was the potential impacts to vernal pools and the sensitive species that inhabit them, including listed fairy shrimp species and plants. In addition to listed species, we also discussed the status of, and potential impacts to, native grasslands and species designated as narrow endemics under the MSCP. In a letter dated October 21, 1999, the Wildlife Agencies (Service and California Department of Fish and Game) provided comments regarding the Notice of Preparation for a Supplemental Environmental Impact Report (SEIR) for the Sunroad Centrum project per the California Environmental Quality Act (CEQA). That letter reiterated our concerns over the listed San Diego fairy shrimp, Riverside fairy shrimp, spreading navarretia (*Navarretia fossalis*), and additional MSCP narrow endemic species.

On June 29, 2000, we received the draft SEIR for the project and provided our comments to the County in a letter dated August 11, 2000. In that letter we identified the following issues: (1) mapping of onsite native grassland and more-specific grassland mitigation measures; (2) avoidance measures and species-specific mitigation for variegated dudleya (*Dudleya variegata*) and coast barrel cactus (*Ferocactus viridescens*) that assured consistency with the County's Biological Mitigation Ordinance (BMO); (3) refined wetland mitigation measures; (4) the need to process both Major and Minor Amendments for the project; and, (5) the need to conduct protocol surveys for the federally listed Quino checkerspot butterfly (*Euphydryas editha quino*) during the survey season immediately prior to ground-disturbing activities.

The interested parties met again on August 24, 2000, and August 31, 2000, to discuss the outstanding issues, including how to address the Major and Minor Amendment areas. These meetings and subsequent discussions with County staff, resulted in a letter from us dated December 14, 2000 (FWS-SDG-944.3). In that letter, we agreed that the Major Amendment process was not necessary for this project because the applicant was no longer going to impact the Major Amendment area. However, there were still impacts proposed in the Minor Amendment area, and thus the Minor Amendment process would be necessary.

Because we had not received any official correspondence regarding the project since December 2000, on September 19, 2001, the Service contacted Ms. Elyssa Robertson of REC, the project's biological consultant, via electronic mail to request an update on the project. In a electronic mail transmission the same day, Ms. Robertson replied that the updated RCP was still being prepared and would be submitted to the County for review when completed. We received no other correspondence regarding the project until we met with County staff to discuss the Sunroad project, among other topics, on February 11, 2002.

On March 6, 2002, the County sent a letter requesting clarification regarding our December 14, 2000, letter and the Minor Amendment for the project. The Service attempted to contact County staff on March 18, 2002. We left voice mail messages with Mr. Robert Asher, Dr. Glenn Russell, and Ms. Claudia Anzures regarding this letter. Furthermore, we indicated that the Service wanted to coordinate with the County regarding timing and to be sure that all parties were aware of the process. Mr. Gjon Hazard, of the Service, was able to discuss the project with Dr. Russell in a telephone conversation on April 10, 2002. During that call, Dr. Russell indicated that the project still needed to move through several steps in the County's process and that it

would not be finalized until late summer 2002, at the earliest, and that the biological opinion was not needed imminently.

We received the May 2002 revision of the RCP on June 6, 2002, and the supplement to the RCP on August 5, 2002. In an electronic mail transmission on June 18, 2002, Mr. Hazard informed Ms. Maggie Loy, of the County, that the Wildlife Agencies would provide, in writing, our comments regarding the RCP but our review would be delayed due to workload constraints. On May 2, 2003, we met with the County, Sunroad, and REC to discuss additional information needed for the RCP. Of particular concern was the need for weed control in the vernal pools and their watersheds within the restoration site. Also, a map depicting the area where created pools were proposed was requested to be included in the RCP.

A Minor Amendment concurrence request from the County was received on September 19, 2003 for the Sunroad Property. On August 22, 2003, an updated RCP was received, but it did not contain sufficient information to initiate formal consultation on the San Diego and Riverside fairy shrimp. On October 21, 2003, we sent the County additional conservation measures to be incorporated into the project description which would condition the project to avoid and minimize impacts to fairy shrimp.

## **BIOLOGICAL OPINION**

### **DESCRIPTION OF THE PROPOSED ACTION**

The project is located on Otay Mesa, east of Brown Field, north of Otay Mesa and adjacent to Harvest Road, in San Diego County (Figure 1). The project site is generally flat near the central portion of the site, and slopes away to the south and to the north. Johnson Canyon occurs north of the project site. Elevations range onsite from 445 feet above mean sea level, near the northeast corner of the site, to 630 feet above mean sea level on the mesa near the central portion of the property. The proposed project falls within the South County Segment of the MSCP. Portions of the project site have been designated as minor and major amendment areas requiring consultation with the Wildlife Agencies (Figure 2).

The revised Tentative Map was approved on December 15, 2000, for industrial development pursuant to the East Otay Mesa Specific Plan. The project site is approximately 253 acres, with proposed development of 55 one acre commercial/industrial lots. Approximately 201.8 acres of habitat are proposed to be impacted, which includes 0.11 acre of disturbed wetland designated as freshwater marsh, and a portion of an abandoned agricultural pond known to contain San Diego fairy shrimp. Although no protocol surveys were performed, Sunroad Centrum requested that Riverside fairy shrimp be addressed in this consultation as well. In addition, the project will impact the disturbed coastal sage scrub onsite and non-native grassland habitat. Of the 253 acre project site, approximately 51.3 acres will be set aside as open space, including the existing J22 vernal pool complex (Bauder, 1986), created vernal pool basins, and the barrel cactus transplantation area.

As part of the compensation for loss of fairy shrimp, 0.11 acre of vernal pool basin will be created within the J22 complex. Prior to project impacts, soil and cysts of San Diego and Riverside fairy shrimp will be salvaged from the disturbed wetland, and translocated into the created pools. In addition to creation of fairy shrimp habitat, the 51.3 acre open space area will be restored, secured with fencing to reduce unwanted traffic, and managed in perpetuity.

### **Conservation Measures**

The proposed action contains the following measures which will be implemented to avoid and/or minimize potential adverse effects of the action on San Diego and Riverside Fairy Shrimp:

1. A final contour plan (Plan) will be submitted to the Service for approval prior to implementation of the fairy shrimp habitat creation project (J22 vernal pool complex) on Unit 6 of Tentative Map 5139RPL6R. The final Plan will include a 6-inch contour topographic map that depicts the proposed creation area. The Plan will include both the mima mounds and basins to be created and will blend in with the existing topography. Creation of berms and other structures that would disrupt the natural hydrological regime within the J22 vernal pool complex is prohibited. The margins of the basins need to be designed to avoid erosion during storm events, which may impact the water quality and shrimp viability in the created pools.
2. The Plan for the Unit 6 of Tentative Map 5139RPL6R will specify the areas of existing native upland habitat, vernal pools and their watersheds, which are to remain unaffected by restoration activities, and these areas will be protected by temporary barriers prior to implementation. The Plan will be implemented using small tracked dozers with ripping tines and slope boards, rubber-tired loaders, and a sheeps-foot for mound construction.
3. To minimize compaction of the clay soils by equipment and impacts to existing fairy shrimp on Unit 6 of Tentative Map 5139RPL6R (J22 complex), vehicular activities within the restoration site will be conducted during late summer and fall, when soil is completely dry and seeds have set. Fairy shrimp habitat creation will be conducted during dry months (July-November).
4. Soil (inoculum) will be salvaged from the impacted agricultural pond onsite. Soil will be collected during dry conditions to avoid damaging or destroying fairy shrimp cysts which are fragile when wet. A hand tool or similar instrument will be used to collect the soil, whenever possible. Soil will be collected in chunks. The trowel will be used to pry up intact pieces of soil, rather than loosening the soil by raking and shoveling, which can damage cysts. If inoculum is needed from other pools, no more than one percent (1%) of the total soil surface of any one pool will be collected. Individual soil samples will not exceed 10 X 10 centimeters. Authorization from the Service will be required if additional pools are considered as a source for inoculum.



5. The inoculum used will not contain *Brachinecta lindahli*, in order to reduce the likelihood of introducing this species into the J22 complex.
6. The names, any permit numbers, resumés, and at least three references (of people who are familiar with the relevant qualifications of the proposed biologist), of all biologists who might need to handle fairy shrimp must be submitted to the Service for approval prior to the initiation of the proposed project. Proposed activities on the Unit 6 of Tentative Map 5139RPL6R will not begin until an authorized biologist has been approved by the Service.
7. The shaping of the fairy shrimp habitat creation area within the J22 complex will be conducted under the direction of an authorized biologist with three years of vernal pool restoration experience in Southern California and who has successfully restored vernal pools. Resumes will be submitted and proposed activities will not begin until an authorized biologist has been approved by the Service.
8. The contractor and operators will be experienced in vernal pool restoration work. The fairy shrimp habitat creation team will include a licensed surveyor to assure that the Plan is implemented as designed.
9. The final Fairy Shrimp Translocation and Five-Year Mitigation Monitoring Plan (Fairy Shrimp Translocation Plan) for Tentative Map 5139RPL6R will be submitted to the Service for approval prior to implementation of the Plan.
10. The Fairy Shrimp Translocation Plan will contain measures for controlling exotic plants and restoring upland habitat in the watershed and buffer to the created basins. The Fairy Shrimp Translocation Plan will contain a figure that delineates the area of upland habitat to be restored/enhanced.
11. The final Fairy Shrimp Translocation Plan will address specific measures for controlling exotic vegetation within the fairy shrimp habitation creation area and adjacent uplands. No use of herbicides will occur within the existing vernal pools basins or created basins. Service approved herbicides used to control exotic vegetation in the upland portion of the restoration area will only be administered by a qualified biologist. Prior to any herbicide application, vernal pools basins and created basins will be delineated, flagged and avoided. A minimum five- meter buffer between adjacent upland habitat and vernal pool basins and created basins will be established. No herbicides will be applied prior to or following 24 hours of a projected rain event, and or during winds conditions greater than one (1) on a beaufort scale.
12. Control pools and upland habitat areas will be subject to approval from the Service before monitoring is set to begin. The J26 complex pools and the J23 complex upland habitat areas are pre-approved for this purpose.

13. Annual Reports will be provided to the Service by November 1 of each year. The final Fairy Shrimp Translocation Plan will include a scaled aerial photograph depicting the baseline status of the site. In addition, the final Fairy Shrimp Translocation Plan will include a map that clearly delineates the extant vernal pool basins and watersheds, proposed fairy shrimp habitat creation basins and watersheds, and the adjacent upland areas. The Annual Report will identify (graphically) and discuss the vegetation communities and any sensitive species occurring on the property, as well as exotic species, except for various non-native grasses which may be widespread on-site but not a specific threat to habitats. The Annual Report will describe all on-site measures undertaken to remove exotic species during the prior year, review the effectiveness of those actions or actions performed in prior years (as appropriate), and identify measures (methods, locations, etc.) to be performed in the coming year. Photographs (i.e., before and after implementation of control measures) will be included in the Annual Report. Representative photographs will also be used to illustrate site conditions or other issues relevant to site management. A list of the plant and animal species occurring on the property will be included as an appendix to the report. The Annual Report will also summarize the status of the endowment, funds generated, and expenses incurred in performing site management. Copies of the Annual Report will be provided to the County DPLU and the Wildlife Agencies by the end of January for the prior calendar year efforts.
14. By the end of the five year monitoring program for the project, the project proponent must demonstrate that the created fairy shrimp habitat basins in the J22 complex support successfully reproducing populations of Riverside or San Diego fairy shrimp, at similar densities ( $p < .05$ ) to that of control pools. This will be determined by measuring the density of viable cysts within the soil. Dry samples will be taken in both the control pools and created basins to determine the density and viability of the cysts. At least 0.11 acre of created basin area will support reproducing Riverside and San Diego fairy shrimp. If a protocol survey for the Riverside fairy shrimp demonstrates that this species is not present in the impact area, then the success criteria related to this species is dismissed. Results of the protocol surveys (2 wet; or 1 dry and 1 wet) will be submitted for approval in order to remove this requirement.
15. If success criteria, as described in the final Fairy Shrimp Translocation Plan, are not met, then the project schedule will repeat on the year that the criteria were not met. For example, if the second year criteria are met, but the third year criteria are not met, then the third year will be repeated, and an additional year added to the monitoring program.
16. Prior to commencement of work in the proposed areas, the project proponent will place a conservation easement in the preserve areas. The conservation easement will allow the work described in the final Fairy Shrimp Translocation Plan to be conducted within the easement area.

17. The project proponent will establish an endowment fund that ensures in perpetuity management for the created basins, and their restored watershed on Unit 6 of Tentative Map 5139RPL6R (J22 complex).
18. Although not required for success, native vernal pool plant species may be introduced into the created basins.

## STATUS OF THE SPECIES

### Riverside fairy shrimp (*Streptocephalus woottoni*)

#### *Listing Status*

The Riverside fairy shrimp was listed as endangered on August 3, 1993 (58 Federal Register: 41391), after the Service determined that the present range and continued existence of the species was being rapidly destroyed by habitat loss and degradation due to urban and agricultural development, off-road vehicle use, trampling, and other factors. A vernal pool recovery plan which includes Riverside fairy shrimp was published in September 1998 (U.S. Fish and Wildlife Service 1998). Critical habitat was designated for this species on May 30, 2001 (66 Federal Register: 29384). Critical habitat for this species was vacated for this species per U.S. District Court for the District of Columbia order dated October 30, 2002. The District Court ordered the Service to publish new final regulations with respect to this species. While critical habitat for this species has been vacated, Riverside fairy shrimp is still a fully protected species under the Endangered Species Act, as amended.

#### *Species Description and Identification*

The Riverside fairy shrimp is a small freshwater crustacean in the Family *Streptocephalidae*, of the Order *Anostraca*. The species was first collected in 1979, by Dr. Clyde Erickson and formally described as a new species in 1990 (Eng *et al.* 1990). Mature males are between 13 and 25 millimeters (mm) (0.5 to 1.0 inches (in.)) long. The cercopods (structures that enhance the rudder-like function of the abdomen) are separate with plumose setae (feathery bristles) along the borders. Mature females are between about 13 and 22 mm (0.5 to 0.87 in.) in length. The brood pouch extends to the seventh, eighth, or ninth abdominal segment. The cercopods of females are the same as in males. The species most taxonomically similar to *S. woottoni* is *S. seali* (Eng *et al.* 1990). However, in *S. woottoni*, both the male and the female have the red color of the cercopods covering the ninth and 30 to 40 percent of the eighth abdominal segments (Eng *et al.* 1990). No red extends onto the abdominal segments in living *S. seali* of either sex (Eng *et al.* 1990). A full description of identifying characteristics for this species is given by Eng *et al.* 1990.

#### *Distribution*

The Riverside fairy shrimp distribution is limited (Eng *et al.* 1990, Simovich and Fugate 1992). The northern distribution limit for the Riverside fairy shrimp is Cruzan Mesa, Los Angeles County and the former Carlsberg Ranch, Ventura County (U.S. Fish and Wildlife Service 2001). In Baja California, Mexico it has been documented at two locations: Valle de las Palmas, south of Tecate, and Bajamar, north of Ensenada (Brown *et al.* 1993). With the exception of the Riverside populations, all populations are within 15 kilometers of the coast (Eriksen and Belk 1999). All known populations lie between 30 and 415 meters in elevation. In Southern San Diego County, Riverside fairy shrimp have been documented in pools on Arnie's Point, in and adjacent to Spring Canyon, on North West Otay Mesa adjacent to Dennery Canyon (Cal Terraces and Robinhood Ridge Vernal Pool Preserves), on Brown Field, and on East Otay Mesa.

#### *Habitat Affinities*

Riverside fairy shrimp are restricted to deep (greater than 25 centimeters in depth) vernal pools, and vernal pool like ephemeral ponds, including stock ponds (Eng *et al.* 1990, U.S. Fish and Wildlife Service 1993). They prefer warm-water pools that have low to moderate dissolved solids (Eriksen and Belk 1999). Pools are generally open and unvegetated with turbid water conditions and low total dissolved solids, alkalinity, and chloride levels, as evidenced by approximately neutral pH values (Eng *et al.* 1990). All known habitat lies within annual grasslands, which may be interspersed through chaparral or coastal sage scrub vegetation.

#### *Life History*

Riverside fairy shrimp are non-selective particle-feeding filter-feeders, or omnivores. Detritus, bacteria, algal cells, and other items between 0.3 to 100 microns may be filtered and ingested (Eriksen and Belk 1999). Females produce between 17 and 427 cysts over their lifetime (Simovich and Hathaway 1997). Presumably because of the ephemeral and unpredictable nature of the pool resource, few of the available cysts hatch at any one time (Eriksen and Belk 1999). Cysts may hatch when water temperature is at 10 degrees Celsius but develop slowly below 15 degrees Celsius (Eriksen and Belk 1999). Hathaway and Simovich (1996) found that Riverside fairy shrimp hatched in 7 to 12 days when water temperature was between 10 and 20 degrees Celsius and maturity was noted between 48 to 56 days. The eggs are either dropped to the pool bottom or remain in the brood sac until the female dies and sinks (U.S. Fish and Wildlife Service 2001). Eggs may persist in the substrate for several years. When the pools refill in the same or subsequent rainy seasons, some but not all of the eggs may hatch (U.S. Fish and Wildlife Service 2001). Fairy shrimp may be eaten by a wide variety of species, including beetles, dragonfly larvae and other arthropods, frog, salamander, and toad tadpoles, shorebirds, ducks, and even other fairy shrimp.

#### *Population Trends*

Within San Diego County, Riverside fairy shrimp occur primarily in the northern and southern extremes of the County. Pools on Camp Pendleton represent the northern population and Otay Mesa the southern, with only one known location in the center of the County at Marine Corps Air Station, Miramar. (U.S. Fish and Wildlife Service 2001). Many populations of Riverside fairy shrimp have likely been extirpated or have experienced drastic declines due to the substantial

loss of habitat in Southern California. The majority of the vernal pools in Southern California were lost prior to 1990 (Keeler-Wolf *et al.* 1998). The greatest recent losses of vernal pool habitat in San Diego County have occurred in Mira Mesa, Rancho Penasquitos, and Kearny Mesa, which accounted for 73 percent of all the pools destroyed in the region from 1979 to 1986 (Keeler-Wolf *et al.* 1998). Other substantial losses have occurred in the Otay Mesa area, where over 40 percent of the vernal pools were destroyed between 1979 and 1990 (U.S. Fish and Wildlife Service 2001). Similar to San Diego County, vernal pool habitat was once extensive on the coastal plain of Los Angeles and Orange counties. Unfortunately, there has been a near total loss of vernal pool habitat in these areas (Bauder 1990). Significant losses of vernal pools supporting this species also occur in Riverside County (U.S. Fish and Wildlife Service 2001).

### *Threats*

The Riverside fairy shrimp is especially vulnerable to alteration in hydrology, therefore the protection of the pools' watershed function is critical to its survival. Riverside fairy shrimp are also threatened by urban, agricultural development, modified hydrology due to adjacent road construction, and illegal trash dumping. Unpredictable natural events such as drought or fire may extirpate the Riverside fairy shrimp due to its fragmented and restricted range. They are also vulnerable to contaminants in runoff waters and watershed quality. Low levels of genetic variability may affect the species potential for long term viability (U.S. Fish and Wildlife Service 1993). With the long distances between the few remaining pools, gene flow is greatly, if not completely, reduced.

### **San Diego Fairy Shrimp (*Branchinecta sandiegonensis*)**

#### *Listing Status*

The San Diego fairy shrimp was federally listed as endangered on February 3, 1997 (62 Federal Register: 4925), after the Service determined that the continued survival of the species was threatened by habitat destruction from agricultural and urban development, alteration of wetland hydrology by draining, off-road vehicle activity, cattle grazing, and replacement by other fairy shrimp species that are habitat generalists. A vernal pool recovery plan which includes San Diego fairy shrimp was published in September 1998 (U.S. Fish and Wildlife Service 1998). Critical Habitat was designated for this species on October 23, 2000 (65 Federal Register: 63438). On June 11, 2002, the U.S. District Court, Central District of California, ordered us to reconsider the economic impacts of the designation and publish a new final designation.

#### *Species Description and Identification*

The San Diego fairy shrimp is a small aquatic crustacean (Order: *Anostraca*) restricted to vernal pools. The San Diego fairy shrimp was originally described by Fugate (1993) from samples collected on Del Mar Mesa, San Diego County. Mature individuals lack a carapace (hard outer covering of the head and thorax) and have a delicate elongated body, large stalked compound eyes, and 11 pairs of swimming legs (U.S. Fish and Wildlife Service 2000). Adult male San Diego fairy shrimp range in size from 9 to 16 millimeters (mm) (0.35 to 0.63 in); adult females

are 8 to 14 mm (0.31 to 0.55 in) long. The second pair of antennae in males are greatly enlarged and specialized for clasping the females during copulation, while the second pair of antennae in the females are cylindrical and elongate. Refer to Fugate (1993) for a detailed description of the identifying characteristics of the San Diego fairy shrimp.

#### *Distribution*

The San Diego fairy shrimp occurs in vernal pools from Camp Pendleton Marine Base, inland to Ramona and south through Del Mar Mesa, Proctor Valley, and Otay Mesa, San Diego County, California. The species has recently been documented in Orange County in the Fairview Park vernal pools and at Saddleback Meadows (U.S. Fish and Wildlife Service 1997). In Baja California, it has been recorded at two localities (Valle de Palmas, south of Tecate, and Baja Mar, north of Ensenada). (U.S. Fish and Wildlife Service 1995). On Otay Mesa, San Diego fairy shrimp occur in most of the pool complexes.

#### *Habitat Affinities*

These fairy shrimp tend to inhabit shallow, small vernal pools with water temperatures of 10-26 degrees Celsius. They are ecologically dependent on seasonal fluctuations in their habitat, such as absence or presence of water during specific times of the year, duration of inundation, and other environmental factors that likely include specific salinity, conductivity, dissolved solids, and pH levels. Gonzalez *et al.* (1996) found water chemistry as an important factor in determining the distribution of the San Diego fairy shrimp.

#### *Life History*

San Diego fairy shrimp are non-selective particle feeding filter-feeders, or omnivores. Detritus, bacteria, algal cells, and other items between 0.3 to 100 microns may be filtered and ingested (Eriksen and Belk 1999). Adult fairy shrimp are usually observed from January to March; however, in years with early or late rainfall, the hatching period may be extended (U.S. Fish and Wildlife Service 2000). This species hatches in 3 to 8 days and matures in about 7 to 17 days depending on water temperature (Hathaway and Simovich 1996). San Diego fairy shrimp may only persist for about 4 to 6 weeks after hatching (Hathaway and Simovich 1996). The eggs are either dropped to the pool bottom or remain in the brood sac until the female dies and sinks (U.S. Fish and Wildlife Service 2000). Eggs may persist in the substrate for several years. When the pools refill in the same or subsequent rainy seasons, some but not all of the eggs may hatch (U.S. Fish and Wildlife Service 2000). Fairy shrimp may be eaten by a wide variety of species, including beetles, dragonfly larvae and other arthropods, frog, salamander, and toad tadpoles, shorebirds, ducks, and even other fairy shrimp.

#### *Population Trend*

Many populations of San Diego fairy shrimp have likely been extirpated or have experienced drastic declines due to the substantial loss of habitat in southern California. The majority of the vernal pools within the range of the San Diego fairy shrimp were lost prior to 1990 (Bauder 1986). The greatest recent losses of vernal pool habitat in San Diego County have occurred in

Mira Mesa, Rancho Penasquitos, and Kearny Mesa, which accounted for 73 percent of all the pools destroyed in the region from 1979 to 1986 (U.S. Fish and Wildlife Service 2000). Other substantial losses have occurred in the Otay Mesa area, where over 40 percent of the vernal pools were destroyed between 1979 and 1990 (U.S. Fish and Wildlife Service 2000). Similar to San Diego County, vernal pool habitat was once extensive on the coastal plain of Los Angeles and Orange counties. Unfortunately, there has been a near total loss of vernal pool habitat in these areas (Keeler-Wolf *et al.* 1998).

### *Threats*

The San Diego fairy shrimp is especially vulnerable to alteration in hydrology, therefore the protection of the pools' watershed function is critical to its survival. San Diego fairy shrimp are also threatened by urban, agricultural development, modified hydrology due to adjacent road construction, and illegal trash dumping. Unpredictable natural events such as drought or fire may extirpate the San Diego fairy shrimp due to its fragmented and restricted range. They are also vulnerable to contaminants in runoff waters and watershed quality. Low levels of genetic variability may affect the species potential for long term viability (U.S. Fish and Wildlife Service 1997).

## **ENVIRONMENTAL BASELINE**

Regulations implementing the Act (50 CFR §402.02) define the environmental baseline as the past and present impacts of all Federal, State, or private actions and other human activities in the action area. Also included in the environmental baseline are the anticipated impacts of all proposed Federal projects in the action area that have undergone section 7 consultation, and the impacts of State and private actions which are contemporaneous with the consultation in progress.

The entire action area is within the Multiple Species Conservation Program (MSCP). The MSCP is a comprehensive, long-term habitat conservation plan which addresses the needs of multiple species, including San Diego and Riverside fairy shrimp, and the preservation of natural vegetation communities in San Diego County. The MSCP identifies a reserve system, the Multiple Habitat Planning Area (MHPA), that will be established over time. The MHPA identifies core biological resource areas and corridors targeted for conservation. Within the MSCP, vernal pools are to be conserved both inside and outside the MHPA. Portions of east Otay Mesa, including the vernal pools on the Sunroad Centrum project site, are located within the MHPA. On east Otay Mesa, the area supporting vernal pool habitat is identified as an Amendment area to the MSCP (Figure 2). Amendment areas in the County include key core habitat areas which are vital to the continued existence of many of the covered species.

The vernal pools on the Sunroad Centrum project site are referred to as the J22 complex (Bauder 1986). Existing pools located within the open space (J22) have been surveyed, with confirmed presence of San Diego fairy shrimp. Riverside fairy shrimp surveys have not been conducted; however, appropriate habitat is located within the stock pond on site. Surveys will be performed prior to project impacts.

South of the J22 complex, we recently completed a consultation with the Immigration and Naturalization Service (INS) that addressed one linear vernal pool that was impacted due to construction of the road associated with the secondary border fence, as well as three other pools along a section of the International Border Fence known as Area II. Compensation for loss of these pools was implemented through the creation of additional vernal pools, and enhancement and restoration of the existing vernal pool watershed in the J15 complex, also referred to as Arnie's Point. In addition, we also consulted with the Federal Highway Administration for State Route (SR) 125 (biological opinion number 1-6-99-F-14), located just west of the Sunroad Centrum project, which will impact the J29-30 complex. As part of the SR 125 project, a 12-acre vernal pool complex will be restored along the southern rim of Johnson Canyon adjacent to an existing vernal pool complex.

Besides the International Border Fence (located at Arnie's Point) and SR 125 (located at Johnson Canyon) restoration sites, other vernal pool restoration sites on Otay Mesa include pools managed by The Environmental Trust (located northwest of Arnie's Point adjacent to Wruck Canyon) and pools managed by Pardee (located north and south of Otay Mesa Road). Both species of fairy shrimp occur in these pools. Several vernal pool complexes occur to the east of Arnie's Point (near La Media Road) and immediately north of the Mexican border. One of these complexes was preserved and enhanced as part of the Empire Center Development Project while the others remain undeveloped on private property.

Other vernal pool complexes occur on Brown Field Airport and immediately to the northeast on INS and U.S. Navy property. These vernal pool complexes are being conserved by the City of San Diego, INS, and as specified in the Navy's Integrated Natural Resources Management Plan. Further to the northeast of Brown Field Airport are a series of vernal pool complexes on the mesas above Johnson Canyon which will be managed for the long-term preservation of vernal pool species by the City and County of San Diego through the MSCP and through the Otay Ranch Resource Management Plan.

Threats to Vernal pool habitat and fairy shrimp on Otay Mesa, including the J22 complex, includes degradation from off-highway vehicles, illegal dumping, invasion of exotic species, and border patrol activities. Currently, the existing vernal pools and their watersheds at J22 are lacking native plant diversity, and are dominated by exotic vegetation.

## **EFFECTS OF THE ACTION**

Effects of the action refer to the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated and interdependent with that action, that will be added to the environmental baseline. Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration. Indirect effects are those that are caused by the proposed action and are later in time, but are still reasonably certain to occur.



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The development of approximately 56 commercial/industrial lots will result in the loss of an agricultural pond that is occupied by San Diego fairy shrimp. Surveys for Riverside fairy shrimp will be conducted prior to project impacts. The 0.11 acre pond supporting San Diego fairy shrimp populations, and possibly Riverside fairy shrimp, will be filled during construction of the project. It is anticipated that all of the shrimp in this pond may be killed. However, the project proponent, Sunroad, proposes to salvage shrimp cysts/soils from the agricultural pond, to the maximum extent practicable, prior to the destruction of the pond. Salvaged shrimp will be reintroduced into the created vernal pools within the open space at the J22 complex. The process of salvaging shrimp cysts will result in the loss of some individuals due to crushing by the equipment used to collect the material. In addition, the viability of the cysts may decrease during transport, and extended storage. Also of concern is the proposed reintroduction of fairy shrimp to the newly created pools, which could have a negative effect on the extant population of shrimp at the J22 complex. Therefore, to maintain the genetic integrity of the shrimp populations that currently exist in the vernal pools at J22, soil and cysts will only be introduced into new pools. Ideally, only salvaged material from on site will be used. However, soils/cysts from additional ponds, such as the fairy shrimp soil/cyst material currently being stored for the adjacent Area II of the International Border fence project may be used, if necessary.

The J22 complex has not been managed or monitored and therefore continues to be degraded from vehicle and foot traffic. Therefore, restoration/enhancement and fencing of the approximately 52 acres of adjacent open space surrounding the J22 complex will result in long term benefits for fairy shrimp. This open space will be conserved in perpetuity and appropriately managed for vernal pool resources. Creation of 0.11 acre of vernal pool basin area, will maintain an equal amount of habitat for reproducing populations of San Diego and Riverside fairy shrimp to that being lost. Additionally, native grassland restoration (part of the Sunroad Resource Conservation Plan) in the upland areas will decrease erosion and excessive siltation into created pools. As part of the restoration plan, control of exotic vegetation in the upland areas will be reduced and managed to 10 percent cover or less. Weed control will facilitate native floral diversity which in turn may improve hydrological conditions and water quality of the vernal pools. In addition, the remaining vernal pools within the J22 complex will be fenced and it is anticipated that this will minimize impacts from off road vehicle use in the area.

Once the proposed action is completed, it is anticipated that the remaining vernal pools at the J22 complex will benefit from the removal exotic vegetation, and the revegetation of the upland areas with native flora. Restoration will also enhance the basin area of vernal pools within the J22 complex. Enhancement and management of the vegetation in upland areas adjacent to the vernal pool watershed should improve native diversity, water quality, structure and overall integrity of vernal pools within this area.

### **Cumulative effects**

Cumulative effects include the effects of future State, tribal, local or private actions that are reasonably certain to occur in the action area considered in this Biological Opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

Because San Diego and Riverside fairy shrimp are endemic to vernal pool habitat in southern California, we anticipate that a wide range of activities will be determined to affect these species. Such activities include, but are not limited to urban, water, flood control, highway, and utility projects; chemical contaminants; as well as conversion or degradation of vernal pools resulting from agriculture and grazing use. Many of these activities will be reviewed under section 7 of the Act as a result of a Federal nexus.

However, within San Diego County, vernal pool habitat continues to be degraded from the lack of effective habitat management and protection. Vernal pools, including those in protected preserves, continue to be degraded by off-road vehicles, illegal dumping, grazing, illegal alien traffic, destruction of the watershed, and the diversion of water to and away from the vernal pool. Additionally, habitat fragmentation can significantly deteriorate the viability of the remaining pool habitat, including areas specifically set aside to protect this habitat.

### **CONCLUSION**

After reviewing the current status of the fairy shrimp, the environmental baseline for the action area, the effects of the drainage structure installation and fence/road construction, and the cumulative effects, it is the Service's biological opinion that the action, as proposed, is not likely to jeopardize the continued existence of San Diego fairy shrimp or Riverside fairy shrimp. We present this conclusion for the following reasons:

#### San Diego and Riverside Fairy Shrimp

- The loss of 0.11 acre of vernal pool is not expected to significantly decrease the long-term viability of the San Diego and Riverside fairy shrimp.
- The anticipated loss will be offset by restoration and creation of at least 0.11 acre (at the J22 complex) of functioning vernal pool basins that support reproducing populations of fairy shrimp, that will be managed in perpetuity in order to achieve no-net-loss of habitat.

- Remaining vernal pools and their watersheds at the J22 complex will benefit from restoration/enhancement, control of exotic vegetation in the surrounding habitat, and protection from further habitat degradation resulting from illegal foot traffic and off road vehicle use.

### **INCIDENTAL TAKE STATEMENT**

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

### **AMOUNT OR EXTENT OF TAKE**

It is not possible to precisely predict the number of San Diego and Riverside fairy shrimp that may be taken as a result of the proposed action, however, the Service anticipates that all of the fairy shrimp within the impacted pool (0.11 acre) may be incidentally taken as a result of the implementation of the proposed project. In addition, an unquantifiable number of San Diego and Riverside fairy shrimp cysts may be taken during the salvage/restoration of the vernal pools. Take is expected to occur from direct mortality and harm. However, if salvage of fairy shrimp from the existing vernal pool is successful, some individuals may survive.

### **EFFECT OF THE TAKE**

In the accompanying biological opinion, the Service determined that this level of anticipated take is not likely to result in jeopardy to the species.

### **REINITIATION NOTICE**

This concludes formal consultation on the Sunroad Properties. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical

habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation. If you have any questions or concerns about this biological opinion, please contact Susan Wynn of my staff at (760) 431-9440.

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# County of San Diego

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### MSCP COMPLIANCE SUNROAD CENTRUM, TM 5139 RPL6; ER 98-19-013 DECEMBER 15, 2000

This process results in a determination of whether or not a project is compliance with the Endangered Species Act (ESA) (Section 10, Implementing Agreement between the County of San Diego and the California Department of Fish and Game and the U.S. Fish and Wildlife Service). An applicant receives Third Party Beneficiary Status under the ESA when: 1) necessary mitigation has occurred in compliance with Section 10 of the Implementing Agreement; 2) the determined mitigation includes an immediately effective requirement to maintain the biological values of the land committed for mitigation; and 3) the mitigation has been imposed through a condition of development (such as a mitigation agreement) that is recorded and runs with the land and is enforceable against and binding upon the Third Party Beneficiary and any successor in interest to the Third Party Beneficiary. Third Party Beneficiary Status may be attained for the project as a whole, or for a discrete phase(s) of the project, so long as the mitigation for the discrete phase(s) is not functionally dependent in the context of the MSCP and Subarea Plan upon the mitigation proposed for subsequent phases.

**PROJECT DESCRIPTION:** The Sunroad Centrum project consists of an approximate 250-acre tentative map within the already approved East Otay Mesa Specific Plan. The project is a tentative map for 96 commercial/industrial lots with an open space easement. The project site supports seven habitat types: vernal pools, coastal sage scrub, freshwater marsh (disturbed wetland), agricultural pond, southern willow scrub, non-native grassland and disturbed habitat. Eight sensitive species: San Diego button celery, variegated dudleya, San Diego barrel cactus, spreading navarretia, San Diego Fairy shrimp and three raptor species are documented to occur onsite.

Approximately 190 acres of habitat are proposed to be impacted including approximately 15 acres of BRCA (including impacts from construction of Lone Star Road. Approximately 45 acres (66 percent) of the BRCA are proposed to be included in a conservation easement governed by a Resource Conservation Plan (RCP). All of the vernal pools onsite supporting three USFWS threatened and endangered species, are proposed to be preserved onsite.

Significant impacts are expected to occur to wetlands and waters of the U.S. including the artificial pond designated as freshwater marsh, and a portion of an abandoned agricultural pond located near the central portion of the site. In addition, the project would significantly impact the area of disturbed coastal sage scrub onsite and non-native grassland habitat (in accordance with the Biological Mitigation Ordinance). Significant impacts to sensitive species include impacts to San Diego fairy shrimp, barrel cactus, variegated dudleya, and northern harrier. The spreading navarretia occurs within the open space easement and is not expected to be impacted.

It is proposed that the project impacts be mitigated both on and off site. Mitigation for these impacts proposed are consistent with the approved East Otay Mesa SPA plan and include a combination of some or all of the following: onsite preservation of vernal pools, native and non-native grassland, and coastal sage scrub habitat, offsite purchase of additional lands needed to offset impacts in accordance with the BMO, and sensitive plant salvage and translocation program and a wetland (fairy shrimp habitat) creation program.

**Table Summarizing Project Impacts and Mitigation With Respect to Habitat Type**  
(all numbers represent acreage)

	<b>Direct Impacts</b>	<b>Proposed Open Space</b>	<b>Offsite Mitigation</b>	<b>Total Area Onsite</b>
<b>Vernal Pools</b> (no net loss)	0.0	0.2	0	0.2
<b>Southern Willow Scrub</b> (no net loss)	0.2	0.4*	0	0.6
<b>Disturbed Waters</b> (no net loss)	0.1	0.2**	0	0.2
<b>Coastal Sage Scrub</b> (mitigation ratio = 1:1)	2.1	3.2	0	5.4
<b>Native Grassland</b> (mitigation ratio = 2:1)	4.2	3.1	5.4	7.3
<b>Non-Native Grassland</b> (mitigation ratio = 0.5:1)	186.5	44.7	48.6	231.2
<b>Disturbed/Developed</b> (no mitigation required)	5.9	0.0	N/A	5.9

\* A total of 0.4 acre of southern willow scrub habitat will be preserved onsite and an additional 0.4-acre of southern willow scrub habitat will be created onsite (or offsite).

\*\* A total of 0.2 acre of disturbed waters will be created onsite (or offsite).

**BMO FINDINGS**

1. Approximately 60 acres of the site is a BRCA because it is underlain by clay soils which support sensitive plant species, including San Diego button celery, variegated dudleya, San Diego barrel cactus and spreading navarretia. The BRCA contributes to the wildlife corridor associated with Johnson Canyon.
2. The rest of the project site is not a BRCA with the following findings supporting this conclusion (Area shown on "Open Space Map").
  - a. The land is not shown as a Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

**Findings of Fact:**

The non-BRCA land is not shown as a Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map. The project is located on Otay Mesa, east of Brown Field, north of Otay Mesa Road and both east and west of Harvest Road. A portion of the site is a Major Amendment Area, a Minor Amendment Area and a Minor Amendment Area with special concerns. The Minor Amendments has been approved by the Wildlife Agencies. The Major Amendment is not required because all of this area will be within a conservation easement for resource preservation.

- b. The land is not located within an area of habitat which contains biological resources that support or contribute to the long-term survival of sensitive species, and is not adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

**Findings of Fact:**

The non-BRCA land is not located within an area of habitat which contains biological resources that support or contribute to the long-term survival of sensitive species. It is non-native grassland that has supported agriculture for many years.

- c. The land is not part of a regional linkage/corridor. The site is not land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale. The site does not contain adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife. The site has not been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the



population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)

**Findings of Fact:**

The non-BRCA land is not part of a regional linkage or corridor because it lies within an area in which all native habitats have been converted by intensive agriculture to non-native grassland or disturbed habitats. Agriculture has been practiced on this site and in the greater East Otay Mesa area over the course of many decades.

While not a part of a regional corridor, onsite portions of Johnson Canyon and its slopes will be preserved in order to maintain a wildlife corridor between the Otay River Valley to the north and the Otay Mountains to the east. Additionally, a very small portion of the site (most of which will be preserved) in the northeastern corner is contiguous with larger blocks of habitat. However, this finger, relative to the larger undisturbed habitat of which it is a part, is small and is surrounded almost entirely by land disturbed primarily through agricultural practices. It represents a "dead end" for species that may be utilizing the habitat as a corridor. The site has not been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher (Attachment I of the BMO).

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

**Findings of Fact:**

All of the non-BRCA lands are mapped as "Agricultural".

- e. The land does not consist of or is not within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

**Findings of Fact:**

The non-BRCA lands while greater than 500 acres have been repeatedly disturbed by agriculture. No diversity of flora or fauna is found. In fact, after six years of being left fallow, only mustard and invasive non-native grasses have returned. There has been no succession to shrublands.

- f. The land does not contain a high number of sensitive species and is not adjacent or contiguous to surrounding undisturbed habitats, and does not contain soil derived from the following geologic formations: gabbroic rock; metavolcanic rock; clay; and coastal sandstone, which are known to support sensitive species.

**Findings of Fact:**

No sensitive plant species were identified on the non-BRCA lands. No diversity of flora or fauna is found. In fact, after six years of being left fallow, only mustard and invasive non-native grasses have returned. There has been no succession to shrublands. Soils are derived from clay but are 100% altered by past agriculture.

**FINDINGS FOR CONFORMANCE WITH THE  
BIOLOGICAL MITIGATION ORDINANCE**

The Biological Mitigation Ordinance has several sets of criteria that must be met when projects are designed. They include Findings under Article V. A. Project Design Criteria, and findings in Attachments G and H. These findings are to be made, if appropriate, in addition to the overall findings listed for conformance with the Subarea Plan.

**PROJECT DESIGN CRITERIA.**

1. Project development shall be sited in areas to minimize impact to habitat;

**Findings of Fact:** The proposed development has designed open space that will protect the viability of sensitive resources. All (0.2 acre) of the vernal pool habitat (supporting two sensitive plant species and the endangered San Diego fairy shrimp), 0.4 acre of southern willow scrub, 3.2 acres of coastal sage scrub (which supports two sensitive plant species), 3.1 acres of native grassland, and 44.7 acres of non-native grassland will be preserved onsite. Impacts to *Dudleya variegata* and *Ferocactus viridescens* will be minimized through transplantation of individuals from areas that are proposed for development into the preserved open space onsite (dudleya may be mitigated by off-site purchase of habitat). While there will be some loss of sensitive habitat associated with the proposed project, that loss has been limited and therefore meets the standards set forth in the Biological Mitigation Ordinance and appropriate mitigation measures have been included as part of the project. Impacts to 0.1 acre of disturbed wetlands/waters will be mitigated through onsite creation of disturbed waters and fairy shrimp habitat. It is proposed that impacts to native grassland and non-native grassland be mitigated both on and offsite. A total of 2.1 acres of coastal

sage scrub would be impacted. Mitigation for coastal sage scrub is required at a ratio of 1.5:1 and will be accomplished by preserving 3.2 acres on site. Mitigation for impacts to 4.2 acres of native grassland, at a 2:1 mitigation ratio, will be accomplished by preserve of 3.1 acres of native grassland and the purchase of 5.4 acres of habitat off-site. Mitigation for impacts to 186.5 acres of non-native grassland, at a 0.5:1 mitigation ratio, will be accomplished by the on site preserve of 44.7 acres of non-native grassland and the purchase of 48.6 acres of habitat off-site. By special agreement with the wildlife agencies, the total off-site purchase requirement of 54 acres will be purchased in Hollenbeck Canyon (Daley Ranch). Should this transaction fail to proceed, off-site purchase would occur according to the BMO.

2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance:

**Findings of Fact:**

The proposed development for the Sunroad Centrum Project of 96 commercial industrial lots is not considered a clustered development. Development, however, is concentrated away from the sensitive resources. Areas not proposed for development will be placed in an open space preserve managed by a Habitat Conservation Plan.

3. Notwithstanding the requirements of the Slope Encroachment Regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design which may encroach into steep slopes to avoid impacts to habitat;

**Findings of Fact:**

The site does not contain steep slope areas that can be utilized for development to better provide for the protection of sensitive resources located in flatter areas. The only sloping areas onsite are the banks of Johnson Canyon. Johnson Canyon and its slopes will be preserved in order to maintain a wildlife corridor. Preservation of Johnson Canyon and its slopes as a wildlife corridor is consistent with the East Otay Mesa Specific Plan.

4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations;

**Findings of Fact:**

The project is not affected by roads to the degree that a reduction in standards could reduce the impacts associated with it. The project would require offsite improvements to Otay Mesa Road. These road improvements are expected to result in an impact to 0.1 acre of non-native grassland and mitigation in

accordance with the BMO has been included in the mitigation totals.

5. Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H.

**PRESERVE DESIGN CRITERIA (ATTACHMENT G).**

The project conforms to the Preserve Design Criteria and the linkages and corridors criteria as specified through the findings of the project design criteria above.

**DESIGN CRITERIA FOR LINKAGES AND CORRIDORS (ATTACHMENT H).**

- a. Habitat linkages as defined by the Biological Mitigation Ordinance, rather than just corridors, will be maintained.

**Findings of Fact:**

The proposed development area is not part of a regional linkage because it lies within an area in which habitats have constraints due to adjacency to disturbed (through agriculture) lands or developed lands. A portion of the proposed project does meet the definition of a linkage as defined in the Biological Mitigation Ordinance has been preserved. This portion of the site in the northeastern corner is contiguous with larger blocks of habitat from Otay River to the Otay Mountains.

- b. Existing movement corridors within linkages will be identified and maintained.

**Findings of Fact:**

The proposed development area is not considered part of a linkage as described in A above.

- c. Corridors with good vegetative and/or topographic cover will be protected.

**Findings of Fact:**

Johnson Canyon and its slopes encompassed by the project site will be preserved in order to maintain a wildlife corridor between the Otay River Valley to the north and the Otay Mountains to the east. Preservation of Johnson Canyon and its slopes as a wildlife corridor is consistent with the East Otay Mesa Specific Plan. In addition, the project's conformance with the MSCP and the Biological Mitigation Ordinance further add to the regional connectivity of the open space preserved onsite. The portion of the BRCA south of proposed Lone Star Road has been disturbed by

agriculture and will be functionally separated from the more valuable habitat north of the road. All land north of the road will be preserved as a conservation easement subject to an RCP.

- d. Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.

**Findings of Fact:**

The proposed development area does not contain a linkage that meets these specifications. However, portions of Johnson Canyon and its slopes encompassed by the project site will be preserved in order to maintain a wildlife corridor between the Otay River Valley to the north and the Otay Mountains to the east. All land north of the Lone Star Road will be preserved as a conservation easement subject to an RCP.

- e. The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.

**Findings of Fact:**

The proposed development area does not contain a linkage that meets these specifications. However, portions of the BRCA adjacent to Johnson Canyon and its slopes encompassed by the project site will be preserved in order to maintain a wildlife corridor between the Otay River Valley to the north and the Otay Mountains to the east. All land north of the Lone Star Road, which is contiguous with Johnson Canyon, will be preserved as a conservation easement subject to an RCP.

- f. If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.

**Findings of Fact:**

All land north of the Lone Star Road, which is contiguous with Johnson

Canyon, will be preserved as a conservation easement subject to an RCP. This will maintain a wildlife corridor between the Otay River Valley to the north and the Otay Mountains to the east. The portion of this corridor that lays onsite is approximately 1500 feet from the bottom of Johnson Canyon. Preserved open space adequately buffers the onsite portion of the corridor from adjacent development to the southwest. Furthermore,

the development is set back from the rim of the canyon and separated from the open space by Lone Star Road and a 5-foot fence.

- g. Visual continuity (i.e., long lines-of-site) will be provided within movement corridors. This makes it more likely that animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.

**Findings of Fact:**

Within the portion of the corridor preserved onsite, coastal sage scrub, native grassland, non-native grassland and southern willow scrub are proposed to be preserved. Wildlife traveling through Johnson Canyon will not have a visual change. The proposed development is set back from the rim of the canyon and separated from the open space by Lone Star Road and a 5-foot fence.

- h. Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.

**Findings of Fact:**

The design of the project includes conditions and criteria to limit night-time disturbance, including building setbacks, shielded lighting, and limited access. This area already has light disturbance from the State Prison.

- i. Barriers, such as roads, will be minimized. Roads that cross corridors should have 10-foot high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.

**Findings of Fact:**

The open space, which includes the Johnson Canyon corridor, will not have any roads or barriers within it.

- j. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition, and vegetated with native vegetation if possible; a line-of-site to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.

**Findings of Fact:**

The project does not have a wildlife crossing, since there is no proposed crossing of the open space.

- k. If continuous corridors do not exist, archipelago (or steppingstone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is less than 1-2 miles.

**Findings of Fact:**

The project proposes a continuous corridor.

**FINDINGS IN CONFORMANCE WITH THE SUBAREA PLAN**

All projects whether considered an exception or an exemption to the Biological Mitigation Ordinance must conform with the San Diego County Subarea Plan. The concept of conformance to the plan does not mean specific and direct compliance with the mitigation ratios. Exemption and exception is intended to provide for flexibility from those standards when there are specific reasons to do so. Conformance with the Subarea Plan does involve the review of the project to see that it does not create a situation where a project is affecting the potential for preserve design.

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

**Findings of Fact:**

The project will not conflict with the no-net-loss-of-wetlands standard in satisfying state and federal wetland goals and policies. The project proposes to directly impact, by grading, 0.2 acre of disturbed wetland/waters. These impacts will require a permit from the ACOE under Section 404 of the Clean Water Act, and a 401 water quality certification from the RWQCB. As part of the permit process with these resource and regulatory agencies, a detailed site-specific mitigation

and monitoring plan has been prepared. Impacts to disturbed water/wetlands onsite will be in-kind replacement of habitat quality. Specifically, the objective of the wetlands mitigation plan shall be to create five basins (totaling 0.1 acre) that will collect water adequately to provide habitat for the two species of fairy shrimp and to ensure no net loss of wetland habitat value. In addition, another 0.1 acre of wetland creation will be required to bring up the mitigation ratio to 2:1.

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

**Findings of Fact:**

The proposed project will place 66 percent of the BRCA including the most diverse and unique habitats within conservation easements. The preservation of all vernal pools (which support two sensitive plant species and the endangered San Diego fairy shrimp), 0.4 acre of southern willow scrub, 3.2 acres of coastal sage scrub, 3.1 acres of native grassland, and 44.7 acres of non-native grassland meets this criteria.

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

**Findings of Fact:**

The proposed project will place 66 percent of the BRCA including the conservation of spatially representative examples of very high value habitats. The preservation of all vernal pools (which support two sensitive plant species and the endangered San Diego fairy shrimp), all (0.4 acre) of southern willow scrub associated with the on site portion of Johnson Canyon, 3.2 acres of coastal sage scrub, 3.1 acres of native grassland, and 44.7 acres of non-native grassland meets this criteria. The portion of the BRCA, ranked as "very high" that will be developed (15 acres) is disturbed by agriculture and is cut off from the larger portion of BRCA by the adopted circulation element route of Lone Star Road.

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

**Findings of Fact:**

The proposed project will place open space easements on land that is configured to maximize the ratio of surface area to perimeter. This is accomplished by



minimizing intrusions by development into the preserve area boundary and maintaining boundaries of gently sweeping curves rather than acute indentations and peninsulas of development partially surrounded by preserved land. In addition the project has been designed with an adequate setback from development to avoiding lighting and noise conflicts. A five-foot fence barrier will border the road interface with the preserve.

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

**Findings of Fact:**

Areas proposed for preservation in open space contain the majority of sensitive species and habitats on site. Development is primarily restricted to areas currently occupied by non-native grassland habitat, a Tier III habitat, the least sensitive of all habitat types found onsite. One agricultural pond (waters of the US) contains fairy shrimp. While the fairy shrimp are endangered, this artificial occupied habitat is not natural or sensitive. The Army Corps and the Wildlife Agencies have agreed to a project design which impacts the pond is appropriate with mitigation that will create habitat for fairy shrimp.

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

**Findings of Fact:**

No key regional populations of covered species are present on the site. The project does provide for conservation of sensitive habitats in biologically functioning units. The majority of the sensitive habitats are being protected in place through dedication of a conservation easement. The conservation easement has been designed to minimize impacts to these sensitive habitats and to wildlife species using the Johnson Canyon corridor. All of the vernal pools (which support two sensitive plant species and the endangered San Diego fairy shrimp) and of the southern willow scrub habitat associated with Johnson Canyon will be preserved onsite. While there will be some loss of sensitive habitat associated with the proposed project, that loss has been limited and therefore meets the standards set forth in the Biological Mitigation Ordinance and appropriate mitigation measures have been included as part of the project.

The proposed development has designed open space that will protect the viability of sensitive resources. All (0.2 acre) of the vernal pool habitat (supporting two sensitive plant species and the endangered San Diego fairy shrimp), 0.4 acre of southern willow scrub, 3.2 acres of coastal sage scrub (which supports two sensitive plant species), 3.1 acres of native grassland, and 44.7 acres of non-native grassland will be preserved onsite. Impacts to *Dudleya variegata* and

*Ferocactus viridescens* will be minimized through transplantation of individuals (or off-site purchase of dudleya habitat) from areas that are proposed for development into the preserved open space onsite. While there will be some loss of sensitive habitat associated with the proposed project, that loss has been limited and therefore meets the standards set forth in the Biological Mitigation Ordinance and appropriate mitigation measures have been included as part of the project. Impacts to 0.1 acre of disturbed wetlands/waters will be mitigated through onsite creation of disturbed waters and fairy shrimp habitat. It is proposed that impacts to native grassland and non-native grassland be mitigated both on and offsite. A total of 2.1 acres of coastal sage scrub would be impacted. Mitigation for coastal sage scrub is required at a ratio of 1.5:1 and will be accomplished by preserving 3.2 acres on site. Mitigation for impacts to 4.2 acres of native grassland, at a 2:1 mitigation ratio, will be accomplished by preserve of 3.1 acres of native grassland and the purchase of 5.4 acres of habitat off-site. Mitigation for impacts to 186.5 acres of non-native grassland, at a 0.5:1 mitigation ratio, will be accomplished by the on site preserve of 44.7 acres of non-native grassland and the purchase of 48.6 acres of habitat off-site. By special agreement with the wildlife agencies, the total off-site purchase requirement of 54 acres will be purchased in Hollenbeck Canyon (Daley Ranch). Should this transaction fail to proceed, off-site purchase would occur according to the BMO.

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

**Findings of Fact:**

Onsite a "finger" of land of "very high" habitat value projects into the northeast corner of the project site. This finger is contiguous with a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species. But, this area has been impacted by past agriculture and will be isolated from the conservation area by Lone Star Road. The most sensitive portion of land onsite with a "very high" habitat value (i.e. that containing seven vernal pools and the associated mima-mound topography) located onsite will be preserved. Additionally, portions of Johnson Canyon and its slopes encompassed by the project site will be preserved in order to maintain a wildlife corridor between the Otay River Valley to the north and the Otay Mountains to the east. Approximately 1500 feet from the canyon bottom is included in the conservation easement. In addition, other portions of the corridor are/will be preserved through a discretionary review process in and outside the East Otay Mesa Specific Plan area. To the south and west the project site is surrounded by either disturbed (primarily through agriculture) or developed land.

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

**Findings of Fact:**

The project site supports three sensitive plant species; barrel cactus (*Ferocactus viridescens*), button celery (*Eryngium aristulatum*), and variegated dudleya (*Dudleya variegata*). One additional sensitive plant was identified during past surveys and is presumed to still exist onsite: *Prostrate navarretia* (*Navarretia fossalis*). Both the *Navarretia fossalis* and the *Eryngium aristulatum* occur within the J22 vernal pool complex. Preservation of the vernal pool complex (mima mound-pool topography plus watershed) in designated open space will reduce impacts to below a level of significance. Preservation of 80% of the *Dudleya variegata* and 50% of the *Ferocactus viridescens* populations will occur within the designated open space. A further mitigation measure providing for the conservation of covered species is salvage and relocation, *Dudleya variegata* and *Ferocactus viridescens* to the preserved open space. A minimum of 80% of the transplanted populations will be maintained under the Resource Conservation Plan (RCP). The RCP also provides for creation/enhancement of shrimp habitat.

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

**Findings of Fact:**

The project proposes a conservation easement that will preserve any potential or likely corridors and the best quality habitat onsite such that it could be included within a sound preserve system. The project open space and purchase of habitat in Hollenbeck Canyon will contribute to the preserve system in the Subarea.

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

**Findings of Fact:**

The project has included specific measures through project design and management that would reduce edge effects. The sensitive area preserved in open space borders proposed development on only one side. Access to the sensitive habitat is precluded by Lone Star Road and through the provision of

fencing of the proposed open space. The use of non-native, invasive plant species will be prohibited around all industrial and commercial structures, and along roads and entryways. All project lighting will be directed away from the open space. To avoid direct impacts to the one vernal pool located south of Lone Star Road, it will be preserved with its watershed and fenced, and managed in conjunction with the pools in the northern open space. Some indirect impacts are expected, but overall, the project's preservation design is good and will have edge effect reduced.

11. Every effort has been made to avoid impacts to BRCA, sensitive resources and specific sensitive species as defined in the Biological Mitigation Ordinance.

**Findings of Fact:**

The proposed development has avoided 66 percent of the BRCA and has designed open space that will protect the sensitive species on the site. All (0.2 acre) of the vernal pool habitat (supporting two sensitive plant species and the endangered San Diego fairy shrimp), 0.4 acre of southern willow scrub, 3.2 acres of coastal sage scrub (which supports two sensitive plant species), 3.1 acres of native grassland, and 44.7 acres of non-native grassland will be preserved onsite. Impacts to *Dudleya variegata* and *Ferocactus viridescens* will be minimized through transplantation of individuals from areas that are proposed for development into the preserved open space onsite (or off-site purchase of dudleya habitat). While there will be some loss of sensitive habitat associated with the proposed project, that loss has been limited and therefore meets the standards set forth in the Biological Mitigation Ordinance and appropriate mitigation measures have been included as part of the project. The total area preserved onsite totals 51.6 acres in a consolidated open space north of Lone Star Road (adjacent to Johnson Canyon corridor/linkage) and includes a vernal pool open space south of Lone Star Road.

**CONCLUSION:**

Review of the project's impacts on biological resources and a determination of whether or not necessary mitigation have occurred, in compliance with Section 10 of the Implementing Agreement between the County of San Diego and the California Department of Fish and Game and the U.S. Fish and Wildlife Service.

This project has been found to conform to the San Diego County Multiple Species Conservation Program Subarea Plan, Biological Mitigation Ordinance and Implementing Agreement. Upon fulfillment of the requirements for permanent mitigation and management of preserved areas as outlined in Section 17.1(A) of the County's Implementing Agreement for the Multiple Species Conservation Program (MSCP) Plan, Third Party Beneficiary Status can be attained for the project. Third party beneficiary

status allows the property owner to perform "incidental take" under the State and Federal Endangered Species Acts, of species covered by the MSCP plan while undertaking land development activities in conformance with an approval granted by the County in compliance with the County's Implementing Agreement.

## Appendix E

### Mitigation Measures and Project Design Features

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Appendix E contains applicable Mitigation Measures from the 1994 EIR, 2000 SEIR, and 2018 SEIR projects. The analysis in the 2003 and 2012 EIR Addenda relied on the mitigation measures in the 1994 EIR and 2000 SEIR; thus, mitigation measures for these documents are not listed separately. None of the language or requirements of the mitigation measures applicable to the Project have changed from the original approved CEQA documents.

#### **Air Quality**

##### **1994 EIR**

- MM 9A** The County shall require applicants to use several techniques to reduce potentially significant construction emissions.
- MM 9B** Development projects shall provide bicycle facilities to promote use of alternative transportation methods.
- MM 9C** The County shall coordinate with appropriate agencies to implement reduction of vehicle emissions.

##### **2000 SEIR**

**MM 2.6.4.1** "Construction Mitigation Measures: The County shall require applicants to use combinations of the following techniques to reduce potentially significant construction emissions:

- minimize simultaneous operation of multiple construction equipment units
- minimize the area being graded at any one time (i.e., grade only those areas which will be developed in the immediate future)
- use low pollutant-emitting construction equipment
- use [alternative fueled] or electrical construction equipment, [where economically feasible] use catalytic reduction for gasoline-power equipment
- use injection timing retard for diesel-powered equipment
- water the construction area to minimize fugitive dust halt grading during periods of high wind (>20 mph) stabilize graded areas (pave roads, hydroseed open areas, etc.) as soon as practical
- limit vehicles speeds on unpaved surfaces to 10 mph
- cover trucks hauling dirt for cut and fill operations

The County would place conditions on the grading permits for the project. Those conditions would require implementation of measures similar to those listed above."

**MM 2.6.4.2** "Facilities Mitigation Measures: Development projects shall provide facilities, as appropriate, to promote use of alternative transportation methods, such as:

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

Bicycle storage facilities shall be provided on each industrial and commercial lot as specified in the design guidelines for the project. The need for park and ride facilities and/or shuttles and appropriate locations for such facilities shall be coordinated with County Staff, SANDAG and Metropolitan Transit Development Board (MTDB). The party responsible for implementing any identified, off-site park-and-ride lots would provide bike storage facilities and the effected agencies will determine appropriate shuttle stops. Implementation of the project does not foreclose opportunities for transit or shuttle stops to be implemented within public right-of-ways.

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

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

The County has and continues to coordinate programs similar to those listed above. It should be noted that the transit provider is MTDB and not the North County Transit District"

**2018 SEIR**

**M-AQ-1** The Project would reduce construction emissions associated with VOC to the extent feasible by utilizing low-VOC coatings in accordance with APCD Rule 67.0.1 requirements.

## Cultural Resources

### 2018 SEIR

**M-CR-1** "To mitigate for direct impacts to subsurface deposits, an archaeological monitoring program will be implemented that consists of the following:

- Pre-Construction: Pre-construction meeting to be attended by the Project Archaeologist and Kumeyaay Native American monitor to explain the monitoring requirements.
- Construction: Monitoring. Both the Project Archaeologist and Kumeyaay Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American monitor. Both the Project Archaeologist and Kumeyaay Native American monitor will evaluate fill soils to ensure that they are negative for cultural resources. If cultural resources are identified:
  - Both the Project Archaeologist and Kumeyaay Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery. The Project Archaeologist shall contact the County Archaeologist.
  - The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American shall determine the significance of discovered resources.
  - Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.
  - Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
  - If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

Human Remains:

- The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist. § Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin.



- If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
- The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. § Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- If needed any repatriation will be performed in landscaped areas within the public park or within the parkways along the public streets, within an area and depth that will not be disturbed by future ground disturbance.

Rough Grading:

Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered. A copy of the monitoring report shall be provided to the South Costal Information Center and any culturally-affiliated tribe who requests a copy.

Final Grading:

A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy. Disposition of cultural material:

- A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.
- The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.
- If requested by the Native American monitor, repatriation of any prehistoric materials, collected by the Native American monitor during construction monitoring will be repatriated to landscaped areas within the public park or within the parkways along the public streets, within an area and depth that will not be disturbed by future ground disturbance after artifact analysis is completed. "

## **Biological Resources**

### **2018 SEIR**

- M-BI-2** The following mitigation measures would be implemented to mitigate Project impacts to San Diego fairy shrimp (BI-2) to below a level of significance:

- M-BI-2a** A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if San Diego fairy shrimp are present on the Project site.
- M-BI-2b** Creation of wetlands suitable for both San Diego and Riverside species of fairy shrimp would fully mitigate impacts to these species to below a level of significance. The restoration effort would incorporate measures to salvage these species from on-site ponds and relocate them into the created pools within the Open Space Easement (Lot 20 of the proposed Tentative Map). The pools would be monitored for fairy shrimp at intervals specified in the RCP for a five-year period. Quarterly reports would be prepared by the applicant's consultant for the first year and annual reports thereafter. If the success criteria listed in the RCP are not met at the end of a given year, remedial action would be taken, pursuant to the direction and approval from the US Army Corps of Engineers and US Fish and Wildlife Service.
- M-BI-2c** Impacts to San Diego Fairy Shrimp would be mitigated to a level below significant by the creation of habitat and the preservation of the J-22 vernal pool complex as specified in the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan (Southwest Biological Services, December 2003) approved by in 2012.
- M-BI-3** The following mitigation measures would mitigate Project impacts to Riverside fairy shrimp (BI-3) to below a level of significance:
- M-BI-3a** A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if Riverside fairy shrimp are present on the Project site.
- M-BI-3b** Creation of wetlands suitable for both San Diego and Riverside species of fairy shrimp would fully mitigate impacts to these species to below a level of significance. The restoration effort would incorporate measures to salvage these species from on-site ponds and relocate them into the created pools within the open space easement. The pools would be monitored for fairy shrimp at intervals specified in the RCP for a five-year period. Quarterly reports would be prepared by the applicant's consultant for the first year and annual reports thereafter. If the success criteria listed in the RCP are not met at the end of a given year, remedial action would be taken, pursuant to the direction and approval from the US Army Corps of Engineers and US Fish and Wildlife Service.
- M-BI-3c** Impacts to Riverside fairy shrimp, which is assumed present, would be mitigated to a level below significance by the creation of habitat and the preservation of the J-22 vernal pool complex as specified in the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan (Southwest Biological Services, December 2003) approved in 2012. As required by the 2003 USFWS Biological Opinion, wet season and dry season Riverside fairy shrimp surveys shall be conducted in 2016-2017. If a protocol survey (2 wet or 1 dry and 1 wet survey) for Riverside fairy shrimp demonstrates that

this species is not present in the agricultural pond, then the success criteria for Riverside fairy shrimp would be dismissed.

- M-BI-5** A pre-construction burrowing owl survey shall be conducted in the Project development area prior to clearing of the development area and a pre-construction burrowing owl survey to be conducted in the Open Space Easement (Lot 20 of the proposed Tentative Map) prior to disturbance within the Open Space Easement (Lot 20 of the proposed Tentative Map) (such as excavation of new vernal pool). A burrowing owl translocation plan shall be developed and approved by the County and Wildlife Agencies, if owls are found during pre-construction surveys.
- M-BI-6** Implementation of mitigation measures M-BI-7 and M-BI-8, below, would reduce impacts to turkey vulture (BI-6) to below a level of significance.
- M-BI-7** Mitigation requirements for northern harrier (BI-7) would be partially met by the preservation of foraging habitat within the Open Space Easement (Lot 20 of the proposed Tentative Map). The enhancement of the habitat within the open space would further reduce impacts to this species. In addition, initial clearing of vegetation shall occur outside the nesting season (mid-April through July). If that is not possible, a raptor nesting survey shall be conducted. If an active nest is found, grading would cease in the immediate vicinity, and the monitoring biologist and County staff would determine and agree to an acceptable buffer between the nest location and grading activities. Table 3.5 in the 1996 MSCP Plan (approved by the County Board of Supervisors on October 27, 1997) states that an acceptable buffer would be 900 feet. Once the nest becomes non-active, grading restrictions shall not longer apply. Mitigation in conformance with the BMO for both on- and offsite habitat preservation (as proposed above in the discussion of sage scrub and grassland habitat mitigation) would fully mitigate for the loss of foraging habitat for this species regionally.
- M-BI-8** Mitigation requirements for the loss of foraging habitat and potential breeding habitat for white-tailed kite (BI-8) would be met by requiring a qualified biologist to monitor the construction area for suitable nesting habitat (e.g., trees) in the vicinity of construction during the breeding season. If white-tailed kite is found nesting on the Project site during pre-construction surveys, CDFW shall be notified. The RCP would require that a 'construction-free zone' be created around any identified nesting sites until fledging has occurred. The biologist would coordinate with County staff during the monitoring efforts to determine the size of any required construction zone. This would mitigate the impacts to a level below significant.
- M-BI-9** Implementation of mitigation measures M-BI-7 and M-BI-8, above, would reduce impacts to loggerhead shrike (BI-9) to below a level of significance.
- M-BI-10** Implementation of mitigation measure M-BI-12, below, would reduce impacts to black-tailed jackrabbit (BI-10) to below a level of significance.
- M-BI-11** Implementation of mitigation measures M-BI-7 and M-BI-8, above, would reduce impacts to raptor foraging habitat (BI-11) to below a level of significance.

**M-BI-12** The following mitigation measures fully mitigate indirect Project impacts to preserved land in the Biological Open Space (BI-12) to below a level of significance:

**M-BI-12a** Human Activities. The adverse effects on vegetation due to the increase in human activity in the area would be reduced by: 1) creating buffer zones adjacent to the open space easements to minimize the effects from noise and lighting; 2) limiting pedestrian and equestrian trails to existing roads or non-sensitive habitats; and 3) discouraging entry into native habitats such as the riparian and vernal pool habitats by installing fencing and barrier plantings and/or signage. In addition, the RCP would require fencing around the entire open space preserve easement to discourage trespassing and illegal dumping.

**M-BI-12b** Construction Activities. Indirect impacts to habitats may result from construction activities, such as construction of Lone Star Road. To avoid the potential impacts, the limits of the vernal pool habitats shall be surveyed and staked prior to construction. These limits shall be clearly shown on all construction drawings as 'no impact zones.' This area would have temporary fencing prior to construction to prevent vehicular or pedestrian access, equipment storage, storage of spoils materials, and refuse disposal.

**M-BI-12c** Introduced Species. The use of non-native, invasive plant species would be prohibited in the proposed landscaping palettes (including container stock and hydroseed material) for the streetscapes and commercial/industrial. A qualified biologist or native plant horticulturist shall review and sign all landscaping plans to determine the appropriate species to be used in landscaping, prior to project approval. These measures would reduce the potential impacts to below significant.

**M-BI-12d** Increased Runoff, Erosion, and Sedimentation. The proposed construction of Lone Star Road would result in the removal of vegetation on hillsides that could result in a temporary increase in runoff into the on-site vernal pools. Increased runoff can, in turn, result in erosion and sedimentation that could adversely affect wetland vegetation or other drainages. Erosion and sedimentation impacts would be mitigated by employing standard erosion control procedures, such as, sandbagging, diversion ditches, and stream bank stabilization. Prior to Site Plan approval for future development projects, a construction erosion control plan would be reviewed and approved by the County. In addition, the project would be required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit for construction activities from the Regional Water Quality Control Board, of which would require an approved Storm Water Pollution Prevention plan. That plan would require the permit applicant to implement measures to prevent contamination of the surrounding drainages during construction. These measures would mitigate the potential for significant impacts to a level below significant.

**M-BI-12e** Toxic Materials. Spills of toxic materials could occur during both construction and operational phases of the Project. These spills could contaminate drainages and create a significant impact to habitat and water quality. In order to prevent these

impacts, a 'no fueling' zone shall be designated within 25 feet of all drainages during the construction period. In addition, all equipment used near drainages during construction shall be routinely maintained and inspected for leaks. Major leaks shall be repaired immediately. Drip pans and tarps shall be placed under minor leaks. Used drip pans and tarps shall be properly disposed of at the end of each work day. Emergency provisions (e.g. straw bales) shall be placed at all drainage crossings, prior to the onset of construction to deal with unintentional spills. All of these measures would be included in approved Storm Water Pollution Prevention Plan (SWPPP) as a part of the RWQCB-required NPDES permit for construction activities. In addition, all commercial/industrial uses that plan to store materials within the proposed commercial/industrial complex would be required to obtain a NPDES permit for operational activities from RWQCB. That permit would also require a SWPPP for each facility to prevent contamination of nearby drainages. These measures would mitigate the potential for significant impacts to a level below significant.

- M-BI-12f** Habitat Fragmentation. Lone Star Road could potentially result in habitat fragmentation between the vernal pool complex to the north of Lone Star Road and the one vernal pool to the south of Lone Star Road. The southern vernal pool would be managed as a part of the larger vernal pool complex within the Open Space Easement (Lot 20 of the proposed Tentative Map) to the north. Integrated management of the southern pool with the rest of the vernal pool complex would ensure the long term viability of this pool and associated plant populations. The required RCP includes a management program for the vernal pools and would mitigate the potential for impacts to below significant.
- M-BI-12g** Provision should be made to inform the construction contractor(s) (prior to the construction process) about the biological constraints of this project. The contractor(s) would be responsible for impacts to biological sensitivities beyond those identified in this report and that occur as a direct result of construction activities. All sensitive habitat areas or occurrences of sensitive species to be avoided shall be clearly marked on project maps provided to the contractor. These areas shall be designated as "no construction" or "limited construction" zones. These areas would be flagged by the project biologist prior to the onset of construction activities. In some cases, resources may need to be fenced or otherwise protected from direct or indirect impacts.
- M-BI-12h** A contractor education meeting shall be conducted to ensure that contractors and all construction personnel are fully informed of the biological sensitivities associated with this project. This meeting should focus on: 1) the purpose for resource protection; 2) contractor identification of sensitive resource areas in the field (e.g., areas delineated on maps and by flags or fencing); and 3) sensitive construction practices (see nos. 4-9, on Pages 4.3-106 and 4.3-107 of the Specific Plan EIR), and protocol to resolve conflicts that may arise during the construction process. This meeting shall be conducted by a qualified biologist, and shall be a requirement for all construction personnel.
- M-BI-12i** Heavy equipment and construction activities shall be restricted to the development area. Prohibited activities within drainages or other wetland areas (including vernal

pools) include staging areas, equipment access, and disposal or temporary placement of excess fill.

- M-BI-12j** Staging areas are prohibited within sensitive habitat areas or any habitat included in open space. Staging areas shall be delineated on the grading plans and reviewed by a qualified biologist. Likewise, vehicle access shall be prohibited in all open space areas.
- M-BI-12k** Fueling of equipment shall not occur adjacent to drainages. ...[F]ueling zones should be designated on construction maps and shall be situated a minimum distance of 7.6 meters (25 feet) from all drainages the open space limits or near storm drains that may drain into Johnson Canyon
- M-BI-12l** Construction in or adjacent to sensitive areas should be appropriately scheduled to minimize potential impacts to biological resources. All work in or near wetlands or other "waters of the U.S." shall take place during periods of minimum flow (i.e., summer through the first significant rain of fall) to avoid excessive sedimentation and erosion.
- M-BI-12m** The open space limits must be staked and flagged prior to clearing or grubbing. The limits of the open space must be fenced with a chain link fence at least five feet tall prior to clearing or grubbing. The fence location must be approved by County staff or monitoring biologist prior to receipt of grading permit and would be a permanent protection measure.
- M-BI-12n** A Resource Conservation Plan detailing wetland enhancement, preservation, and maintenance, coastal sage scrub habitat preservation, sensitive species salvaging, and transplanting as well as success standards and report requirements must be completed prior to the initiation of construction.
- M-BI-12o** Temporary construction fencing shall be installed.
- M-BI-12p** Installation of a sturdy fence that can prevent cutting fence shall be extended around the entire western, northern, and eastern edges of the northern Open Space Easement (lot 20 of the proposed Tentative Map) due to the ongoing problem of trespassing recreational off-road vehicles (this type of fence would not prevent entry and use by wildlife).
- M-BI-13** Significant impacts to 195.99 acres of non-native grassland (BI-13) would be mitigated at a ratio of 0.5:1, as previously approved in the 2000 SEIR. The required 98.00 acres of non-native grassland mitigation would be provided through preservation of 46.76 acres of non-native grassland and 1.96 acres of native grassland within the Open Space Easement (Lot 20 of the proposed Tentative Map), and purchase of 49.28 acres in an approved offsite mitigation bank. On-site non-native grassland mitigation acreage would be within both the northern Open Space Easement (Lot 20 of the proposed Tentative Map) and the smaller vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map). The northern Open Space Easement (Lot 20 of the proposed Tentative Map) would preserve 46.39 acres of non-native grassland and 1.96

acre of native grassland (totaling 48.35 acre of grassland). The southern vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map) would preserve of 0.37 acre of non-native grassland on-site within the southern vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map). Furthermore, the applicant has satisfied the requirement for purchase of 49.28 acres in an approved off-site mitigation bank. The applicant contributed \$243,450 toward the preservation of land in Hollenbeck Canyon, a preserve area in the MSCP subarea, which provided habitat value equal to 5.4 acres of native grassland and 48.6 acres of non-native grassland.

- M-BI-15** Mitigation for potential Project impacts to Federally protected wetlands (BI-15) shall consist of wetland creation and enhancement/ restoration as proposed for wetland habitat impacts in M-BI-12, above.

## **Paleontological Resources**

### **2018 SEIR**

- M-PR-1** Paleontological monitoring shall be conducted during all mass grading and excavation activities in surface exposures of the Otay Formation to mitigate any adverse impacts (i.e., loss or destruction) to potential nonrenewable paleontological resources. A mitigation monitoring and reporting program consistent with County and CEQA guidelines and requirements shall be implemented prior to any mass grading and/or excavation-related activities, including utility trenching, within the Otay Formation. The mitigation monitoring and reporting program shall be conducted in accordance with the following procedures: A. A Qualified Paleontologist or Paleontological Resources Monitor (under the supervision of the Qualified Paleontologist) shall be on-site during all excavation operations within geologic formations that may contain paleontological resources (i.e., the Otay Formation). The Qualified Project Paleontologist is a person with a Ph.D. or master's degree in paleontology or related field, and who has knowledge of San Diego County paleontology, and documented experience in professional paleontological procedures and techniques. A Paleontological Monitor is defined as an individual with at least 1 year of experience in field identification and collection of fossil materials. The Paleontological Monitor shall work under the direct supervision of the Qualified Paleontologist. The applicant shall authorize the Qualified Paleontologist and/or Paleontological Monitor to direct, divert, or halt any grading activity, and to perform all other acts required by the provisions listed below. B. The Qualified Paleontologist and/or Paleontological Monitor shall monitor all grading and excavation activities of undisturbed formations of sedimentary rock; C. If paleontological resources are unearthed, the Qualified Paleontologist or Paleontological Monitor shall do the following: 1. Direct, divert, or halt any grading or excavation activity until such time that the sensitivity of the resource can be determined and the appropriate recovery implemented. 2. Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits. 3. 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. 4. 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. 5. Curate, catalog, and identify all fossil remains to the lowest taxon possible; inventory specimens; assign catalog numbers; and enter the appropriate specimen and locality data into a collection database. 6. Transfer the cataloged fossil remains to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display. The transfer shall include copies of relevant field notes, maps, stratigraphic sections, and photographs. D. The Qualified Paleontologist shall prepare a final Paleontological Resources Mitigation Report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection. E. 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 report according to the County PDS Electronic Submittal Format Guidelines.



# NOTICE OF DETERMINATION

# 1 - 345

TO:  Recorder/County Clerk  
Attn: James Scott  
1600 Pacific Highway, M.S. A33  
San Diego, CA 92101

FROM: County of San Diego  
Planning & Development Services, M.S. 0650  
Attn: Project Planning Section Secretary  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123

Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812

**SUBJECT: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21152**

Project Name and Number(s): Otay Majestic PDS2022-SPA-22-001 (SPA); PDS2023-TM-5651(VTM); PDS2023-STP-23-007 (STP) and PDS2022-ER-98-19-013I (ER)

State Clearinghouse No.: \_\_\_\_\_

Project Location: The 253-acre project site is generally located along existing north of Otay Mesa Road between Harvest Road and Vann Centre Blvd in southwestern edge unincorporated San Diego County immediately adjacent to the U.S./Mexico border. It lies between the Otay River Valley to the north (City of Chula Vista further to the north), the international border with Mexico to the south, the San Ysidro Mountains to the east, and the City of San Diego to the west. approximately one mile south of the City of Chula Vista and half in the northerly most portion of the Otay Subregional Plan Area, within unincorporated San Diego County.

Project Applicants: Sunroad Otay Partners, L.P. Otay Majestic Company  
Arron Feldman Tom Simmons  
8620 Spectrum Center Blvd. North 13191 Crossroads Parkway North  
Suite 1100 6<sup>th</sup> Floor  
Los Angeles, CA 90049 City of Industry, CA 91746

Project Description: The project is a Specific Plan (SPA), Site Plan (STP), and a Vesting Tentative Map (VTM) and Addendum (ER). Otay Majestic is located on approximately 253 acres. The project applicants are requesting the construction of up to 2,850,000 square feet of industrial warehouse buildings (Parcels 1 to 12) and roads spread out over five phases. The Project would include approximately 51.3 acres of permanently conserved biological open space at the northeastern corner of the site (Parcel D) northeast of Lone Star Road, and a combination of permanently conserved open space and manufactured slopes on 13.1 acres (Parcels A, B, and C) southwest of the future intersection of Lone Star Road and Zinser Road. Compared to the prior 2018 entitlement, natural open space conservation on the site would increase by approximately 8.0 acres. The Project's internal street pattern would match the existing grid pattern of the surrounding area within the Otay Subregional Plan Area.

Agency Approving Project: County of San Diego

County Contact Person: Gregory Mattson, Project Manager or Mark Slovick, Deputy Director

Date Form Completed: May 1, 2024

This is to advise that the County of San Diego Board of Supervisors has approved the above described project on November 18, 2020 and has made the following determinations:

1. The project  will  will not have a significant effect on the environment.
2.  An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of the CEQA.  
 A Negative Declaration or Mitigated Negative Declaration was adopted for this project pursuant to the provisions of the CEQA.  
 An Addendum to a previously certified Environmental Impact Report, or to a previously adopted Negative Declaration or Mitigated Negative Declaration, was prepared and considered for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were  were not made a condition of the approval of the project.
4. A Mitigation reporting or monitoring plan  was  was not adopted for this project.

**The following determinations are only required for projects with Environmental Impact Reports:**

- 5. A Statement of Overriding Considerations  was  was not adopted for this project.
- 6. Findings  were  were not made pursuant to the provisions of State CEQA Guidelines Section 15091.

Project status under Fish and Wildlife Code Section 711.4 (Department of Fish and Wildlife Fees):

- Certificate of Fee Exemption (attached)
- Proof of Payment of Fees (attached)

The Environmental Impact Report or Negative Declaration with any comments and responses and record of project approval may be examined at the County of San Diego, Planning & Development Services, Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, California.

Date received for filing and posting at OPR: \_\_\_\_\_

Signature:  \_\_\_\_\_ Telephone: (619) 895-7177 \_\_\_\_\_

Name (Print): Greg Mattson \_\_\_\_\_ Title: Contract Project Manager \_\_\_\_\_

This notice must be filed with the Recorder/County Clerk within five working days after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15075 or 15094.

**Attachment F –  
ENVIRONMENTAL FINDINGS**

**OTAY MAJESTIC PROJECT  
PDS2022-SPA-22-001; PDS2023-VTM (5651),  
PDS2023-STP-23-007 AND PDS2022-ER-98-19-013I**

**ENVIRONMENTAL FINDINGS  
February 19, 2024**

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

- 1) Find that the environmental impact report (EIR) dated July 27, 1994 on file with the Department of Planning and Development Services (PDS) as Environmental Review Number Log No. 93-19-006 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Board of Supervisors has reviewed and considered the information contained therein and Addendum thereto dated on file with PDS as Environmental Review Number (PDS2022-ER-98-19-013I) before approving the project.
- 2) In the years since the certification of the original 1994 EIR, two addenda and two Supplemental EIRs have been processed and approved by the County for projects located within the East Otay Mesa Business Park Specific Plan area, including the 253.1 acres that make up the Project site area.
- 3) The Project entails a proposal to implement light industrial land uses on the portions of the site designated for development and consistent with the light industrial land use designation previously approved for the site in the East Otay Mesa Business Park Specific Plan and evaluated in the 1994 EIR, 2000 Supplemental EIR (SEIR) (TM 5139-RPL6, Log No. 9101099), 2003 EIR Addendum (TM5139-RPL6R, Log No. ER 98-19-013A), 2012 EIR Addendum (TM5538), and 2018 SEIR (PDS2015-ER-15-98-190-13G). And the Board of Supervisors has reviewed and considered the information contained in each of these CEQA documents in consideration of the project.
- 4) Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated July 27, 1994, as well as the 2000 SEIR, 2003 Addendum, 2012 Addendum, and 2018 SEIR, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist dated November 2023.
- 5) Addendum for Otay Majestic, PDS2022-SPA-22-001, PDS2023-VTM (5651), PDS2023-STP-23-007, PDS2022-ER-98-19-013I and the approved PDS2022-TM-5607RTE.
- 6) Adopt the Mitigation Monitoring and Reporting Program (MMRP) as incorporated into the project conditions of approval pursuant to CEQA Guidelines section 15074(d).
- 7) Find that the proposed project is consistent with the Resource Protection Ordinance (RPO) (County Code, Section 86.601 et seq.).
- 8) Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, Section 67.801 et seq.).
- 9) Find that the project is consistent with the Biological Mitigation Ordinance (County Code, section 86.501 et seq.)

**Attachment G –  
PUBLIC DOCUMENTATION**



# San Diego County Archaeological Society, Inc.

Environmental Review Committee

19 February 2024

To: Mr. Greg Mattson, Project Manager  
Department of Planning and Development Services  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, California 92123

Subject: Specific Plan Amendment and Findings Pursuant to CEQA Sections 15162-15164  
East Otay Mesa Business Park Specific Plan Amendment  
PDS2023-VTM (5651), PDS2023-STP-23-007


Dear Mr. Mattson:

I have reviewed the subject projects documents on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the documents provided on the DPDS website, we agree with the application of the previously identified mitigation measures for the revised project. We assume that, if necessary, temporary fencing will be provided to avoid inadvertent impacts to sites SDI-9975 and SDI-12730, which are within the dedicated open space easement.

SDCAS appreciates the opportunity to review and offer comments on this project's environmental documents.

Sincerely,

  
James W. Royle, Jr., Chairperson  
Environmental Review Committee

cc: ASM Affiliates  
SDCAS President  
File



**Chatten-Brown Law Group,  
APC**

Isabella Coye | Law Clerk  
325 W. Washington Street, Suite 2193  
San Diego, CA 92103  
igc@chattenbrownlawgroup.com

April 19, 2024

*Via email to Mr. Gregory Mattson*

County of San Diego  
Planning & Development Services  
Project Manager Gregory Mattson ([Gregory.Mattson@sdcounty.ca.gov](mailto:Gregory.Mattson@sdcounty.ca.gov))  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

**Re: Comments on the Otay Majestic Specific Plan Amendment and Addendum and Request for Consideration of Changed Impacts, Inclusion of Additional Mitigation, and the Incorporation of a More Comprehensive Project Description**

Dear Mr. Mattson:

On behalf of the Sierra Club, we provide the following comments on the Otay Majestic Specific Plan Amendment and 2024 Addendum (“2024 Addendum”). There have been various different proposed projects and plans for the project site, which is located in the East Otay Mesa area of San Diego.

In particular, Sierra Club is concerned by the Proposed Project’s significant and unmitigated impacts to GHG emissions and biological resources, including threatened species and vernal pool habitats, among other impacts. These concerns extend to the sufficiency of the Project’s environmental review, including the sufficiency of the 2024 Addendum, as detailed below.

In 1994, an environmental impact report (“EIR”) was prepared for the East Otay Mesa Business Park Specific Plan, which was intended to be a “mixed-use project including industrial, commercial, fire/police services, transit, and residential uses on a 3,300-acre area.” (2024 Addendum, p. 1.) The Transit component included three transit stations, light rail, and two to four lane roads that connected the project to the U.S.-Mexico border crossing on the SR-125 freeway. (1994 EIR, Figure 3-6, *Circulation and Transit Plan*.) The 1994 EIR’s Circulation and Transit Plan is attached as **Exhibit A**. Given the scale of the plan, this was a very high-level EIR that left the details of future projects within the Specific Plan area for subsequent environmental review.

In 2000, an SEIR was prepared for the East Otay Mesa Specific Plan Sunroad Centrum project, which was to be developed on approximately 250.5 acres of the 3,300-acre area that was originally studied in the 1994 EIR and would contain industrial, commercial, and open space

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April 19, 2024  
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uses. (2024 Addendum, p. 2.) Then, in 2003, an addendum was prepared for the Revised Sunroad Otay Project, which would amend the 1994 and 2000 EIRs. The 2003 addendum changed the density of industrial lots by reducing the number of lots from 96 to 56, included a new subdivision map changing the property from five to six total units, and made changes to the road network. In 2012, another addendum was prepared for the Sunroad Otay Tech Center. This project would have changed the number of units back from six to five, further reduced the number of industrial lots to 52, and presumed “technology business park uses” for those industrial lots. The 2012 version of the project would have also created a 28-acre commercial overlay and further changed the road network.

Another SEIR was then prepared in 2018 for the Otay 250 Sunroad East Otay Mesa Business Park General Plan Amendment and Specific Plan Amendment, which covered the same project site at the heart of the prior EIRs and addenda. The 2018 SEIR also “included the establishment of a new Mixed-Use Village Core area within the Specific Plan area that allowed for the construction of a mix of employment, retail, and residential uses.” (2024 Addendum, p. 4.) This project would have contained 3,158 residential units, commercial uses, employment uses, and open space. (*Id.*) This project signified a large deviation from prior versions of the project in that it dramatically changed the land uses for the project site; no other version of the project had provided for residential uses, and the 2018 SEIR required the use of General and Specific Plan Amendments to rezone the land for this use.

The current Otay Majestic Project (“Project”) would rezone the land again, changing the categorization from “mixed use - residential emphasis” to “light industrial.”<sup>1</sup> (2024 Addendum, p. 7.) The Project would cover 253.1 acres total. (*Id.* at 2.) The 2024 Addendum “primarily tiers from the original 1994 EIR, 2000 SEIR, 2003 Addendum, and 2012 Addendum.” (*Id.* at 7.) The 2024 Addendum further claims that it “primarily” tiers from the 2018 SEIR only for “evaluation of physical ground-disturbing impacts.” (*Id.*) Despite tiering from each of the prior EIRs and addenda, this Project vastly differs from those that preceded it. For example, the 2012 addendum was prepared for a business park, which is clearly differentiable from the current Project’s “light industrial” uses. Even more notably, the 2018 EIR studied a *completely different* project that placed emphasis on residential and mixed uses, which are not included at all in the current Project’s industry-forward plans. Even where the Project is somewhat similar to prior variations, the analysis from those earlier versions is still extremely outdated. For instance, the 2024 Addendum’s plans tend to loosely parallel the industry-forward plans at the heart of the 2000

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<sup>1</sup> “Light industrial” land uses are now often referred to as “limited impact industrial” uses. (*See* San Diego County Historic General Plan, Housing Element, p. II-48.) These uses include organic material recycling facilities, “mini-warehouses,” and custom manufacturing businesses. (San Diego Zoning Use Regulation M52, § 2522–23.) With limitations, these uses may also include more intensive uses, such as repair businesses for automobiles and equipment or heavy-use recycling facilities. (*Id.*)



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EIR. However, in relying on analysis and conclusions dating back twenty-four years, the 2024 Addendum precludes review of new circumstances, new feasible mitigation measures, regulations, and other relevant considerations that have arisen since 2000.

The 2024 Addendum must analyze the changed circumstances that have arisen between 1994 and 2024 and must not impermissibly rely on the 2018 SEIR, given the drastic differences between that version of the project and the current Project. Additionally, the 2024 Addendum must incorporate meaningful and enforceable binding mitigation measures to address the Project's impacts, rather than merely incorporating unenforceable and vague measures from prior outdated EIRs and addenda or relying on non-binding Project Design Features. The 2024 Addendum's project description must also provide a sufficient level of detail to calculate the environmental impacts associated with the Project's construction and operation.

Finally, the 2024 Addendum proposes a sixth version of a "project" for this site; but, with each new version, previously agreed upon mitigation measures have been excluded without being adequately substituted. This leaves gaps in the Project's overall mitigation strategy and results in a severe deficiency in mitigation for GHG emissions and biological resources, which must be remedied before any approval of the Project.

**I. The 2024 Addendum "Primarily Tiers" from Outdated EIRs and Addenda, Precluding Consideration of Recently Available Information and Changed Impacts**

The 2024 Addendum states that it "primarily tiers" from the 1994 and 2000 EIRs and 2003 and 2012 addenda. (2024 Addendum, p. 7.) The earliest of these documents, the two EIRs, were certified between twenty-four and thirty years ago. The use of an addendum that tiers from these prior, outdated EIRs limits environmental analysis. For example, mitigation measures that are now feasible have not been included because the 2024 Addendum solely pulls mitigation measures from prior EIRs and addenda. Several of these prior mitigation measures are woefully vague or outdated, as discussed in Part III.

Additionally, the California Attorney General's Office (AGO) has since issued best practices for warehouse management, yet the guidelines have not been implemented nor even considered in the 2024 Addendum. (Cal. Att'y Gen., Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated Sep. 2022).) These warehouse guidelines are attached as **Exhibit B**. The AGO emphasizes the necessity of creating these guidelines because of the recent "proliferation of e-commerce" and the associated "boom in warehouse development." (*Id.* at 1.) Careful and thorough environmental review is even more critical in light of this recent surge in warehouse development. The warehouse guidelines also include recommended mitigation measures for maximizing community engagement, designing and siting warehouses, and minimizing traffic impacts. (*Id.* at 4–5, 11.)

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 April 19, 2024  
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The AGO’s recommendations include the following mitigation measures, all of which are feasible for this Project:

- Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zero-emission beginning in 2030;
- Requiring all on-site motorized operation equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging and fueling stations provided;
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations;
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible; and
- Requiring all stand-by emergency generators to be powered by non-diesel fuel.<sup>2</sup>

By failing to implement any recommendations from the AGO warehouse guide, the Project’s proponents have failed to implement best practices based on recently available information. The Sierra Club provides several further suggested mitigation measures that are feasible in Part V.

The 2024 Addendum’s reliance on outdated environmental review further precludes consideration of changed impacts. Even where an EIR has already been prepared, a subsequent or supplemental EIR must be prepared where any of the following occurs: (1) “[s]ubstantial changes are proposed . . . which will require major revisions” of the EIR; (2) “[s]ubstantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions” of the EIR; or (3) “[n]ew information, which was not known and could not have been known at the time” the EIR “was certified as complete, becomes available.” (Pub. Res. Code § 21166.) Sierra Club has identified all of the following as areas of concern in light of newly available information or substantial changes to the associated impact category:

A. The 2024 Addendum States that there are no Impacts to Land Use, Despite Greatly Increasing the Industrial Acreage on the Site

The 2000 SEIR provided for 34.4 acres of commercial uses and the 2012 Addendum provided for 28 acres of commercial overlay. (2024 Addendum, p. 3–4.) The current Project will only feature light industrial use and open space. (*Id.* at 8.) Of the Project’s 253.1-acre total area, the 28 to 34.4 acres that were designated as commercial uses will now be strictly industrial. Industrial use on the Project site would have comprised 65.6% to 68.5% of the total acreage under the 2000

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<sup>2</sup> Cal. Att’y Gen., Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act, at 8–9 (Updated Sep. 2022).

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SEIR and 2012 Addendum, respectively. Now, industrial use will comprise 80.1% of the total site. The 2024 Addendum still states that there is “no change” to the Project’s land use. (*Id.* at 33.) Yet, this represents a substantial increase in proposed industrial uses on the site.

B. The 2024 Addendum Relies on Outdated and Noncompliant Transportation Analysis, Highlighting the Change in Relevant Law Since the Project’s First Ideation in 1994.

Senate Bill (“SB”) 743 requires transportation impacts be evaluated on a Vehicle Miles Traveled (“VMT”) basis, rather than based on Level of Service (“LOS”) criteria, by July 1, 2020. The enforcement date for this bill was preceded by every EIR and addendum from 1994 to 2018. The County now asserts that it is not required to do any new VMT analysis or related mitigation, because the prior EIRs and addenda this Project tiers from all relied on LOS analysis as allowed prior to July 2020. (*Id.* at 39–40.)

Though the County states that it is exempt from considering SB 743 and VMT because it has entitlements that predated the bill, the fact that there has been a new bill that vastly shifts the type of transportation analysis required signifies the issue with allowing the County to rely on environmental review that is up to three decades old.

Per Public Resources Code section 21166(c), a subsequent or supplemental EIR must be prepared where “[n]ew information, which was not known and could not have been known at the time” the EIR “was certified as complete, becomes available.” SB 743’s new, VMT-based approach is entirely reliant on advancements to transportation impact calculations. Additionally, CEQA’s Environmental Checklist Form expressly asks whether a project would conflict with a “program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.” (CEQA Guidelines, App’x G, p. 355.) The Project’s reliance on LOS analysis directly conflicts with applicable law aimed at addressing the circulation system: SB 743.

Additionally, it remains unclear whether the transit stations and light rail included in the 1994 EIR’s Circulation and Transit Plan are still planned and funded. Over 30 years have passed since the 1994 EIR, yet no transit station has been built. Removal of the planned transit station would feature a major change from the 1994 EIR, further necessitating subsequent environmental review.

C. The Reliance on Outdated Environmental Analysis Precludes Adequate Review of New Regulations and Information Applicable to Greenhouse Gases and Air Quality Impacts

The reliance on outdated EIRs and addenda precludes a consistency review of the most up-to-date plans, including the California Air Resources Board (“CARB”) 2022 Scoping Plan

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and the San Diego County Air Pollution Control District (“APCD”) 2022 Regional Air Quality Strategy.

There have also been substantial changes with regard to Greenhouse Gases (“GHGs”) and air quality—in both existing conditions and legislative and state guidance—as well as new information about impacts, analysis, and necessary and feasible mitigation that was not yet identified twenty years ago. For example, the AGO has since provided guidance that agencies should refrain “from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is required regardless of CEQA.” (Cal. Att’y Gen., Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act, at 7 (Updated Sep. 2022).) Yet, the 2024 Addendum contains three Project Design Features (“PDFs”) that merely require the Project comply with existing law. These PDFs are listed in Part V, *infra*.

D. Biological Resource Impacts Cannot be Fully Evaluated Until All Threatened Local Species are Analyzed, Including Those that Were Not Listed as Threatened During Prior Environmental Review

The 2024 Addendum must consider all endangered or threatened species that may be impacted by the Project, including federally listed species, state listed species, and newly listed species on both the federal and state level. Additionally, any impacts to federal designated critical habitat must be considered. The 2024 Addendum fails to account for listed species found nearby and, therefore, fails to analyze the potential impacts to these species.

For example, the threatened California Coastal Gnatcatcher—federally listed in 1993—has been documented near the project site,<sup>3</sup> yet the species is not addressed in the 2024 Addendum or any of its memoranda or mitigation measures.

Additionally, the Otay Tarplant, also known as the Otay Tarweed or *Deinandra conjugens*, is a threatened species that was federally listed in 1998. (Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Four Plants from Southwestern California and Baja California, Mexico, 63 Fed. Reg. 54,938 (Oct. 13, 1998) (codified at 50 C.F.R. pt. 17).) The Otay Tarplant is found on the Otay Mesa, as well as in Rice Canyon, Proctor Valley, and a limited number of other locations in southwest San Diego. (*Id.*) Moreover, the Otay Tarplant has been documented in the immediate vicinity of the project site.<sup>4</sup> The 2024 Addendum, associated memoranda, and mitigation measures all fail to mention this plant, even

<sup>3</sup> San Diego Management and Monitoring Program, [https://sdmmp.com/gis\\_viewer.php](https://sdmmp.com/gis_viewer.php); U.S. Fish & Wildlife, <https://www.fws.gov/species/coastal-california-gnatcatcher-polioptila-californica-californica>.

<sup>4</sup> San Diego Management and Monitoring Program, [https://sdmmp.com/gis\\_viewer.php](https://sdmmp.com/gis_viewer.php).

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to state that it was not found on the site. The Otay Tarplant was federally listed four years after the 1994 EIR was certified, which again highlights how significantly laws and regulations have changed in the last three decades. The 2024 Addendum must address all special status species that may be impacted by the Project’s development, including those that were neither studied during prior environmental review nor listed as threatened or endangered when the prior EIRs and addenda were certified.

Furthermore, the project site and adjacent properties have seen a substantial increase in the illegal use of off-road vehicles, resulting in another significant change to the Project’s circumstances and an increased risk of impacts to biological resources. This increased off-road vehicle activity necessitates further mitigation measures for biological resources, including those recommended in Part V, below.

E. The 2024 Addendum Inaccurately Claims that there will be “No Change” to the Effects of Hazardous Materials

The 2018 SEIR’s analysis of hazardous waste states that there was already hazardous material impacting the site from prior agricultural use, and that any further hazardous waste would be limited to the project site itself. (2018 EIR, p. 2.5-22.) This was mitigated with a soil management plan. (*Id.* at 2.5-23.) The 2024 Addendum states that “the Project’s commercial and industrial land uses would increase the number of facilities that transport, use, and dispose of hazardous materials in the Project area.” (2024 Addendum, p. 30.) Yet, the current Project provides *no* mitigation measures for hazardous waste and removes the mitigation measure implementing a soil management plan, despite the 2024 Addendum’s statement that the Project would increase the use and transport of hazardous waste. Despite this increase in hazardous material and the lack of associated mitigation measures, the 2024 Addendum claims there will be “no change” to the effects caused by hazardous material. (*Id.* at 29.)

F. The Addenda Fails to Properly Evaluate the Project’s Cumulative Impacts

The AGO also instructs that, “[w]hen analyzing cumulative impacts, thoroughly consider[] the project’s incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project’s individual impacts alone do not exceed the applicable significance thresholds.” (Cal. Att’y Gen., Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act, at 7 (Updated Sep. 2022).) The 2024 Addendum cannot accurately account for cumulative impacts when it is tiered from environmental review dating back to 1994. Land uses and projects in the surrounding area have surely altered the cumulative impact calculus in this thirty-year time frame.

For example, the following Projects—among many others—were omitted from analysis in the 2024 Addendum:

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- Otay Crossings Commerce Park: a 311.5-acre industrial development located at the intersection of Otay Mesa Road and Alta Road.<sup>5</sup> This project will be completed in early 2024.
- Otay-Tijuana Airport Crossborder Facility Project: a 63.8-acre development near the U.S.-Mexico Border that includes a 772,000 square foot parking structure and 402,000 square feet of industrial office and warehouse uses.<sup>6</sup> This project is located near the cross streets of Siempre Viva Road and Britannia Boulevard.
- East Otay Mesa Recycling Collection Center and Landfill: a 340-acre development on a 450-acre project site located east of planned State Route 11 and one-quarter mile from the U.S.-Mexico Border.<sup>7</sup> The development would include a recycling collection center and class III solid waste landfill.<sup>8</sup>

## II. The 2024 Addendum States that it Only Utilizes the 2018 SEIR in its Analysis of Ground-disturbing Impacts, then Inappropriately and Heavily Relies on the 2018 SEIR for Various Unrelated Conclusions

The 2024 Addendum asserts that it primarily relies on the 2018 SEIR for its analysis of “physical ground-disturbing impacts.” (2024 Addendum, p. 7.) However, the 2018 SEIR is mentioned in **each and every impact-specific section** of the 2024 Addendum—including those that have nothing to do with ground-disturbing impacts, such as public services. (*Id.* at 37.) Yet, as we stated earlier, the 2018 SEIR was for an *entirely* different project.

Additionally, the 2024 Addendum falsely claims that the Project reduces impacts from the 2018 entitlements, despite removing several of the 2018 SEIR mitigation measures.

For instance, the 2024 Addendum heavily relies on the 2018 SEIR in supporting its conclusion that the Project will result in *no* GHG impacts. However, the 2024 Addendum fails to carry over a single GHG mitigation measure that applied to the 2018 SEIR, which required the project to be carbon neutral. The Project is expected to emit between 17,067 and 24,888 metric tons of CO<sub>2</sub>e per year, depending on whether ITE or SANDAG trip scenarios are utilized, respectively. (2024 Addendum, p. 29.) The 2018 SEIR projected 32,786 metric tons of CO<sub>2</sub>e per year. (*Id.*) Accordingly, the difference between metric tons of CO<sub>2</sub>e per year by this Project and the 2018 proposed project—before mitigation—ranges from 7,898 to 15,719. The 2018 SEIR provided four GHG mitigation measures, including the achievement of carbon neutrality. (2018 SEIR, Ch. 7.0, p. 7-12.) None of these measures were included in the 2024 Addendum’s mitigation measures. Thus, this Project will emit significantly more GHGs than the 2018 project, because

<sup>5</sup> <https://ceqanet.opr.ca.gov/2006041039/4>.

<sup>6</sup> <https://ceqanet.opr.ca.gov/Project/2010121014>.

<sup>7</sup> <https://www.sdsolidwaste.org/content/solidwaste/east-otay-mesa-landfill.html>.

<sup>8</sup> *Id.*

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the 2018 project was ultimately required to meet net-zero emissions with mitigation, whereas none of the current Project's GHG emissions will be mitigated.

Where feasible measures recommended in prior EIRs are applicable to this Project's specific effects, the County must make a finding at a public hearing that these measures will be undertaken for the current project. (*See* Pub. Res. Code § 21083.3(c); Cal. Code Regs., tit. 14, § 15183(e).) If the County does not make this finding, the significant environmental effect that was being mitigated by the unadopted measure is not exempt from further review. (*Id.*) As stated above, the County has not utilized a **single** GHG mitigation measure from the 2018 SEIR in the 2024 Addendum. The project-specific effects that may have been mitigated by the 2018 measures—including carbon neutrality and carbon offsets—therefore do not apply to this Project, meaning that GHG impacts from this project remain unmitigated and are not exempt from further review.

We recognize that the County may have removed M-GHG-X after an identical measure relying on carbon offsets was ruled to violate CEQA in a 2018 case, *Golden Door Properties, LLC v. County of San Diego*. Yet, it is feasible for the County to revise the noncompliant measures rather than remove them entirely. In *Golden Door*, the appellate court held that out-of-county and international offsets do not meet Assembly Bill 32's requirements that GHG reductions be additional and that the offsets occurring outside of California be subject to equivalent or stricter standards than those imposed on Californian offsets. The carbon credit measure relied on in 2018 no longer complies with the law, but the County removed *all* GHG mitigation measures rather than merely revising them. Failing to incorporate any GHG measures effectively precludes further analysis of the impacts. The County should be requiring mitigation measures that comply with *Golden Door* to address the currently unmitigated emissions, such as requiring some level of contribution to an in-county GHG mitigation bank.

### **III. The 2024 Addendum Relies on Outdated Mitigation Measures that are Insufficient and Unenforceable**

The 2024 Addendum includes *no* new mitigation measures of its own; rather, it relies entirely on the mitigation measures incorporated in the prior EIRs and addenda and, in fact, removes numerous measures that were previously recommended.

The 2024 Addendum does not incorporate any biological resources mitigation measures from EIRs or addenda released prior to 2018. The 2024 Addendum also excludes numerous biological resources mitigation measures that were previously recommended in the 2018 SEIR, resulting in a fragmented approach to species and habitat protection. For example, the 2018 SEIR included detailed measures aimed at mitigating impacts to variegated dudleya and San Diego button-celery; the 2024 Addenda provides no mitigation for these species. Populations of vernal pool species such as button-celery must be evaluated during years of adequate rainfall, meaning

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it cannot be concluded that these species are absent from the project site merely because they were absent during a dry year. The 2024 Addendum further removes the measure implementing a mitigation ratio for disturbed wetland.

As discussed in Part II, there is also a total absence of any GHG mitigation measures, including those incorporated from prior EIRs and addenda or those that are new and specific to the 2024 Addendum.<sup>9</sup>

Mitigation measures must be “fully enforceable through permit conditions, agreements, or other measures.” (Pub. Res. Code § 21081.6(b); Cal. Code Regs., tit. 14, § 15126.4(a)(2).) Many of the measures incorporated from prior EIRs and addenda do not meet this requirement of enforceability.

The 2024 Addendum solely relies on ineffective air quality mitigation adopted during prior environmental review. For example, three air quality mitigation measures were incorporated from the 1994 EIR. All of these measures are entirely unenforceable or meaningless. One merely requires the “applicants to use several techniques to reduce potentially significant construction emissions.” (2024 Addendum, App’x E, p. 1.) Another simply requires that bicycle racks be provided. (*Id.*) The last of the measures requires the County to “coordinate appropriate agencies to implement reduction of vehicle emissions.” (*Id.*) All these measures are vague and lack a strategy for implementation, rendering them unenforceable or meaningless. The 2000 EIR provides only slightly more substantive and specific air quality mitigation measures, though one such measure only applies during construction and the others rely on “techniques” that are still ultimately unenforceable and vague, such as “minimizing” the use of multiple units of equipment at once or “promoting” uses of alternative methods of transportation. (*Id.* at 1–2.) One air quality mitigation measure was applied from the 2018 SEIR: the requirement that the Project use low-VOC coatings to reduce VOCs. (*Id.*) This measure is already required pursuant to ACPD rule 67.0.1. As discussed *supra* in Section I.C, the AGO has made clear that merely complying with existing law is not in itself a mitigation measure.

This lack of enforceable and meaningful mitigation is particularly notable given the 2024 Addendum’s declaration that impacts to air quality would still “remain significant and unavoidable.” (2024 Addendum, p. 16.) Emissions from the Project are expected to decrease from the estimates for prior project variations, in part because of stricter vehicle and building standards. (*Id.*) But lessened emissions do not justify a lack of any enforceable and meaningful mitigation measures, especially where impacts remain significant. Given the total lack of GHG mitigation measures, as well as the insufficiency of the air quality mitigation measures discussed

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<sup>9</sup> The 2024 Addendum does contain Project Design Features (“PDFs”), including one that prohibits natural gas infrastructure—which Sierra Club cautiously applauds. However, these are non-binding measures that must be adopted as enforceable mitigation measures.



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above, the 2024 Addendum’s current mitigation cannot reasonably offset the construction and operation of an entire industrial park.

#### **IV. The Project Description Provided in the 2024 Addendum is Insufficient and Fails to Provide the Level of Detail Necessary to Evaluate the Project’s Impacts**

CEQA requires an adequate project description. Project descriptions must include: (1) precise locations and boundaries; (2) a statement of objectives; (3) a general description of the technical, economic, and environmental characteristics; and (4) a statement describing the intended use. (Cal. Code Regs., tit. 14, § 15124; *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 16.) These descriptions must be definite and unambiguous, as well as stable and finite. (*Stopthemillenniumhollywood.com, supra*, 39 Cal.App.5th at 16.)

##### A. The Project Description is Vague and it is Unclear What the 2024 Addendum is Approving

The 2024 Addendum states that “[b]ased on the design characteristics of the buildings, they are **reasonably expected** to be occupied by general warehousing and high-cube transload and short-term warehouse uses, consistent with the Specific Plan’s light industrial land use designation . . . .”<sup>10</sup> (2024 Addendum, p. 9 (emphasis added).) If these uses are only “reasonably expected,” what are the alternatives uses that may otherwise be selected? No alternatives are addressed anywhere within the 2024 Addendum or associated memoranda.

The 2024 Addendum makes another vague and concerning statement: “The Project does not propose land uses that would use hazardous substances in **excess** quantities . . . [but] the Project’s commercial and industrial land uses **would increase** the number of facilities that transport, use, and dispose of hazardous materials in the Project area.” (2024 Addendum, p. 30 (emphasis added).) Again, this vague project description leaves room for uses that are inconsistent with the 2024 Addendum’s conclusions. The 2024 Addendum does not define “excess” quantities of waste, making it difficult to predict associated impacts. Moreover, the 2024 Addendum does not include a single PDF or binding mitigation measure aimed at addressing hazardous waste. The Project should clearly define its assumed threshold for “excess,” and incorporate binding measures that ensure that threshold is adhered to.

Furthermore, the Project’s air quality technical study states that the “entire site would be developed either as a Warehouse (ITE LU 150) or Industrial Park (ITE LU 130)” *and* that the

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<sup>10</sup> “High-cube” warehouses are tall warehouses that are used to store manufactured goods prior to distribution. “Transload” refers to the transfer of goods from one method of transportation to another. Accordingly, the Project’s warehouses will be used either for transloading, or for short-term storage.

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only two land use types for the Project are “Unrefrigerated Warehouse - No Rail” and “Parking Lot.” (A1 - Air Quality and Greenhouse Gas Technical Memorandum, Attachment A, pp. 1, 5.) Industrial parks are associated with higher vehicle trip generation rates, so the inclusion of industrial park uses as opposed to warehouse uses would significantly alter the air quality analysis. Yet, this conflicting information leaves it unclear whether the Project will be limited to strictly warehouses or will allow for both warehouses and an industrial park.

As a result, it is unclear what the 2024 Addendum is approving. The project description merely outlines vague uses that are “reasonably expected” and the Project’s technical memorandum is internally inconsistent. Additionally, it is unclear what the role of tenants or buyers of individual lots would be. Does the “type” of warehouse use selected ultimately come down to the preference of the tenant, and may the tenants use hazardous materials? The 2024 Addendum’s project description must provide enough detail to adequately analyze the environmental impacts, and should include guaranteed limitations on the type of uses to comport with what it analyzed and (allegedly) mitigated.

#### B. Impacts Cannot be Calculated Without an Adequate Project Description

The type of warehouse that is to be approved will determine the significance of the GHG and air quality impacts. Without adequate detail, these impacts cannot be estimated nor mitigated. As stated above in Section IV.A, the Project’s technical memorandum leaves it unclear whether the site will encompass solely warehouse uses, or both warehouses and an industrial park. The inclusion of an industrial park would vastly alter emissions calculations, making it impossible to truly anticipate GHG and air quality impacts until the types of land uses are clarified.

Even if the land use is limited to warehouses, the type of warehouse also changes the calculation of GHG and air quality impacts. For example, the 2024 Addendum states that the project will not use “chilled, cold, or freezer warehouse space inside facilities that would attract tractor trailers with transport refrigeration units.” (2024 Addendum, p. 27.) However, this limitation is not included as a binding mitigation measure, potentially leaving room for individual tenants to install refrigeration units at a later date. The use of refrigeration within the warehouses also directly relates to whether refrigerated trucks (TRUs) will be used. As the AGO states, “[i]f the Project’s building has cold storage, the Project’s environmental impacts could be dramatically greater since refrigerated trucks produce substantially more air pollution and greenhouse gas emissions than trucks that visit standard storage facilities . . . This critical detail should be disclosed . . . and the environmental impacts of this type of warehouse use must be fully analyzed.” (Cal. Att’y Gen., Comment Letter, *Mitigated Negative Declaration for the Spreckels Distribution Center*, at 4 (Aug. 4, 2021); see also Cal. Att’y Gen., Comment Letter, *Mitigated Negative Declaration for the Latitude Business Park*, at 4 (Feb. 7, 2020).) Attorney General Bonta’s comment letter regarding TRUs is attached as **Exhibit C**. The Project’s technical memoranda rely on the assumption that the buildings on-site would be unrefrigerated. In the

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event that refrigeration is used within any of the warehouses, the Project's entire technical study would be inaccurate.

The 2024 Addendum should guarantee that cold storage will not be used on the site and must then incorporate this limitation as a **binding** mitigation measure. Additionally, all other PDFs should be implemented as binding mitigation measures, including utilization of electric cargo handling equipment and the limitation against using natural gas to serve the Project's buildings.

#### V. The Project can Feasibly Incorporate a Variety of Additional Mitigation Measures

We urge the County to analyze and incorporate the following feasible mitigation measures, in addition to the measures recommended by the AGO (referenced *supra*, in Part I):

- Mitigation of all GHG emissions from the Project;
  - With project-specific measures, and/or
  - With contributions to an in-County GHG mitigation fund
- Modeling a measure off the South Coast Air Quality Management District's ("SCAQMD") 2021 Warehouse Indirect Source Rule, which requires large warehouses to offset pollution from truck traffic associated with their operations, to address pollution from mobile sources and comply with Sierra Club's policies on warehouses;<sup>11</sup>
- Utilizing photovoltaic cells throughout the Project;
- Heating the premises with electric pumps;
- Prohibiting gas powered landscaping equipment;
- Utilizing outdoor lighting consistent with dark skies;
- Utilizing LED lighting in all buildings and traffic lights;
- Expanding area for vernal pools with an entirely undeveloped corridor to the open space area;
- Eliminating unnecessary roads that do not lead anywhere;
- Eliminating roads to the north of the project to protect open space;
- Maintaining open space greenfields in the northeast section of the site;

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<sup>11</sup> The SCAQMD's Indirect Source Rule is part of the Warehouse Actions and Investments to Reduce Emissions (WAIRE) program. WAIRE measures to mitigate impacts from mobile sources include the use of electric "Yard Trucks," the use of zero emission trucks, and the installation of solar panels to power charging and fueling infrastructure. See Karl Aldinger, Warehouse Rules Help Clean Our Air - How You Can Help, Hi Sierran, April/May/June 2024, at 11, available at [https://sandiegosierraclub.org/wp-content/uploads/AprilMayJune\\_24-web.pdf](https://sandiegosierraclub.org/wp-content/uploads/AprilMayJune_24-web.pdf).

- Shrinking the size of building 12 or reconfigure buildings 11 and 12 to allow for a wider wildlife corridor leading north from the vernal pools;
- Including strong fencing along the edges of the Project’s development including parking lots, roads, and natural open space to deter off-road vehicles, encampments, and any other unauthorized access;
- Stationing security patrols and law enforcement to prevent unauthorized access to natural open space;
- Restoring native habitats of vernal pools, coastal sage scrub, and native grasslands in the Project’s open spaces;
- Providing an updated statement on cumulative impacts.

The County has already incorporated the following as Project Design Features (PDFs), but must take the additional step to incorporate them as binding mitigation measures with deadlines, requirements beyond what is already required by State law, and objective numerical standards to guarantee no impacts:

- No chilled, cold, or freezer warehouse space inside the facilities that would attract tractor trailers with transport refrigeration units;
- Installation of electric vehicle charging infrastructure for passenger vehicles;
- Installation of sidewalk and bikeway improvements from the County’s Active Transportation Plan;
- No natural gas to serve the buildings;
- Planting of 3,316 trees on-site; and
- Cargo handling equipment would be electric.<sup>12</sup>

The County has also recommended the following PDFs, which merely require that the Project comply with existing law, making it even more critical that the Project undertake these measures:

- Utilization of renewable energy and installation of energy-efficient features in compliance with CALGreen Title 24 requirements;
- Utilization of water efficiency and conservation requirements and installation of water-efficient features in compliance with CALGreen Title 24 requirements; and

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<sup>12</sup> 2024 Addendum, p. 27–28.

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- All vehicle operators are required to comply with CARB Rule 2485 and CARB Rule 2449.<sup>13</sup>

## VI. Conclusion

The 2024 Addendum's reliance on outdated EIRs and addenda precludes adequate environmental review that accounts for changed impacts since the Project's first ideation in 1994. Additionally, the Project impermissibly relies on the 2018 SEIR in drawing various conclusions, despite stating that the Project only tiers from the 2018 SEIR for analysis of ground-disturbing impacts. We request that the 2024 Addendum consider recent changes in law, policy, and the Project site itself and conduct more comprehensive environmental review to fill in the gaps left by prior EIRs and addenda. We further request that the project description be revised to allow for accurate impact calculations, particularly as they relate to GHG and air quality. Lastly, the mitigation measures selected for the Project are vague and unenforceable. The Project must incorporate more meaningful and enforceable mitigation measures, including the non-binding PDFs already listed in the 2024 Addendum, as binding mitigation measures that will sufficiently address the Project's impacts.

Sincerely,

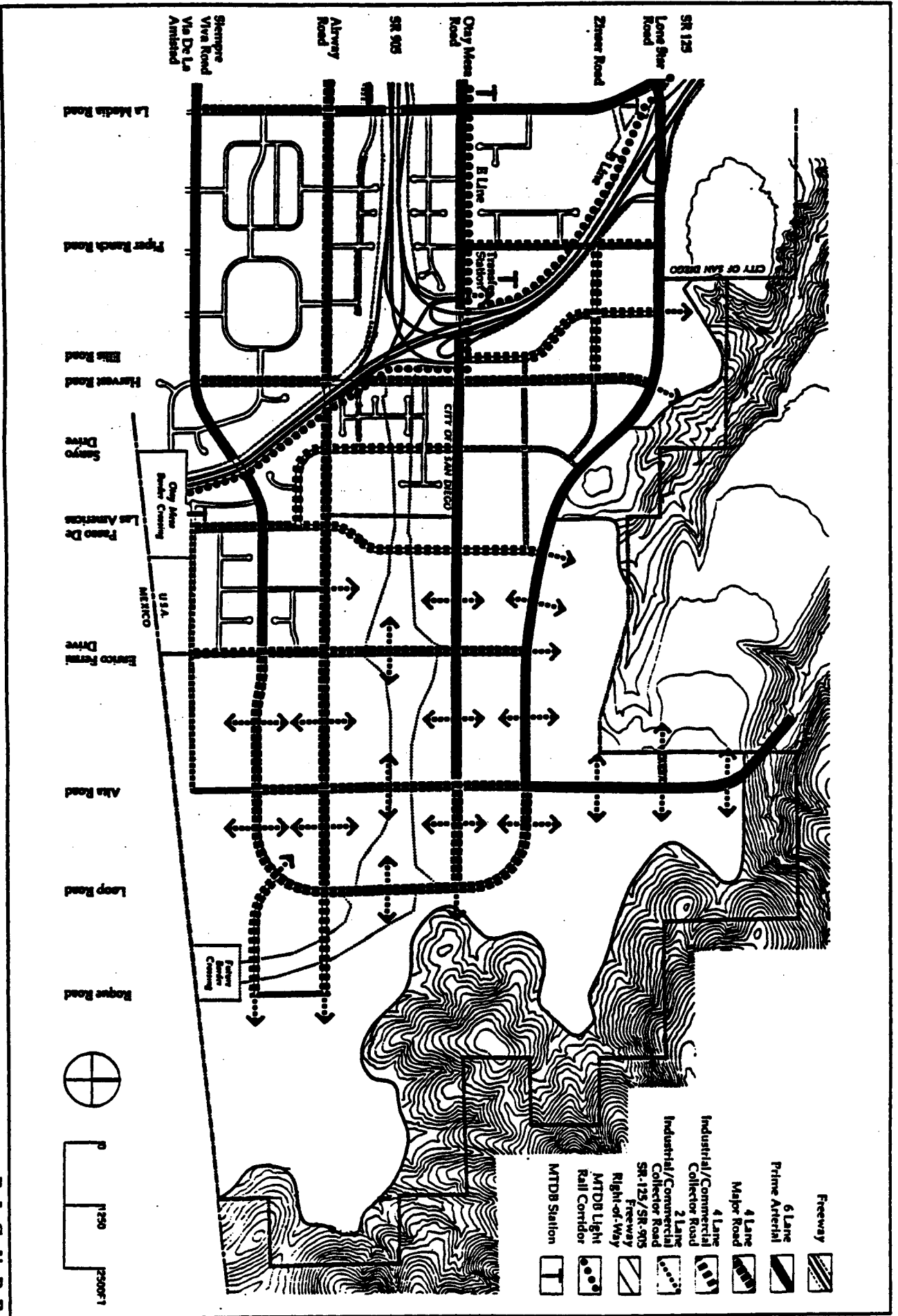


Isabella Coye  
Josh Chatten-Brown  
Kathryn Pettit

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<sup>13</sup> 2024 Addendum, p. 28.

*Exhibit A*



Circulation and Transit Plan

OGDEN

FIGURE

3-6

Exhibit B



*ROB BONTA*  
*Attorney General*

*State of California*  
*DEPARTMENT OF JUSTICE*



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# **Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act**

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In carrying out its duty to enforce laws across California, the California Attorney General's Bureau of Environmental Justice (Bureau)<sup>1</sup> regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies regarding warehouse projects, and in rare cases the Bureau has filed litigation to enforce CEQA.<sup>2</sup> This document builds upon the Bureau's work on warehouse projects, collecting information gained from the Bureau's review of hundreds of warehouse projects across the state.<sup>3</sup> It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.<sup>4</sup> While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, nearly all of which have been adapted from actual warehouse projects in California.

## I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.<sup>5</sup> California, with its ports, population centers, and transportation network, has found itself at the center of this trend. In 2020, the Ports of Los Angeles, Long Beach, and Oakland collectively accounted for over 34% of all United States international container trade.<sup>6</sup> The Ports of Los Angeles and Long Beach alone generate about 35,000 container truck trips every day.<sup>7</sup> Accordingly, the South Coast Air Basin now contains approximately 3,000 warehouses of over 100,000 square feet each, with a total warehouse capacity of approximately 700 million square feet, an increase of 20 percent over the last five years.<sup>8</sup> This trend has only accelerated, with e-commerce growing to

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<sup>1</sup> <https://oag.ca.gov/environment/justice>.

<sup>2</sup> <https://oag.ca.gov/environment/ceqa>; *People of the State of California v. City of Fontana* (Super. Ct. San Bernardino County, No. CIVSB2121829); *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).

<sup>3</sup> This September 2022 version revises and replaces the prior March 2021 version of this document.

<sup>4</sup> Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.

<sup>5</sup> As used in this document, "warehouse" or "logistics facility" is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short- or long-term basis for later distribution to businesses and/or retail customers.

<sup>6</sup> Data from the Bureau of Transportation Statistics, Container TEUs (Twenty-foot Equivalent Units) (2020), <https://data.bts.gov/stories/s/Container-TEU/x3fb-aeda/> (Ports of Los Angeles, Long Beach, and Oakland combined for 14.157 million TEUs, 34% of 41.24 million TEUs total nationwide) (last accessed September 18, 2022).

<sup>7</sup> U.S. Dept. of Transportation, Federal Highway Administration, *FHWA Operations Support – Port Peak Pricing Program Evaluation* (2020), available at <https://ops.fhwa.dot.gov/publications/fhwahop09014/sect2.htm> (last accessed September 18, 2022).

<sup>8</sup> South Coast Air Qual. Mgmt. Dist., *Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305*, at 7-8, 41 (May 2021).

13% of all retail sales and 2021 being a second consecutive record year for new warehouse space leased.<sup>9</sup> The latest data and forecasts predict that the next wave of warehouse development will be in the Central Valley.<sup>10</sup>

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO<sub>x</sub>)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.<sup>11</sup> Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.<sup>12</sup> The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents.

These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts and systemic vulnerability. For example, a comprehensive study by the South Coast Air Quality Management District found that communities located near large warehouses scored far higher on California’s environmental justice screening tool, which measures overall pollution and demographic vulnerability.<sup>13</sup> That

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<sup>9</sup> U.S. Census Bureau News, Quarterly Retail E-Commerce Sales 4th Quarter 2021 (February 22, 2022), [https://www.census.gov/retail/mrts/www/data/pdf/ec\\_current.pdf](https://www.census.gov/retail/mrts/www/data/pdf/ec_current.pdf) (last accessed September 18, 2022); CBRE Research, *2022 North America Industrial Big Box Report: Review and Outlook*, at 2-3 (March 2022), available at <https://www.cbre.com/insights/reports/2022-north-america-industrial-big-box#download-report> (last accessed September 18, 2022).

<sup>10</sup> CBRE Research, *supra* note 9, at 4, 36; New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), available at <https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html>.

<sup>11</sup> California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (last accessed September 18, 2022) (NO<sub>x</sub>); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts> (last accessed September 18, 2022); Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (last accessed September 18, 2022) (DPM).

<sup>12</sup> Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (last accessed September 18, 2022) (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

<sup>13</sup> South Coast Air Quality Management District, “Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305” (May 2021), at 4-5.

study concluded that, compared to the South Coast Air Basin averages, communities in the South Coast Air Basin near large warehouses had a substantially higher proportion of people of color; were exposed to more diesel particulate matter; had higher rates of asthma, cardiovascular disease, and low birth weights; and had higher poverty and unemployment rates.<sup>14</sup> Each area has its own unique history, but many of these impacts and vulnerabilities reflect historic redlining practices in these communities, which devalued land and concentrated poverty, racial outgroups, and pollution into designated areas.<sup>15</sup>

## II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically guide warehouse development, we encourage local governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and direct sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take many forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors<sup>16</sup> can help attract investment while avoiding conflicts between warehouse facilities and residential communities. Transition zones with lighter industrial and commercial land uses may also help minimize conflicts between residential and industrial uses.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related general plan elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help

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<sup>14</sup> *Id.* at 5-7.

<sup>15</sup> Beginning in the 1930s, federal housing policy directed investment away from Black, immigrant, and working-class communities by color-coding neighborhoods according to the purported “riskiness” of loaning to their residents. In California cities where such “redlining” maps were drawn, nearly all of the communities where warehouses are now concentrated were formerly coded “red,” signifying the least desirable areas where investment was to be avoided. See University of Richmond Digital Scholarship Lab, Mapping Inequality, <https://dsl.richmond.edu/panorama/redlining/#loc=12/33.748/-118.272&city=los-angeles-ca> (Los Angeles), <https://dsl.richmond.edu/panorama/redlining/#loc=13/32.685/-117.132&city=san-diego-ca> (San Diego), <https://dsl.richmond.edu/panorama/redlining/#loc=11/37.81/-122.38&city=oakland-ca> (Oakland), <https://dsl.richmond.edu/panorama/redlining/#loc=13/37.956/-121.326&city=stockton-ca> (Stockton), <https://dsl.richmond.edu/panorama/redlining/#loc=12/36.751/-119.86&city=fresno-ca> (Fresno) (all last accessed September 18, 2022).

<sup>16</sup> In this document, “sensitive receptors” refers to residences, schools, public recreation facilities, health care facilities, places of worship, daycare facilities, community centers, or incarceration facilities.

jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.<sup>17</sup>

Local ordinances and good neighbor policies that set development standards for all warehouses in the jurisdiction are a critical and increasingly common tool that serve several goals. When well-designed, these ordinances direct investment to local improvements, provide predictability for developers, conserve government resources by streamlining project review processes, and reduce the environmental impacts of industrial development. While many jurisdictions have adopted warehouse-specific development standards, an ordinance in the City of Fontana provides an example to review and build upon.<sup>18</sup> Good neighbor policies in Riverside County and by the Western Riverside Council of Government include additional measures worth consideration.<sup>19</sup>

The Bureau encourages jurisdictions to adopt their own local ordinances that combine the strongest policies from those models with measures discussed in the remainder of this document.

### III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The

<sup>17</sup> For more information about SB 1000, see <https://oag.ca.gov/environment/sb1000>.

<sup>18</sup> <https://oag.ca.gov/system/files/attachments/press-docs/Final%20Signed%20Fontana%20Ordinance.pdf> (last accessed September 18, 2022).

<sup>19</sup> For example, the Riverside County policy requires community benefits agreements and supplemental funding contributions toward additional pollution offsets, and the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors. <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf> (last accessed September 18, 2022) (Riverside County); <http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId=> (last accessed September 18, 2022) (Western Riverside Council of Governments).

information should be in a format that is easy to navigate and understand for members of the affected community.

- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the affected community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community liaison to the surrounding community.
- Requiring signage in public view at warehouse facilities with contact information for a local designated representative for the facility operator who can receive community complaints, and requiring any complaints to be answered by the facility operator within 48 hours of receipt.

#### **IV. Warehouse Siting and Design Considerations**

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- Per California Air Resources Board (CARB) guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.<sup>20</sup>
- Providing adequate amounts of on-site parking to prevent trucks and other vehicles from parking or idling on public streets and to reduce demand for off-site truck yards.
- Establishing setbacks from the property line of the nearest sensitive receptor to warehouse dock doors, loading areas, and truck drive aisles, and locating warehouse dock doors, loading areas, and truck drive aisles on the opposite side of the building from the nearest sensitive receptors—e.g., placing dock doors on the north side of the facility if sensitive receptors are near the south side of the facility.
- Placing facility entry and exit points from the public street away from sensitive receptors—e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Ensuring heavy duty trucks abide by the on-site circulation plans by constructing physical barriers to block those trucks from using areas of the project site restricted to light duty vehicles or emergency vehicles only.
- Preventing truck queuing spillover onto surrounding streets by positioning entry gates after a minimum of 140 feet of space for queuing, and increasing the distance by 70 feet for every 20 loading docks beyond 50 docks.
- Locating facility entry and exit points on streets of higher commercial classification that are designed to accommodate heavy duty truck usage.
- Screening the warehouse site perimeter and onsite areas with significant truck traffic (e.g., dock doors and drive aisles) by creating physical, structural, and/or vegetative buffers that prevent or substantially reduce pollutant and noise dispersion from the facility to sensitive receptors.
- Planting exclusively 36-inch box evergreen trees to ensure faster maturity and four-season foliage.
- Requiring all property owners and successors in interest to maintain onsite trees and vegetation for the duration of ownership, including replacing any dead or unhealthy trees and vegetation.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Including signs and drive aisle pavement markings that clearly identify onsite circulation patterns to minimize unnecessary onsite vehicle travel.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

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<sup>20</sup> CARB, Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted in some scenarios. CARB, Concept Paper for the Freight Handbook (December 2019), available at [https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook\\_1.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf) (last accessed September 18, 2022).



## V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation.<sup>21</sup>
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is required regardless of CEQA.
- Disclosing air pollution from the entire expected length of truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur.

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<sup>21</sup> CEQA Guidelines § 15369.

- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California’s Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be hybrid electric-diesel or zero-emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring all heavy-duty vehicles engaged in drayage<sup>22</sup> to or from the project site to be zero-emission beginning in 2030.

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<sup>22</sup> “Drayage” refers generally to transport of cargo to or from a seaport or intermodal railyard.

- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of

- trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
  - Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
  - Designing to LEED green building certification standards.
  - Providing meal options onsite or shuttles between the facility and nearby meal destinations.
  - Posting signs at every truck exit driveway providing directional information to the truck route.
  - Improving and maintaining vegetation and tree canopy for residents in and around the project area.
  - Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
  - Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
  - Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

## **VI. Noise Impacts Analysis and Mitigation**

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound

pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

- Disclosing and considering the significance of short-term noise levels associated with all aspects of project operation (i.e. both on-site noise generation and off-site truck noise). Considering only average noise levels may mask noise impacts sensitive receptors would consider significant—for example, the repeated but short-lived passing of individual trucks or loading activities at night.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Planning and enforcing truck routes that avoid passing sensitive receptors.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

## VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Requiring preparation and approval of a truck routing plan describing the facility's hours of operation, types of items to be stored, and truck routing to and from the facility to designated truck routes that avoids passing sensitive receptors. The plan should include measures for preventing truck queuing, circling, stopping, and parking on public streets, such as signage, pavement markings, and queuing analysis and enforcement. The plan should hold facility operators responsible for violations of the truck routing plan, and a revised plan should be required from any new tenant that occupies the property before a business license

is issued. The approving agency should retain discretion to determine if changes to the plan are necessary, including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.

- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

### **VIII. Other Significant Environmental Impacts Analysis and Mitigation**

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.
- Using full cut-off light shields and/or anti-glare lighting.
- Requiring submission of a property maintenance program for agency review and approval providing for the regular maintenance of all building structures, landscaping, and paved surfaces.
- Using cool pavement to reduce heat island effects.

- Planting trees in parking areas to provide at least 35% shade cover of parking areas within fifteen years to reduce heat island impacts.
- Using light colored roofing materials with a solar reflective index of 78 or greater.
- Including on-site amenities, such as a truck operator lounge with restrooms, vending machines, and air conditioning, to reduce the need for truck operators to idle or travel offsite.
- Designing skylights to provide natural light to interior worker areas.
- Installing climate control and air filtration in the warehouse facility to promote worker well-being.

## **IX. Conclusion**

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at [ej@doj.ca.gov](mailto:ej@doj.ca.gov) if you have any questions.

Exhibit C





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August 4, 2021

***Via E-mail***

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RE: **Mitigated Negative Declaration for the Spreckels Distribution Center  
 (SCH #2021050017)**

Dear Mr. Hightower:

Thank you for the opportunity to provide comments on Manteca's Initial Study and Mitigated Negative Declaration ("MND") for the Spreckels Distribution Center ("the Project"). After reviewing the MND, the California Attorney General's Office believes the MND does not comply with the California Environmental Quality Act ("CEQA") due to its insufficient project description, flawed environmental impact assessments, and inadequate mitigation measures. We respectfully submit these comments to urge Manteca to conduct further environmental analysis in an environmental impact report to ensure the Project's impacts are understood, disclosed, and mitigated to the maximum extent feasible.<sup>1</sup>

**I. THE PROJECT SEEKS TO CONSTRUCT A WAREHOUSE FACILITY IN A HIGHLY POLLUTED COMMUNITY**

The Project would build a 304,120 square foot warehouse distribution facility and associated developments on a 14.83-acre project site at 407 Spreckels Avenue. To support the

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<sup>1</sup> The Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.)

August 4, 2021

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warehouse distribution activities, the Project will have 56 truck dock doors, 180 standard parking spaces, six accessible parking spaces, and 63 truck trailer spaces. Further, the Project will generate 633 vehicle trips per day, which would potentially include trips from refrigerated and unrefrigerated diesel trucks.

Warehouses attract a significant number of heavy-duty trucks that run on diesel fuel, creating air pollution, noise, and traffic impacts that burden nearby communities. Among other pollutants, diesel trucks emit nitrogen oxide (“NO<sub>x</sub>”)—a primary precursor to smog formation that causes respiratory problems like asthma, bronchitis, lung irritation, and lung cancer—and diesel particulate matter (“PM”)—which can lead to cancer, heart disease, respiratory illnesses, and premature death.<sup>2</sup> Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during all hours of the day and may cause hearing damage for residents and workers after prolonged exposure.<sup>3</sup> Further, the thousands of daily truck and passenger car trips that will be generated by the Project’s warehouse will contribute to traffic jams, deterioration of road surfaces, and traffic accidents in Manteca.

Sensitive receptors surround the Project site. The Project is located just 40 feet away from single-family residences to the west. Medical facilities, including the Valley Medical Center, Manteca Surgery Center, and Yosemite Dental Arts, and additional single-family homes are located immediately north of the Project. The Project is also close to other sensitive receptors, including the Manteca BMX Park (approximately 0.3 mile to the south), Lincoln Park and Lincoln Pool (approximately 0.35 mile to the north), Creative Kids Childcare (approximately 0.5 mile to the north), and Lincoln Elementary School (approximately 0.55 mile to the north). The areas east and south of the Project site include at least eight warehouse distribution centers.

The diverse and relatively low-income neighborhoods surrounding the Project already face disproportionately high levels of pollution and other burdens. According to the Draft CalEnviroScreen 4.0, the California Environmental Protection Agency’s screening tool that ranks each census tract in the state for pollution and vulnerability, the Project’s census tract ranks worse than 84 percent of the rest of the state for pollution burden and worse than 79 percent of the state for population vulnerability.<sup>4</sup> The census tract is in the 81st percentile for diesel particulate matter pollution, 92nd percentile for pesticides exposure, and 97th percentile for

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<sup>2</sup> California Air Resources Board (“CARB”), “Nitrogen Dioxide & Health,” <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health>; CARB, Summary: “Diesel Particulate Matter Health Impacts,” <https://ww2.arb.ca.gov/resources/summary-diesel-particulatematter-health-impacts>; Office of Environmental Health Hazard Assessment (“OEHHA”) and American Lung Association of California, “Health Effects of Diesel Exhaust,” <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf>.

<sup>3</sup> See, e.g., “Noise Sources and Their Effects,”

<https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (stating that a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

<sup>4</sup> OEHHA, “Draft CalEnviroScreen 4.0,” <https://oehha.ca.gov/calenviroscreen/report/draft-calenviroscreen-40>.

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drinking water contamination. Residents of this community also experience significant health risks associated with pollution—people that live in the Project’s census tract are in the 91st percentile for asthma and 94th percentile for cardiovascular rates. Further, approximately 72 percent of the population has an income that is less than two times the federal poverty level.

## II. THE MND FAILS TO COMPLY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The MND fails to comply with CEQA on several fronts, including providing an inadequate project description that does not take into account all of the potential uses for the Project. The MND also includes faulty air quality, greenhouse gas, and land use impacts analyses that underestimate the impacts to nearby sensitive receptors. Finally, once the City has adequately analyzed the Project’s significant impacts, it should include all feasible mitigation measures as required by CEQA.

### A. The Project Description is Insufficient

The CEQA Guidelines require an initial study to describe a proposed project. (CEQA Guidelines, § 15063, subd. (d)(1).) Project descriptions should contain all details that are essential components of a project since “an accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 731 [quotation omitted].) In this case, the MND’s project description does not adequately describe the Project because it omits key details that are essential for accurately assessing the Project’s environmental impacts and is inconsistent with other parts of the MND.

The Transportation Impact Analysis Report for the Project states that the Project could include high-cube warehouse uses. However, the MND’s project description does not describe the Project’s potential for high-cube warehouse uses, including which types of activities will occur in the Project’s warehouse. These details are important since high-cube warehouses generate significantly more traffic, noise, and air quality impacts than other types of warehouses, and the scope of impacts vary depending on the type of operations that occur at the warehouses. According to the Institute of Transportation Engineers, a high-cube warehouse can serve as a fulfillment center, parcel hub, cold storage facility, transload facility, or a short-term storage building.<sup>5</sup> Thus, the project description should clearly state whether the Project will have high-cube warehouse uses, how much space will be used for high-cube warehouse activities, and the types of operations that will occur in these areas. Moreover, as discussed further below, if the Project could involve high-cube warehouse activities, the environmental impacts of these activities must be fully analyzed by the City.

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<sup>5</sup> Institute of Transportation Engineers, “High-Cube Warehouse Vehicle Trip Generation Analysis,” at p. 3 (Oct. 2016), <https://www.ite.org/pub/?id=a3e6679a%2De3a8%2Dbf38%2D7f29%2D2961becdd498>.

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Second, the analysis of noise impacts in the MND considers the potential for refrigerated trucks utilizing the Project's 56 loading bays, but the MND project description does not include any discussion of whether the Project will allow for cold storage. (MND at p. 59.) If the Project's building has cold storage, the Project's environmental impacts could be dramatically greater since refrigerated trucks produce substantially more air pollution and greenhouse gas emissions than trucks that visit standard storage facilities. As explained by CARB:

Transport Refrigeration Units (TRUs) are refrigeration systems powered by diesel internal combustion engines designed to refrigerate or heat perishable products that are transported in various containers, including semi-trailers, truck vans, shipping containers, and rail cars. Although TRU engines are relatively small, ranging from 9 to 36 horsepower, significant numbers of these engines congregate at distribution centers, truck stops, and other facilities, resulting in the potential for health risks to those that live and work nearby.<sup>6</sup>

This critical detail should be disclosed in the MND and the environmental impacts of this type of warehouse use must be fully analyzed.

## **B. The City's Air Quality and Greenhouse Gas Emissions Analyses are Insufficient**

### 1. The MND's Analysis of Air Quality Impacts is Insufficient

The purpose of CEQA is to ensure that a lead agency fully evaluates, discloses, and, whenever feasible, mitigates a project's significant environmental effects. (Pub. Resources Code, § 21002.1.) To comply with CEQA, a lead agency must make "a reasoned and good faith effort to inform decision makers and the public" about a project's potential impacts. (*See Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1367, as modified on denial of rehearing [Sept. 26, 2001].) If a lead agency fails to analyze a certain aspect of a project's potential environmental impact, a court may conclude that the limited facts in the record support a fair argument that the project may have a significant environmental impact. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) CEQA's requirements for full disclosure are not satisfied if an environmental impacts analysis uses outdated models and inaccurate information.

Here, the MND fails to disclose whether the Air Quality and GHG Modeling analysis utilizes CARB's 2014, 2017, or 2021 Emission Factors Model ("EMFAC") to calculate air emissions from mobile sources. The difference between the versions is significant since EMFAC 2021 uses the latest scientific data available to evaluate environmental impacts.<sup>7</sup> Considering the serious air quality problems already present in the communities surrounding the Project, it is essential for the MND to provide accurate estimates of how the Project will

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<sup>6</sup> CARB, "Transport Refrigeration Unit (TRU or Reefer) Regulation," <https://ww3.arb.ca.gov/msprog/truckstop/trus/trus.htm>.

<sup>7</sup> CARB, "EMFAC," <https://arb.ca.gov/emfac>.

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contribute to air pollution. If the City has not done so, it should use the EMFAC 2021 model to project the Project's mobile source emissions to comply with CEQA's good faith disclosure requirements.

Further, the MND's air quality assessment fails to analyze and take into account the potential for different types of uses in CalEEMod, even though the MND in other places indicates the Project could allow additional uses, such as refrigerated warehouse uses that typically have more serious environmental impacts. In order to account for the variety of potential uses, the air quality assessment should consider adjusting the input variables in CalEEMod to reflect the most environmentally-intensive uses. As previously discussed, the MND's Traffic Impact Analysis states that the Project will include a high-cube warehouse area, but the air quality assessment fails to analyze the environmental impacts from this particular land use type. Further, the MND's analysis of noise impacts considers the potential for refrigerated trucks accessing the Project, but the air quality assessment does not analyze impacts from a cold storage warehouse. In order to take into account of different warehouse subtypes in CalEEMod, the analysis should adjust truck trip rates, vehicle type proportions, truck trip length, and other input variables. If these more intense warehouse uses are permitted, the City must analyze, disclose, and mitigate their significant environmental impacts pursuant to CEQA.

Moreover, the MND's Air Quality Assessment is defective because it relies on an arbitrary trip length of seven miles to estimate emissions from mobile sources. The Project includes warehouse and manufacturing uses, where heavy-duty trucks are likely to be receiving and hauling goods to and from the Project site to destinations all over California and potentially out of the State. Most of these trips are much farther than seven miles. The MND should calculate vehicle trip lengths based on the actual likely destinations of vehicles visiting the Project and explain the basis for the chosen trip lengths.

Finally, despite acknowledging that the nearest sensitive receptors are only 40 feet from the site, the MND summarily concludes that the Project would have less than significant impacts to sensitive receptors. (MND at p. 25.) The MND explains that the likelihood that sensitive receptors will be exposed to high concentrations of diesel particulate matter ("DPM") is low because the construction activities are short-term and are subject to San Joaquin Valley Air Pollution Control District rules and regulations. (MND at p. 23.) However, the MND does not fully evaluate or disclose the potential concentrations of DPM from construction activities. Furthermore, the MND's analysis of potential concentrations of DPM from the Project's operations fails to disclose whether or not it takes into account the potential for refrigerated trucks to access the Project. As previously mentioned, the MND's analysis of noise impacts indicated the potential for refrigerated trucks at the Project. Given that tenants of the proposed warehouse are unknown at this time, the City should analyze the potential for more intense uses.

## 2. The MND Fails to Analyze the Project's Cumulative Air Quality Impacts

"One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources." (*Kings Cty.*

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*Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720.) Consequently, the CEQA Guidelines mandate all assessments of environmental impacts to include an analysis of cumulative impacts that “take[s] account of the whole action involved.” (CEQA Guidelines, § 15355, Appendix G.)

Despite inclusion of a cumulative air quality impact checklist question, the MND provides no analysis of cumulative air quality impacts. Relying on California Code of Regulations Title 14, Section 15064, subd. (h)(3), the MND asserts that a lead agency may determine that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with a previously approved plan. Thus, because the MND finds that the Project in isolation would not exceed the San Joaquin Valley Air Pollution Control District’s (“SJVAPCD”) Small Project Analysis Levels (“SPAL”), it concludes that its air quality impacts—including its cumulative impacts—would be less than significant. (MND at p. 22.) However, as discussed in the SJVAPCD’s Guidance for Assessing and Mitigating Air Quality, if a project is below applicable significance thresholds, that does not indicate that the project cannot be cumulatively significant.<sup>8</sup> Further, California Code of Regulations Title 14, Section 15064, subd. (h)(3) states that if a lead agency relies on compliance with a plan, regulation, or program to determine the Project’s cumulative impacts, the lead agency should explain how implementing the particular requirements in the plan, regulation, or program ensures that the Project’s incremental contribution to the cumulative effect is not cumulatively considerable. However, the MND does not explain how compliance with the SJVAPCD’s SPAL ensures that the Project’s impacts are not cumulatively considerable.

An MND must “[e]xplain[] the reasons for determining that potentially significant effects would not be significant.” (CEQA Guidelines, § 15063, subd. (c)(3)(C).) A proper cumulative impacts analysis considers the incremental impact of a project in the context of the impacts of past, present, and reasonably foreseeable future projects. (*Id.* at § 15065, subd. (a)(3); *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 118 [“[T]he guiding criterion on the subject of cumulative impact is whether any additional effect caused by the proposed project should be considered significant given the existing cumulative effect.”].) The analysis of a project’s own impacts is an inquiry that is distinct from considering the project’s cumulative impacts. (*Kings County Farm Bureau v. City of Hanford, supra*, 221 Cal.App.3d at pp. 719-21 [holding that relatively small air quality impacts from a project do not eliminate the need to consider the project’s combined impacts with other development].)

Analysis of the Project’s cumulative air quality impacts is especially crucial here because the Project is located in a community that already suffers from some of the worst air pollution in the State. As previously discussed, sensitive receptors are located immediately west and north of the Project site, while to the east and south of the Project, at least eight other warehouses currently operate. Even if the Project’s air quality impacts are not significant in isolation, they

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<sup>8</sup> San Joaquin Valley Air Pollution Control District, “Guidance for Assessing and Mitigating Air Quality Impacts (2015), <http://www.valleyair.org/transportation/GAMAQI.pdf>.

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become more concerning when combined with the pollution produced by other nearby warehouses and industrial sites and in such close proximity to sensitive receptors. The MND does not consider whether the Project's impacts in combination with other sources of air pollution will have cumulative impacts on the nearby sensitive receptors could be significant. The City should prepare an EIR to investigate this question.

### 3. The MND's Analysis of Greenhouse Gas Emissions Impacts is Insufficient

The MND concludes that the Project would generate less than significant impacts with mitigation for greenhouse gas emissions by demonstrating the Project's compliance with the City's Climate Action Plan ("CAP"). The MND states that the City's "CAP is consistent with the goals presented in AB 32 and SB 32 and, therefore, projects considered consistent with the CAP would be considered to result in a less-than-significant impact related to GHG emissions." (MND at p. 43.) However, courts have repeatedly held compliance with a single environmental or land use law or regulation does not create an exemption from CEQA's requirement that lead agencies evaluate all of a project's significant environmental impacts. For example, "compliance with a general plan in and of itself 'does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects.'" (*East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 301.) Thus, the City's conclusion that the Project would generate less than significant impacts for greenhouse gas emissions based on the Project's compliance with the CAP is inadequate.

Furthermore, the City's analysis of the Project's compliance with the CAP is flawed. The City's CAP requires projects to "comply with the applicable land use, sustainable development, and resources conservation policies of the Manteca General Plan." (MND at p. 43.) The MND concludes that the City would verify the Project's compliance with General Plan policies during the Site Plan Review process and, therefore, the Project meets the CAP's requirement. (MND at p. 43.) However, CEQA prohibits the deferral of environmental analysis in order to serve its purposes of public participation and informed decision-making. "By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307; Pub. Resources Code, § 21003.1.) The City must, therefore, analyze the Project's consistency with Manteca's General Plan before concluding that the Project complies with the City's CAP and has less than significant greenhouse gas emissions impacts.

#### **C. The MND Fails to Analyze the Project's Consistency with Manteca's General Plan**

The CEQA Guidelines require an initial study to examine whether a project "would be consistent with existing zoning, plans, and other applicable land use controls." (CEQA Guidelines, § 15063, subd. (d)(5).) Despite this requirement, the MND quickly concludes that the Project does not conflict with Manteca's General Plan since "[t]he proposed project would be consistent with the site's current land use and zoning designations." (MND at p. 32.) However,

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the MND does not analyze whether the Project will conflict with any policies in Manteca's General Plan, including the following:

- AQ-P-3: Segregate and provide buffers between land uses that typically generate hazardous or obnoxious fumes and residential or other sensitive land uses.
- AQ-P-7: New construction will be managed to minimize fugitive dust and construction vehicle emissions.
- CD-P-25: The City shall encourage mixed land uses but provide physical separation or design buffers between incompatible land uses.
- C-P-49: The city shall require that new industrial development pay a fair share toward improvements required to accommodate heavy vehicles, including increased pavement wear.

Manteca also has new proposed policies in its Draft General Plan Update that, if adopted, will apply to the Project. Although not required under CEQA, the City should consider analyzing the Project's consistency with the proposed Draft General Plan Update. Significantly, the General Plan Update will include several policies designed to reduce impacts in environmental justice communities, as required under SB 1000, including the following:

- LU-9.1: Require future planning decisions, development, and infrastructure and public projects to consider the effects of planning decisions on the overall health and well-being of the community and its residents, with specific consideration provided regarding addressing impacts to disadvantaged populations and communities and ensuring disadvantaged communities have equitable access to services and amenities.
- CD-6.3: Require setbacks and other design elements to buffer residential units to the extent possible from the impacts of abutting roadway, commercial, agricultural, and industrial uses.

Since the MND fails to discuss the Project's consistency with the policies contained in Manteca's General Plan, the MND's assessment of land use impacts is flawed.

#### **D. The MND Does Not Include All Feasible Mitigation Measures to Reduce the Project's Potentially Significant Impacts**

CEQA requires a lead agency to adopt all feasible mitigation measures that minimize the significant environmental impacts of a project. (Pub. Resources Code, § 21002; CEQA Guidelines, § 15126.4, subd. (a)(1).) The MND's mitigation measures must be specific, binding, and enforceable through permit conditions, agreements, or other legally binding instruments.



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(Pub. Resources Code, § 21081.6, subd. (b); CEQA Guidelines §§ 15071, subd. (e) and 15126.4, subd. (a)(2).)

Here, the City concludes that air quality impacts will result in less than significant environmental impacts and, therefore, it does not propose any mitigation measures for such impacts. However, as previously discussed, the MND's analysis of the Project's air quality impacts is flawed and most likely underestimates the Project's impacts on nearby sensitive receptors. Despite acknowledging that there are existing single-family residences just 40 feet from the Project site, the MND does not include any mitigation measures that address air quality, traffic, or noise impacts from the Project's construction and operational activities.

After fully evaluating the Project's environmental impacts through an EIR, Manteca should consider adopting additional specific, binding, and enforceable measures to address the Project's air quality impacts from its construction and operation. We recommend the City to refer to the Bureau of Environmental Justice's guidance, *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* for examples of air quality and greenhouse gas emissions mitigation measures.<sup>9</sup> For example, we suggest consideration of the following recommendations and measures to mitigate air quality and greenhouse gas impacts:

- Per CARB guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.<sup>10</sup>
- Creating physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce pollutant dispersal between warehouses and any areas where sensitive receptors are likely to be present, such as homes, schools, daycare centers, hospitals, community centers, and parks.
- Requiring off-road construction equipment to be zero-emission, where available, and all diesel-fueled off-road construction equipment, to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.

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<sup>9</sup> State of California Department of Justice, "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act,"

<https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf>.

<sup>10</sup> California Air Resources Board (CARB), *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted under varying scenarios; this document may be found on CARB's website and is entitled: "California Sustainable Freight Initiative: Concept Paper for the Freight Handbook" (December 2019).

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- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Limiting the amount of daily grading disturbance area.
- Forbidding idling of heavy equipment for more than two minutes
- Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Installing and maintaining, at the manufacturer’s recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer’s recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.
- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.

These measures have been adopted in comparable and larger projects, demonstrating that such measures are feasible.

#### **E. Consultation with Responsible Agencies**

CEQA requires a lead agency to consult with responsible and trustee agencies that have jurisdiction over resources impacted by a proposed project prior to adopting an MND. (Pub. Res. Code § 21080.3, subd. (a) [“Prior to determining whether a negative declaration or environmental impact report is required for a project, the lead agency shall consult with all responsible agencies and trustee agencies.”]; CEQA Guidelines, § 15073, subd. (c).) Here, the MND fails to list the responsible agencies for the Project or reveal whether the City consulted

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with those agencies before choosing to prepare an MND for this Project. Thus, it is unclear whether the City has met CEQA's consultation requirements for this Project.

**III. CONCLUSION**

Thank you for the opportunity to provide these comments. We encourage Manteca to comply with CEQA's requirements and adequately disclose, analyze, and mitigate the environmental impacts of the Project prior to its approval. The Attorney General's Office is available to provide assistance to Manteca as it works on its CEQA compliance for the Project. Please do not hesitate to contact me if you have any questions or would like to discuss these issues further.

Sincerely,



RICA V. GARCIA  
Deputy Attorney General

For ROB BONTA  
Attorney General



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April 19, 2024

Via email to Mr. Gregory Mattson

County of San Diego
Planning & Development Services
Project Manager Gregory Mattson (Gregory.Mattson@sdcounty.ca.gov)
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: Comments on the Otay Majestic Specific Plan Amendment and Addendum and Request for Consideration of Changed Impacts, Inclusion of Additional Mitigation, and the Incorporation of a More Comprehensive Project Description

Dear Mr. Mattson:

On behalf of the Sierra Club, we provide the following comments on the Otay Majestic Specific Plan Amendment and 2024 Addendum ("2024 Addendum"). There have been various different proposed projects and plans for the project site, which is located in the East Otay Mesa area of San Diego.

In particular, Sierra Club is concerned by the Proposed Project's significant and unmitigated impacts to GHG emissions and biological resources, including threatened species and vernal pool habitats, among other impacts. These concerns extend to the sufficiency of the Project's environmental review, including the sufficiency of the 2024 Addendum, as detailed below.

In 1994, an environmental impact report ("EIR") was prepared for the East Otay Mesa Business Park Specific Plan, which was intended to be a "mixed-use project including industrial, commercial, fire/police services, transit, and residential uses on a 3,300-acre area." (2024 Addendum, p. 1.) The Transit component included three transit stations, light rail, and two to four lane roads that connected the project to the U.S.-Mexico border crossing on the SR-125 freeway. (1994 EIR, Figure 3-6, Circulation and Transit Plan.) The 1994 EIR's Circulation and Transit Plan is attached as Exhibit A. Given the scale of the plan, this was a very high-level EIR that left the details of future projects within the Specific Plan area for subsequent environmental review.

In 2000, an SEIR was prepared for the East Otay Mesa Specific Plan Sunroad Centrum project, which was to be developed on approximately 250.5 acres of the 3,300-acre area that was originally studied in the 1994 EIR and would contain industrial, commercial, and open space

RO-1-1

RO-1-2

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uses. (2024 Addendum, p. 2.) Then, in 2003, an addendum was prepared for the Revised Sunroad Otay Project, which would amend the 1994 and 2000 EIRs. The 2003 addendum changed the density of industrial lots by reducing the number of lots from 96 to 56, included a new subdivision map changing the property from five to six total units, and made changes to the road network. In 2012, another addendum was prepared for the Sunroad Otay Tech Center. This project would have changed the number of units back from six to five, further reduced the number of industrial lots to 52, and presumed “technology business park uses” for those industrial lots. The 2012 version of the project would have also created a 28-acre commercial overlay and further changed the road network.

Another SEIR was then prepared in 2018 for the Otay 250 Sunroad East Otay Mesa Business Park General Plan Amendment and Specific Plan Amendment, which covered the same project site at the heart of the prior EIRs and addenda. The 2018 SEIR also “included the establishment of a new Mixed-Use Village Core area within the Specific Plan area that allowed for the construction of a mix of employment, retail, and residential uses.” (2024 Addendum, p. 4.) This project would have contained 3,158 residential units, commercial uses, employment uses, and open space. (*Id.*) This project signified a large deviation from prior versions of the project in that it dramatically changed the land uses for the project site; no other version of the project had provided for residential uses, and the 2018 SEIR required the use of General and Specific Plan Amendments to rezone the land for this use.

The current Otay Majestic Project (“Project”) would rezone the land again, changing the categorization from “mixed use - residential emphasis” to “light industrial.”<sup>1</sup> (2024 Addendum, p. 7.) The Project would cover 253.1 acres total. (*Id.* at 2.) The 2024 Addendum “primarily tiers from the original 1994 EIR, 2000 SEIR, 2003 Addendum, and 2012 Addendum.” (*Id.* at 7.) The 2024 Addendum further claims that it “primarily” tiers from the 2018 SEIR only for “evaluation of physical ground-disturbing impacts.” (*Id.*) Despite tiering from each of the prior EIRs and addenda, this Project vastly differs from those that preceded it. For example, the 2012 addendum was prepared for a business park, which is clearly differentiable from the current Project’s “light industrial” uses. Even more notably, the 2018 EIR studied a *completely different* project that placed emphasis on residential and mixed uses, which are not included at all in the current Project’s industry-forward plans. Even where the Project is somewhat similar to prior variations, the analysis from those earlier versions is still extremely outdated. For instance, the 2024 Addendum’s plans tend to loosely parallel the industry-forward plans at the heart of the 2000

<sup>1</sup> “Light industrial” land uses are now often referred to as “limited impact industrial” uses. (*See* San Diego County Historic General Plan, Housing Element, p. II-48.) These uses include organic material recycling facilities, “mini-warehouses,” and custom manufacturing businesses. (San Diego Zoning Use Regulation M52, § 2522–23.) With limitations, these uses may also include more intensive uses, such as repair businesses for automobiles and equipment or heavy-use recycling facilities. (*Id.*)

RO-1-2  
(CONT.)

RO-1-3

RO-1-4

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EIR. However, in relying on analysis and conclusions dating back twenty-four years, the 2024 Addendum precludes review of new circumstances, new feasible mitigation measures, regulations, and other relevant considerations that have arisen since 2000.

RO-1-4  
(CONT.)

The 2024 Addendum must analyze the changed circumstances that have arisen between 1994 and 2024 and must not impermissibly rely on the 2018 SEIR, given the drastic differences between that version of the project and the current Project. Additionally, the 2024 Addendum must incorporate meaningful and enforceable binding mitigation measures to address the Project’s impacts, rather than merely incorporating unenforceable and vague measures from prior outdated EIRs and addenda or relying on non-binding Project Design Features. The 2024 Addendum’s project description must also provide a sufficient level of detail to calculate the environmental impacts associated with the Project’s construction and operation.

RO-1-5

Finally, the 2024 Addendum proposes a sixth version of a “project” for this site; but, with each new version, previously agreed upon mitigation measures have been excluded without being adequately substituted. This leaves gaps in the Project’s overall mitigation strategy and results in a severe deficiency in mitigation for GHG emissions and biological resources, which must be remedied before any approval of the Project.

**I. The 2024 Addendum “Primarily Tiers” from Outdated EIRs and Addenda, Precluding Consideration of Recently Available Information and Changed Impacts**

RO-1-6

The 2024 Addendum states that it “primarily tiers” from the 1994 and 2000 EIRs and 2003 and 2012 addenda. (2024 Addendum, p. 7.) The earliest of these documents, the two EIRs, were certified between twenty-four and thirty years ago. The use of an addendum that tiers from these prior, outdated EIRs limits environmental analysis. For example, mitigation measures that are now feasible have not been included because the 2024 Addendum solely pulls mitigation measures from prior EIRs and addenda. Several of these prior mitigation measures are woefully vague or outdated, as discussed in Part III.

Additionally, the California Attorney General’s Office (AGO) has since issued best practices for warehouse management, yet the guidelines have not been implemented nor even considered in the 2024 Addendum. (Cal. Att’y Gen., Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated Sep. 2022).) These warehouse guidelines are attached as **Exhibit B**. The AGO emphasizes the necessity of creating these guidelines because of the recent “proliferation of e-commerce” and the associated “boom in warehouse development.” (*Id.* at 1.) Careful and thorough environmental review is even more critical in light of this recent surge in warehouse development. The warehouse guidelines also include recommended mitigation measures for maximizing community engagement, designing and siting warehouses, and minimizing traffic impacts. (*Id.* at 4–5, 11.)

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The AGO’s recommendations include the following mitigation measures, all of which are feasible for this Project:

- Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zero-emission beginning in 2030;
- Requiring all on-site motorized operation equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging and fueling stations provided;
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations;
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible; and
- Requiring all stand-by emergency generators to be powered by non-diesel fuel.<sup>2</sup>

RO-1-7  
(CONT.)

By failing to implement any recommendations from the AGO warehouse guide, the Project’s proponents have failed to implement best practices based on recently available information. The Sierra Club provides several further suggested mitigation measures that are feasible in Part V.

The 2024 Addendum’s reliance on outdated environmental review further precludes consideration of changed impacts. Even where an EIR has already been prepared, a subsequent or supplemental EIR must be prepared where any of the following occurs: (1) “[s]ubstantial changes are proposed . . . which will require major revisions” of the EIR; (2) “[s]ubstantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions” of the EIR; or (3) “[n]ew information, which was not known and could not have been known at the time” the EIR “was certified as complete, becomes available.” (Pub. Res. Code § 21166.) Sierra Club has identified all of the following as areas of concern in light of newly available information or substantial changes to the associated impact category:

RO-1-8

A. The 2024 Addendum States that there are no Impacts to Land Use, Despite Greatly Increasing the Industrial Acreage on the Site

The 2000 SEIR provided for 34.4 acres of commercial uses and the 2012 Addendum provided for 28 acres of commercial overlay. (2024 Addendum, p. 3–4.) The current Project will only feature light industrial use and open space. (*Id.* at 8.) Of the Project’s 253.1-acre total area, the 28 to 34.4 acres that were designated as commercial uses will now be strictly industrial. Industrial use on the Project site would have comprised 65.6% to 68.5% of the total acreage under the 2000

RO-1-9

<sup>2</sup> Cal. Att’y Gen., Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act, at 8–9 (Updated Sep. 2022).

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SEIR and 2012 Addendum, respectively. Now, industrial use will comprise 80.1% of the total site. The 2024 Addendum still states that there is “no change” to the Project’s land use. (*Id.* at 33.) Yet, this represents a substantial increase in proposed industrial uses on the site.

RO-1-9  
(CONT.)

B. The 2024 Addendum Relies on Outdated and Noncompliant Transportation Analysis, Highlighting the Change in Relevant Law Since the Project’s First Ideation in 1994.

Senate Bill (“SB”) 743 requires transportation impacts be evaluated on a Vehicle Miles Traveled (“VMT”) basis, rather than based on Level of Service (“LOS”) criteria, by July 1, 2020. The enforcement date for this bill was preceded by every EIR and addendum from 1994 to 2018. The County now asserts that it is not required to do any new VMT analysis or related mitigation, because the prior EIRs and addenda this Project tiers from all relied on LOS analysis as allowed prior to July 2020. (*Id.* at 39–40.)

Though the County states that it is exempt from considering SB 743 and VMT because it has entitlements that predated the bill, the fact that there has been a new bill that vastly shifts the type of transportation analysis required signifies the issue with allowing the County to rely on environmental review that is up to three decades old.

RO-1-10

Per Public Resources Code section 21166(c), a subsequent or supplemental EIR must be prepared where “[n]ew information, which was not known and could not have been known at the time” the EIR “was certified as complete, becomes available.” SB 743’s new, VMT-based approach is entirely reliant on advancements to transportation impact calculations. Additionally, CEQA’s Environmental Checklist Form expressly asks whether a project would conflict with a “program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.” (CEQA Guidelines, App’x G, p. 355.) The Project’s reliance on LOS analysis directly conflicts with applicable law aimed at addressing the circulation system: SB 743.

Additionally, it remains unclear whether the transit stations and light rail included in the 1994 EIR’s Circulation and Transit Plan are still planned and funded. Over 30 years have passed since the 1994 EIR, yet no transit station has been built. Removal of the planned transit station would feature a major change from the 1994 EIR, further necessitating subsequent environmental review.

RO-1-11

C. The Reliance on Outdated Environmental Analysis Precludes Adequate Review of New Regulations and Information Applicable to Greenhouse Gases and Air Quality Impacts

The reliance on outdated EIRs and addenda precludes a consistency review of the most up-to-date plans, including the California Air Resources Board (“CARB”) 2022 Scoping Plan

RO-1-12



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and the San Diego County Air Pollution Control District (“APCD”) 2022 Regional Air Quality Strategy.

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(CONT.)

There have also been substantial changes with regard to Greenhouse Gases (“GHGs”) and air quality—in both existing conditions and legislative and state guidance—as well as new information about impacts, analysis, and necessary and feasible mitigation that was not yet identified twenty years ago. For example, the AGO has since provided guidance that agencies should refrain “from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is required regardless of CEQA.” (Cal. Att’y Gen., Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act, at 7 (Updated Sep. 2022).) Yet, the 2024 Addendum contains three Project Design Features (“PDFs”) that merely require the Project comply with existing law. These PDFs are listed in Part V, *infra*.

RO-1-13

D. Biological Resource Impacts Cannot be Fully Evaluated Until All Threatened Local Species are Analyzed, Including Those that Were Not Listed as Threatened During Prior Environmental Review

The 2024 Addendum must consider all endangered or threatened species that may be impacted by the Project, including federally listed species, state listed species, and newly listed species on both the federal and state level. Additionally, any impacts to federal designated critical habitat must be considered. The 2024 Addendum fails to account for listed species found nearby and, therefore, fails to analyze the potential impacts to these species.

RO-1-14

For example, the threatened California Coastal Gnatcatcher—federally listed in 1993—has been documented near the project site,<sup>3</sup> yet the species is not addressed in the 2024 Addendum or any of its memoranda or mitigation measures.

Additionally, the Otay Tarplant, also known as the Otay Tarweed or *Deinandra conjugens*, is a threatened species that was federally listed in 1998. (Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Four Plants from Southwestern California and Baja California, Mexico, 63 Fed. Reg. 54,938 (Oct. 13, 1998) (codified at 50 C.F.R. pt. 17).) The Otay Tarplant is found on the Otay Mesa, as well as in Rice Canyon, Proctor Valley, and a limited number of other locations in southwest San Diego. (*Id.*) Moreover, the Otay Tarplant has been documented in the immediate vicinity of the project site.<sup>4</sup> The 2024 Addendum, associated memoranda, and mitigation measures all fail to mention this plant, even

RO-1-15

<sup>3</sup> San Diego Management and Monitoring Program, [https://sdmmp.com/gis\\_viewer.php](https://sdmmp.com/gis_viewer.php); U.S. Fish & Wildlife, <https://www.fws.gov/species/coastal-california-gnatcatcher-polioptila-californica-californica>.

<sup>4</sup> San Diego Management and Monitoring Program, [https://sdmmp.com/gis\\_viewer.php](https://sdmmp.com/gis_viewer.php).

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to state that it was not found on the site. The Otay Tarplant was federally listed four years after the 1994 EIR was certified, which again highlights how significantly laws and regulations have changed in the last three decades. The 2024 Addendum must address all special status species that may be impacted by the Project’s development, including those that were neither studied during prior environmental review nor listed as threatened or endangered when the prior EIRs and addenda were certified.

RO-1-15  
(CONT.)

Furthermore, the project site and adjacent properties have seen a substantial increase in the illegal use of off-road vehicles, resulting in another significant change to the Project’s circumstances and an increased risk of impacts to biological resources. This increased off-road vehicle activity necessitates further mitigation measures for biological resources, including those recommended in Part V, below.

RO-1-16

E. The 2024 Addendum Inaccurately Claims that there will be “No Change” to the Effects of Hazardous Materials

The 2018 SEIR’s analysis of hazardous waste states that there was already hazardous material impacting the site from prior agricultural use, and that any further hazardous waste would be limited to the project site itself. (2018 EIR, p. 2.5-22.) This was mitigated with a soil management plan. (*Id.* at 2.5-23.) The 2024 Addendum states that “the Project’s commercial and industrial land uses would increase the number of facilities that transport, use, and dispose of hazardous materials in the Project area.” (2024 Addendum, p. 30.) Yet, the current Project provides *no* mitigation measures for hazardous waste and removes the mitigation measure implementing a soil management plan, despite the 2024 Addendum’s statement that the Project would increase the use and transport of hazardous waste. Despite this increase in hazardous material and the lack of associated mitigation measures, the 2024 Addendum claims there will be “no change” to the effects caused by hazardous material. (*Id.* at 29.)

RO-1-17

F. The Addenda Fails to Properly Evaluate the Project’s Cumulative Impacts

The AGO also instructs that, “[w]hen analyzing cumulative impacts, thoroughly consider[] the project’s incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project’s individual impacts alone do not exceed the applicable significance thresholds.” (Cal. Att’y Gen., Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act, at 7 (Updated Sep. 2022).) The 2024 Addendum cannot accurately account for cumulative impacts when it is tiered from environmental review dating back to 1994. Land uses and projects in the surrounding area have surely altered the cumulative impact calculus in this thirty-year time frame.

RO-1-18

For example, the following Projects—among many others—were omitted from analysis in the 2024 Addendum:

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- Otay Crossings Commerce Park: a 311.5-acre industrial development located at the intersection of Otay Mesa Road and Alta Road.<sup>5</sup> This project will be completed in early 2024.
- Otay-Tijuana Airport Crossborder Facility Project: a 63.8-acre development near the U.S.-Mexico Border that includes a 772,000 square foot parking structure and 402,000 square feet of industrial office and warehouse uses.<sup>6</sup> This project is located near the cross streets of Siempre Viva Road and Britannia Boulevard.
- East Otay Mesa Recycling Collection Center and Landfill: a 340-acre development on a 450-acre project site located east of planned State Route 11 and one-quarter mile from the U.S.-Mexico Border.<sup>7</sup> The development would include a recycling collection center and class III solid waste landfill.<sup>8</sup>

RO-1-18  
(CONT.)

**II. The 2024 Addendum States that it Only Utilizes the 2018 SEIR in its Analysis of Ground-disturbing Impacts, then Inappropriately and Heavily Relies on the 2018 SEIR for Various Unrelated Conclusions**

The 2024 Addendum asserts that it primarily relies on the 2018 SEIR for its analysis of “physical ground-disturbing impacts.” (2024 Addendum, p. 7.) However, the 2018 SEIR is mentioned in **each and every impact-specific section** of the 2024 Addendum—including those that have nothing to do with ground-disturbing impacts, such as public services. (*Id.* at 37.) Yet, as we stated earlier, the 2018 SEIR was for an *entirely* different project.

RO-1-19

Additionally, the 2024 Addendum falsely claims that the Project reduces impacts from the 2018 entitlements, despite removing several of the 2018 SEIR mitigation measures.

For instance, the 2024 Addendum heavily relies on the 2018 SEIR in supporting its conclusion that the Project will result in *no* GHG impacts. However, the 2024 Addendum fails to carry over a single GHG mitigation measure that applied to the 2018 SEIR, which required the project to be carbon neutral. The Project is expected to emit between 17,067 and 24,888 metric tons of CO<sub>2</sub>e per year, depending on whether ITE or SANDAG trip scenarios are utilized, respectively. (2024 Addendum, p. 29.) The 2018 SEIR projected 32,786 metric tons of CO<sub>2</sub>e per year. (*Id.*) Accordingly, the difference between metric tons of CO<sub>2</sub>e per year by this Project and the 2018 proposed project—before mitigation—ranges from 7,898 to 15,719. The 2018 SEIR provided four GHG mitigation measures, including the achievement of carbon neutrality. (2018 SEIR, Ch. 7.0, p. 7-12.) None of these measures were included in the 2024 Addendum’s mitigation measures. Thus, this Project will emit significantly more GHGs than the 2018 project, because

RO-1-20

<sup>5</sup> <https://ceqanet.opr.ca.gov/2006041039/4>.

<sup>6</sup> <https://ceqanet.opr.ca.gov/Project/2010121014>.

<sup>7</sup> <https://www.sdsolidwaste.org/content/solidwaste/east-otay-mesa-landfill.html>.

<sup>8</sup> *Id.*

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the 2018 project was ultimately required to meet net-zero emissions with mitigation, whereas none of the current Project’s GHG emissions will be mitigated.

Where feasible measures recommended in prior EIRs are applicable to this Project’s specific effects, the County must make a finding at a public hearing that these measures will be undertaken for the current project. (See Pub. Res. Code § 21083.3(c); Cal. Code Regs., tit. 14, § 15183(e).) If the County does not make this finding, the significant environmental effect that was being mitigated by the unadopted measure is not exempt from further review. (Id.) As stated above, the County has not utilized a **single** GHG mitigation measure from the 2018 SEIR in the 2024 Addendum. The project-specific effects that may have been mitigated by the 2018 measures—including carbon neutrality and carbon offsets—therefore do not apply to this Project, meaning that GHG impacts from this project remain unmitigated and are not exempt from further review.

RO-1-20  
(CONT.)

We recognize that the County may have removed M-GHG-X after an identical measure relying on carbon offsets was ruled to violate CEQA in a 2018 case, *Golden Door Properties, LLC v. County of San Diego*. Yet, it is feasible for the County to revise the noncompliant measures rather than remove them entirely. In *Golden Door*, the appellate court held that out-of-county and international offsets do not meet Assembly Bill 32’s requirements that GHG reductions be additional and that the offsets occurring outside of California be subject to equivalent or stricter standards than those imposed on Californian offsets. The carbon credit measure relied on in 2018 no longer complies with the law, but the County removed *all* GHG mitigation measures rather than merely revising them. Failing to incorporate any GHG measures effectively precludes further analysis of the impacts. The County should be requiring mitigation measures that comply with *Golden Door* to address the currently unmitigated emissions, such as requiring some level of contribution to an in-county GHG mitigation bank.

RO-1-21

**III. The 2024 Addendum Relies on Outdated Mitigation Measures that are Insufficient and Unenforceable**

The 2024 Addendum includes *no* new mitigation measures of its own; rather, it relies entirely on the mitigation measures incorporated in the prior EIRs and addenda and, in fact, removes numerous measures that were previously recommended.

The 2024 Addendum does not incorporate any biological resources mitigation measures from EIRs or addenda released prior to 2018. The 2024 Addendum also excludes numerous biological resources mitigation measures that were previously recommended in the 2018 SEIR, resulting in a fragmented approach to species and habitat protection. For example, the 2018 SEIR included detailed measures aimed at mitigating impacts to variegated dudleya and San Diego button-celery; the 2024 Addenda provides no mitigation for these species. Populations of vernal pool species such as button-celery must be evaluated during years of adequate rainfall, meaning

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it cannot be concluded that these species are absent from the project site merely because they were absent during a dry year. The 2024 Addendum further removes the measure implementing a mitigation ratio for disturbed wetland.

RO-1-22  
(CONT.)

As discussed in Part II, there is also a total absence of any GHG mitigation measures, including those incorporated from prior EIRs and addenda or those that are new and specific to the 2024 Addendum.<sup>9</sup>

RO-1-23

Mitigation measures must be “fully enforceable through permit conditions, agreements, or other measures.” (Pub. Res. Code § 21081.6(b); Cal. Code Regs., tit. 14, § 15126.4(a)(2).) Many of the measures incorporated from prior EIRs and addenda do not meet this requirement of enforceability.

RO-1-24

The 2024 Addendum solely relies on ineffective air quality mitigation adopted during prior environmental review. For example, three air quality mitigation measures were incorporated from the 1994 EIR. All of these measures are entirely unenforceable or meaningless. One merely requires the “applicants to use several techniques to reduce potentially significant construction emissions.” (2024 Addendum, App’x E, p. 1.) Another simply requires that bicycle racks be provided. (*Id.*) The last of the measures requires the County to “coordinate appropriate agencies to implement reduction of vehicle emissions.” (*Id.*) All these measures are vague and lack a strategy for implementation, rendering them unenforceable or meaningless. The 2000 EIR provides only slightly more substantive and specific air quality mitigation measures, though one such measure only applies during construction and the others rely on “techniques” that are still ultimately unenforceable and vague, such as “minimizing” the use of multiple units of equipment at once or “promoting” uses of alternative methods of transportation. (*Id.* at 1–2.) One air quality mitigation measure was applied from the 2018 SEIR: the requirement that the Project use low-VOC coatings to reduce VOCs. (*Id.*) This measure is already required pursuant to ACPD rule 67.0.1. As discussed *supra* in Section I.C, the AGO has made clear that merely complying with existing law is not in itself a mitigation measure.

RO-1-25

This lack of enforceable and meaningful mitigation is particularly notable given the 2024 Addendum’s declaration that impacts to air quality would still “remain significant and unavoidable.” (2024 Addendum, p. 16.) Emissions from the Project are expected to decrease from the estimates for prior project variations, in part because of stricter vehicle and building standards. (*Id.*) But lessened emissions do not justify a lack of any enforceable and meaningful mitigation measures, especially where impacts remain significant. Given the total lack of GHG mitigation measures, as well as the insufficiency of the air quality mitigation measures discussed

<sup>9</sup> The 2024 Addendum does contain Project Design Features (“PDFs”), including one that prohibits natural gas infrastructure—which Sierra Club cautiously applauds. However, these are non-binding measures that must be adopted as enforceable mitigation measures.

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above, the 2024 Addendum’s current mitigation cannot reasonably offset the construction and operation of an entire industrial park.

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(CONT.)

**IV. The Project Description Provided in the 2024 Addendum is Insufficient and Fails to Provide the Level of Detail Necessary to Evaluate the Project’s Impacts**

CEQA requires an adequate project description. Project descriptions must include: (1) precise locations and boundaries; (2) a statement of objectives; (3) a general description of the technical, economic, and environmental characteristics; and (4) a statement describing the intended use. (Cal. Code Regs., tit. 14, § 15124; *Stoephenmilleniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 16.) These descriptions must be definite and unambiguous, as well as stable and finite. (*Stoephenmilleniumhollywood.com, supra*, 39 Cal.App.5th at 16.)

RO-1-26

**A. The Project Description is Vague and it is Unclear What the 2024 Addendum is Approving**

The 2024 Addendum states that “[b]ased on the design characteristics of the buildings, they are **reasonably expected** to be occupied by general warehousing and high-cube transload and short-term warehouse uses, consistent with the Specific Plan’s light industrial land use designation . . . .”<sup>10</sup> (2024 Addendum, p. 9 (emphasis added).) If these uses are only “reasonably expected,” what are the alternatives uses that may otherwise be selected? No alternatives are addressed anywhere within the 2024 Addendum or associated memoranda.

The 2024 Addendum makes another vague and concerning statement: “The Project does not propose land uses that would use hazardous substances in **excess** quantities . . . [but] the Project’s commercial and industrial land uses **would increase** the number of facilities that transport, use, and dispose of hazardous materials in the Project area.” (2024 Addendum, p. 30 (emphasis added).) Again, this vague project description leaves room for uses that are inconsistent with the 2024 Addendum’s conclusions. The 2024 Addendum does not define “excess” quantities of waste, making it difficult to predict associated impacts. Moreover, the 2024 Addendum does not include a single PDF or binding mitigation measure aimed at addressing hazardous waste. The Project should clearly define its assumed threshold for “excess,” and incorporate binding measures that ensure that threshold is adhered to.

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Furthermore, the Project’s air quality technical study states that the “entire site would be developed either as a Warehouse (ITE LU 150) or Industrial Park (ITE LU 130)” and that the

<sup>10</sup> “High-cube” warehouses are tall warehouses that are used to store manufactured goods prior to distribution. “Transload” refers to the transfer of goods from one method of transportation to another. Accordingly, the Project’s warehouses will be used either for transloading, or for short-term storage.

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only two land use types for the Project are “Unrefrigerated Warehouse - No Rail” and “Parking Lot.” (A1 - Air Quality and Greenhouse Gas Technical Memorandum, Attachment A, pp. 1, 5.) Industrial parks are associated with higher vehicle trip generation rates, so the inclusion of industrial park uses as opposed to warehouse uses would significantly alter the air quality analysis. Yet, this conflicting information leaves it unclear whether the Project will be limited to strictly warehouses or will allow for both warehouses and an industrial park.

RO-1-28  
(CONT.)

As a result, it is unclear what the 2024 Addendum is approving. The project description merely outlines vague uses that are “reasonably expected” and the Project’s technical memorandum is internally inconsistent. Additionally, it is unclear what the role of tenants or buyers of individual lots would be. Does the “type” of warehouse use selected ultimately come down to the preference of the tenant, and may the tenants use hazardous materials? The 2024 Addendum’s project description must provide enough detail to adequately analyze the environmental impacts, and should include guaranteed limitations on the type of uses to comport with what it analyzed and (allegedly) mitigated.

RO-1-29

B. Impacts Cannot be Calculated Without an Adequate Project Description

The type of warehouse that is to be approved will determine the significance of the GHG and air quality impacts. Without adequate detail, these impacts cannot be estimated nor mitigated. As stated above in Section IV.A, the Project’s technical memorandum leaves it unclear whether the site will encompass solely warehouse uses, or both warehouses and an industrial park. The inclusion of an industrial park would vastly alter emissions calculations, making it impossible to truly anticipate GHG and air quality impacts until the types of land uses are clarified.

Even if the land use is limited to warehouses, the type of warehouse also changes the calculation of GHG and air quality impacts. For example, the 2024 Addendum states that the project will not use “chilled, cold, or freezer warehouse space inside facilities that would attract tractor trailers with transport refrigeration units.” (2024 Addendum, p. 27.) However, this limitation is not included as a binding mitigation measure, potentially leaving room for individual tenants to install refrigeration units at a later date. The use of refrigeration within the warehouses also directly relates to whether refrigerated trucks (TRUs) will be used. As the AGO states, “[i]f the Project’s building has cold storage, the Project’s environmental impacts could be dramatically greater since refrigerated trucks produce substantially more air pollution and greenhouse gas emissions than trucks that visit standard storage facilities . . . This critical detail should be disclosed . . . and the environmental impacts of this type of warehouse use must be fully analyzed.” (Cal. Att’y Gen., Comment Letter, *Mitigated Negative Declaration for the Spreckels Distribution Center*, at 4 (Aug. 4, 2021); see also Cal. Att’y Gen., Comment Letter, *Mitigated Negative Declaration for the Latitude Business Park*, at 4 (Feb. 7, 2020).) Attorney General Bonta’s comment letter regarding TRUs is attached as **Exhibit C**. The Project’s technical memoranda rely on the assumption that the buildings on-site would be unrefrigerated. In the

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event that refrigeration is used within any of the warehouses, the Project’s entire technical study would be inaccurate.

The 2024 Addendum should guarantee that cold storage will not be used on the site and must then incorporate this limitation as a **binding** mitigation measure. Additionally, all other PDFs should be implemented as binding mitigation measures, including utilization of electric cargo handling equipment and the limitation against using natural gas to serve the Project’s buildings.

RO-1-30  
(CONT.)

**V. The Project can Feasibly Incorporate a Variety of Additional Mitigation Measures**

We urge the County to analyze and incorporate the following feasible mitigation measures, in addition to the measures recommended by the AGO (referenced *supra*, in Part I):

- Mitigation of all GHG emissions from the Project;
  - With project-specific measures, and/or
  - With contributions to an in-County GHG mitigation fund
- Modeling a measure off the South Coast Air Quality Management District’s (“SCAQMD”) 2021 Warehouse Indirect Source Rule, which requires large warehouses to offset pollution from truck traffic associated with their operations, to address pollution from mobile sources and comply with Sierra Club’s policies on warehouses;<sup>11</sup>
- Utilizing photovoltaic cells throughout the Project;
- Heating the premises with electric pumps;
- Prohibiting gas powered landscaping equipment;
- Utilizing outdoor lighting consistent with dark skies;
- Utilizing LED lighting in all buildings and traffic lights;
- Expanding area for vernal pools with an entirely undeveloped corridor to the open space area;
- Eliminating unnecessary roads that do not lead anywhere;
- Eliminating roads to the north of the project to protect open space;
- Maintaining open space greenfields in the northeast section of the site;

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<sup>11</sup> The SCAQMD’s Indirect Source Rule is part of the Warehouse Actions and Investments to Reduce Emissions (WAIRE) program. WAIRE measures to mitigate impacts from mobile sources include the use of electric “Yard Trucks,” the use of zero emission trucks, and the installation of solar panels to power charging and fueling infrastructure. See Karl Aldinger, Warehouse Rules Help Clean Our Air - How You Can Help, Hi Sierran, April/May/June 2024, at 11, available at [https://sandiegosierraclub.org/wp-content/uploads/AprilMayJune\\_24-web.pdf](https://sandiegosierraclub.org/wp-content/uploads/AprilMayJune_24-web.pdf).



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- Shrinking the size of building 12 or reconfigure buildings 11 and 12 to allow for a wider wildlife corridor leading north from the vernal pools;
- Including strong fencing along the edges of the Project’s development including parking lots, roads, and natural open space to deter off-road vehicles, encampments, and any other unauthorized access;
- Stationing security patrols and law enforcement to prevent unauthorized access to natural open space;
- Restoring native habitats of vernal pools, coastal sage scrub, and native grasslands in the Project’s open spaces;
- Providing an updated statement on cumulative impacts.

The County has already incorporated the following as Project Design Features (PDFs), but must take the additional step to incorporate them as binding mitigation measures with deadlines, requirements beyond what is already required by State law, and objective numerical standards to guarantee no impacts:

- No chilled, cold, or freezer warehouse space inside the facilities that would attract tractor trailers with transport refrigeration units;
- Installation of electric vehicle charging infrastructure for passenger vehicles;
- Installation of sidewalk and bikeway improvements from the County’s Active Transportation Plan;
- No natural gas to serve the buildings;
- Planting of 3,316 trees on-site; and
- Cargo handling equipment would be electric.<sup>12</sup>

The County has also recommended the following PDFs, which merely require that the Project comply with existing law, making it even more critical that the Project undertake these measures:

- Utilization of renewable energy and installation of energy-efficient features in compliance with CALGreen Title 24 requirements;
- Utilization of water efficiency and conservation requirements and installation of water-efficient features in compliance with CALGreen Title 24 requirements; and

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(CONT.)

<sup>12</sup> 2024 Addendum, p. 27–28.

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- All vehicle operators are required to comply with CARB Rule 2485 and CARB Rule 2449.<sup>13</sup>

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(CONT.)

**VI. Conclusion**

The 2024 Addendum’s reliance on outdated EIRs and addenda precludes adequate environmental review that accounts for changed impacts since the Project’s first ideation in 1994. Additionally, the Project impermissibly relies on the 2018 SEIR in drawing various conclusions, despite stating that the Project only tiers from the 2018 SEIR for analysis of ground-disturbing impacts. We request that the 2024 Addendum consider recent changes in law, policy, and the Project site itself and conduct more comprehensive environmental review to fill in the gaps left by prior EIRs and addenda. We further request that the project description be revised to allow for accurate impact calculations, particularly as they relate to GHG and air quality. Lastly, the mitigation measures selected for the Project are vague and unenforceable. The Project must incorporate more meaningful and enforceable mitigation measures, including the non-binding PDFs already listed in the 2024 Addendum, as binding mitigation measures that will sufficiently address the Project’s impacts.

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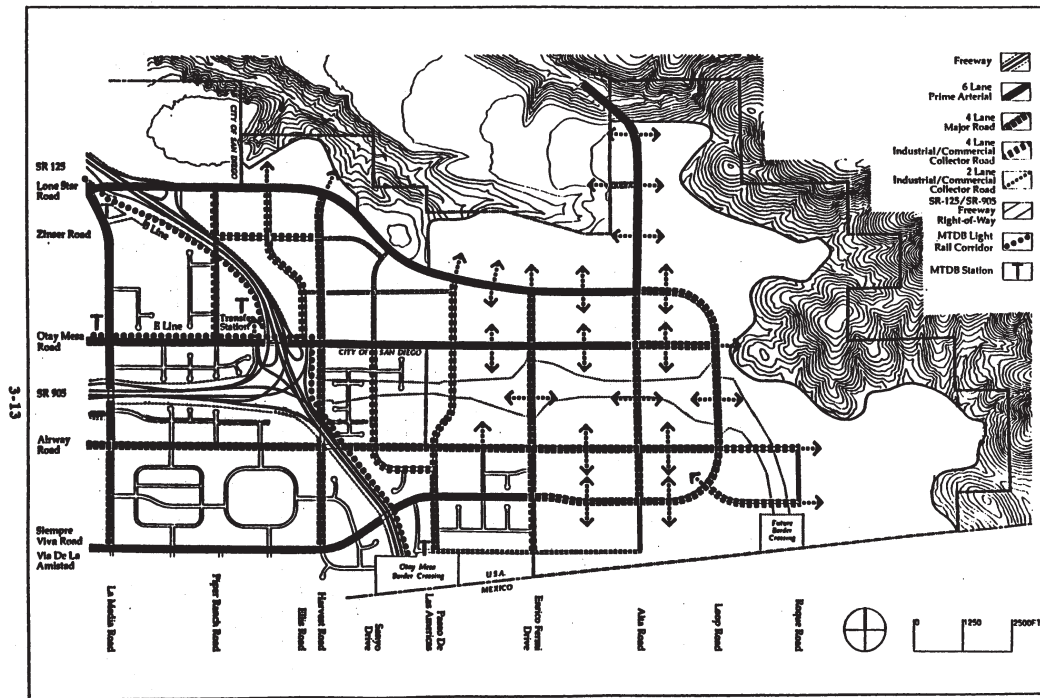
Sincerely,



Isabella Coye  
Josh Chatten-Brown  
Kathryn Pettit

<sup>13</sup> 2024 Addendum, p. 28.

Exhibit A



3-13

**OGDEN**  
■■■■■

Circulation and Transit Plan

FIGURE  
**3-6**

Exhibit B

1

*ROB BONTA*  
*Attorney General*

*State of California*  
*DEPARTMENT OF JUSTICE*

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**Warehouse Projects: Best Practices and  
Mitigation Measures to Comply with the  
California Environmental Quality Act**

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In carrying out its duty to enforce laws across California, the California Attorney General's Bureau of Environmental Justice (Bureau)<sup>1</sup> regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies regarding warehouse projects, and in rare cases the Bureau has filed litigation to enforce CEQA.<sup>2</sup> This document builds upon the Bureau's work on warehouse projects, collecting information gained from the Bureau's review of hundreds of warehouse projects across the state.<sup>3</sup> It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.<sup>4</sup> While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, nearly all of which have been adapted from actual warehouse projects in California.

## I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.<sup>5</sup> California, with its ports, population centers, and transportation network, has found itself at the center of this trend. In 2020, the Ports of Los Angeles, Long Beach, and Oakland collectively accounted for over 34% of all United States international container trade.<sup>6</sup> The Ports of Los Angeles and Long Beach alone generate about 35,000 container truck trips every day.<sup>7</sup> Accordingly, the South Coast Air Basin now contains approximately 3,000 warehouses of over 100,000 square feet each, with a total warehouse capacity of approximately 700 million square feet, an increase of 20 percent over the last five years.<sup>8</sup> This trend has only accelerated, with e-commerce growing to

<sup>1</sup> <https://oag.ca.gov/environment/justice>.

<sup>2</sup> <https://oag.ca.gov/environment/ceqa>; *People of the State of California v. City of Fontana* (Super. Ct. San Bernardino County, No. CIVSB2121829); *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).

<sup>3</sup> This September 2022 version revises and replaces the prior March 2021 version of this document.

<sup>4</sup> Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.

<sup>5</sup> As used in this document, "warehouse" or "logistics facility" is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short- or long-term basis for later distribution to businesses and/or retail customers.

<sup>6</sup> Data from the Bureau of Transportation Statistics, Container TEUs (Twenty-foot Equivalent Units) (2020), <https://data.bts.gov/stories/s/Container-TEU/x3fb-aeda/> (Ports of Los Angeles, Long Beach, and Oakland combined for 14.157 million TEUs, 34% of 41.24 million TEUs total nationwide) (last accessed September 18, 2022).

<sup>7</sup> U.S. Dept. of Transportation, Federal Highway Administration, *FHWA Operations Support – Port Peak Pricing Program Evaluation* (2020), available at <https://ops.fhwa.dot.gov/publications/fhwahop09014/sect2.htm> (last accessed September 18, 2022).

<sup>8</sup> South Coast Air Qual. Mgmt. Dist., *Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305*, at 7-8, 41 (May 2021).



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13% of all retail sales and 2021 being a second consecutive record year for new warehouse space leased.<sup>9</sup> The latest data and forecasts predict that the next wave of warehouse development will be in the Central Valley.<sup>10</sup>

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO<sub>x</sub>)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particulate matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.<sup>11</sup> Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.<sup>12</sup> The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents.

These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts and systemic vulnerability. For example, a comprehensive study by the South Coast Air Quality Management District found that communities located near large warehouses scored far higher on California’s environmental justice screening tool, which measures overall pollution and demographic vulnerability.<sup>13</sup> That

<sup>9</sup> U.S. Census Bureau News, Quarterly Retail E-Commerce Sales 4th Quarter 2021 (February 22, 2022), [https://www.census.gov/retail/mrts/www/data/pdf/ec\\_current.pdf](https://www.census.gov/retail/mrts/www/data/pdf/ec_current.pdf) (last accessed September 18, 2022); CBRE Research, *2022 North America Industrial Big Box Report: Review and Outlook*, at 2-3 (March 2022), available at <https://www.cbre.com/insights/reports/2022-north-america-industrial-big-box#download-report> (last accessed September 18, 2022).

<sup>10</sup> CBRE Research, *supra note 9*, at 4, 36; New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), available at <https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html>.

<sup>11</sup> California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (last accessed September 18, 2022) (NO<sub>x</sub>); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts> (last accessed September 18, 2022); Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (last accessed September 18, 2022) (DPM).

<sup>12</sup> Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (last accessed September 18, 2022) (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

<sup>13</sup> South Coast Air Quality Management District, “Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305” (May 2021), at 4-5.

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study concluded that, compared to the South Coast Air Basin averages, communities in the South Coast Air Basin near large warehouses had a substantially higher proportion of people of color; were exposed to more diesel particulate matter; had higher rates of asthma, cardiovascular disease, and low birth weights; and had higher poverty and unemployment rates.<sup>14</sup> Each area has its own unique history, but many of these impacts and vulnerabilities reflect historic redlining practices in these communities, which devalued land and concentrated poverty, racial outgroups, and pollution into designated areas.<sup>15</sup>

## II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically guide warehouse development, we encourage local governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and direct sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take many forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors<sup>16</sup> can help attract investment while avoiding conflicts between warehouse facilities and residential communities. Transition zones with lighter industrial and commercial land uses may also help minimize conflicts between residential and industrial uses.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related general plan elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help

<sup>14</sup> *Id.* at 5-7.

<sup>15</sup> Beginning in the 1930s, federal housing policy directed investment away from Black, immigrant, and working-class communities by color-coding neighborhoods according to the purported “riskiness” of loaning to their residents. In California cities where such “redlining” maps were drawn, nearly all of the communities where warehouses are now concentrated were formerly coded “red,” signifying the least desirable areas where investment was to be avoided. See University of Richmond Digital Scholarship Lab, Mapping Inequality, <https://dsl.richmond.edu/panorama/redlining/#loc=12/33.748/-118.272&city=los-angeles-ca> (Los Angeles), <https://dsl.richmond.edu/panorama/redlining/#loc=13/32.685/-117.132&city=san-diego-ca> (San Diego), <https://dsl.richmond.edu/panorama/redlining/#loc=11/37.81/-122.38&city=oakland-ca> (Oakland), <https://dsl.richmond.edu/panorama/redlining/#loc=13/37.956/-121.326&city=stockton-ca> (Stockton), <https://dsl.richmond.edu/panorama/redlining/#loc=12/36.751/-119.86&city=fresno-ca> (Fresno) (all last accessed September 18, 2022).

<sup>16</sup> In this document, “sensitive receptors” refers to residences, schools, public recreation facilities, health care facilities, places of worship, daycare facilities, community centers, or incarceration facilities.

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jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.<sup>17</sup>

Local ordinances and good neighbor policies that set development standards for all warehouses in the jurisdiction are a critical and increasingly common tool that serve several goals. When well-designed, these ordinances direct investment to local improvements, provide predictability for developers, conserve government resources by streamlining project review processes, and reduce the environmental impacts of industrial development. While many jurisdictions have adopted warehouse-specific development standards, an ordinance in the City of Fontana provides an example to review and build upon.<sup>18</sup> Good neighbor policies in Riverside County and by the Western Riverside Council of Government include additional measures worth consideration.<sup>19</sup>

The Bureau encourages jurisdictions to adopt their own local ordinances that combine the strongest policies from those models with measures discussed in the remainder of this document.

### III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The

<sup>17</sup> For more information about SB 1000, see <https://oag.ca.gov/environment/sb1000>.

<sup>18</sup> <https://oag.ca.gov/system/files/attachments/press-docs/Final%20Signed%20Fontana%20Ordinance.pdf> (last accessed September 18, 2022).

<sup>19</sup> For example, the Riverside County policy requires community benefits agreements and supplemental funding contributions toward additional pollution offsets, and the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors. <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf> (last accessed September 18, 2022) (Riverside County); <http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId=> (last accessed September 18, 2022) (Western Riverside Council of Governments).

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information should be in a format that is easy to navigate and understand for members of the affected community.

- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the affected community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community liaison to the surrounding community.
- Requiring signage in public view at warehouse facilities with contact information for a local designated representative for the facility operator who can receive community complaints, and requiring any complaints to be answered by the facility operator within 48 hours of receipt.

#### **IV. Warehouse Siting and Design Considerations**

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

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- Per California Air Resources Board (CARB) guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.<sup>20</sup>
- Providing adequate amounts of on-site parking to prevent trucks and other vehicles from parking or idling on public streets and to reduce demand for off-site truck yards.
- Establishing setbacks from the property line of the nearest sensitive receptor to warehouse dock doors, loading areas, and truck drive aisles, and locating warehouse dock doors, loading areas, and truck drive aisles on the opposite side of the building from the nearest sensitive receptors—e.g., placing dock doors on the north side of the facility if sensitive receptors are near the south side of the facility.
- Placing facility entry and exit points from the public street away from sensitive receptors—e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Ensuring heavy duty trucks abide by the on-site circulation plans by constructing physical barriers to block those trucks from using areas of the project site restricted to light duty vehicles or emergency vehicles only.
- Preventing truck queuing spillover onto surrounding streets by positioning entry gates after a minimum of 140 feet of space for queuing, and increasing the distance by 70 feet for every 20 loading docks beyond 50 docks.
- Locating facility entry and exit points on streets of higher commercial classification that are designed to accommodate heavy duty truck usage.
- Screening the warehouse site perimeter and onsite areas with significant truck traffic (e.g., dock doors and drive aisles) by creating physical, structural, and/or vegetative buffers that prevent or substantially reduce pollutant and noise dispersion from the facility to sensitive receptors.
- Planting exclusively 36-inch box evergreen trees to ensure faster maturity and four-season foliage.
- Requiring all property owners and successors in interest to maintain onsite trees and vegetation for the duration of ownership, including replacing any dead or unhealthy trees and vegetation.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Including signs and drive aisle pavement markings that clearly identify onsite circulation patterns to minimize unnecessary onsite vehicle travel.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

<sup>20</sup> CARB, Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted in some scenarios. CARB, Concept Paper for the Freight Handbook (December 2019), available at [https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook\\_1.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf) (last accessed September 18, 2022).

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## V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation.<sup>21</sup>
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is required regardless of CEQA.
- Disclosing air pollution from the entire expected length of truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur.

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<sup>21</sup> CEQA Guidelines § 15369.

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- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California’s Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be hybrid electric-diesel or zero-emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring all heavy-duty vehicles engaged in drayage<sup>22</sup> to or from the project site to be zero-emission beginning in 2030.

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<sup>22</sup> “Drayage” refers generally to transport of cargo to or from a seaport or intermodal railyard.

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- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of



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trucks.

- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Designing to LEED green building certification standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

## VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound

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pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

- Disclosing and considering the significance of short-term noise levels associated with all aspects of project operation (i.e. both on-site noise generation and off-site truck noise). Considering only average noise levels may mask noise impacts sensitive receptors would consider significant—for example, the repeated but short-lived passing of individual trucks or loading activities at night.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Planning and enforcing truck routes that avoid passing sensitive receptors.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

## VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Requiring preparation and approval of a truck routing plan describing the facility's hours of operation, types of items to be stored, and truck routing to and from the facility to designated truck routes that avoids passing sensitive receptors. The plan should include measures for preventing truck queuing, circling, stopping, and parking on public streets, such as signage, pavement markings, and queuing analysis and enforcement. The plan should hold facility operators responsible for violations of the truck routing plan, and a revised plan should be required from any new tenant that occupies the property before a business license

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is issued. The approving agency should retain discretion to determine if changes to the plan are necessary, including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.

- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

#### **VIII. Other Significant Environmental Impacts Analysis and Mitigation**

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.
- Using full cut-off light shields and/or anti-glare lighting.
- Requiring submission of a property maintenance program for agency review and approval providing for the regular maintenance of all building structures, landscaping, and paved surfaces.
- Using cool pavement to reduce heat island effects.

Updated September 2022

- Planting trees in parking areas to provide at least 35% shade cover of parking areas within fifteen years to reduce heat island impacts.
- Using light colored roofing materials with a solar reflective index of 78 or greater.
- Including on-site amenities, such as a truck operator lounge with restrooms, vending machines, and air conditioning, to reduce the need for truck operators to idle or travel offsite.
- Designing skylights to provide natural light to interior worker areas.
- Installing climate control and air filtration in the warehouse facility to promote worker well-being.

## **IX. Conclusion**

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at [ej@doj.ca.gov](mailto:ej@doj.ca.gov) if you have any questions.

Exhibit C



**ROB BONTA**  
*Attorney General*

*State of California*  
**DEPARTMENT OF JUSTICE**

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August 4, 2021

*Via E-mail*

J.D. Hightower  
Deputy Director of Planning for City of Manteca  
City of Manteca  
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Manteca, CA 95337  
jhightower@ci.manteca.ca.us

RE: **Mitigated Negative Declaration for the Spreckels Distribution Center  
(SCH #2021050017)**

Dear Mr. Hightower:

Thank you for the opportunity to provide comments on Manteca's Initial Study and Mitigated Negative Declaration ("MND") for the Spreckels Distribution Center ("the Project"). After reviewing the MND, the California Attorney General's Office believes the MND does not comply with the California Environmental Quality Act ("CEQA") due to its insufficient project description, flawed environmental impact assessments, and inadequate mitigation measures. We respectfully submit these comments to urge Manteca to conduct further environmental analysis in an environmental impact report to ensure the Project's impacts are understood, disclosed, and mitigated to the maximum extent feasible.<sup>1</sup>

**I. THE PROJECT SEEKS TO CONSTRUCT A WAREHOUSE FACILITY IN A HIGHLY POLLUTED COMMUNITY**

The Project would build a 304,120 square foot warehouse distribution facility and associated developments on a 14.83-acre project site at 407 Spreckels Avenue. To support the

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<sup>1</sup> The Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.)

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warehouse distribution activities, the Project will have 56 truck dock doors, 180 standard parking spaces, six accessible parking spaces, and 63 truck trailer spaces. Further, the Project will generate 633 vehicle trips per day, which would potentially include trips from refrigerated and unrefrigerated diesel trucks.

Warehouses attract a significant number of heavy-duty trucks that run on diesel fuel, creating air pollution, noise, and traffic impacts that burden nearby communities. Among other pollutants, diesel trucks emit nitrogen oxide (“NO<sub>x</sub>”)—a primary precursor to smog formation that causes respiratory problems like asthma, bronchitis, lung irritation, and lung cancer—and diesel particulate matter (“PM”)—which can lead to cancer, heart disease, respiratory illnesses, and premature death.<sup>2</sup> Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during all hours of the day and may cause hearing damage for residents and workers after prolonged exposure.<sup>3</sup> Further, the thousands of daily truck and passenger car trips that will be generated by the Project’s warehouse will contribute to traffic jams, deterioration of road surfaces, and traffic accidents in Manteca.

Sensitive receptors surround the Project site. The Project is located just 40 feet away from single-family residences to the west. Medical facilities, including the Valley Medical Center, Manteca Surgery Center, and Yosemite Dental Arts, and additional single-family homes are located immediately north of the Project. The Project is also close to other sensitive receptors, including the Manteca BMX Park (approximately 0.3 mile to the south), Lincoln Park and Lincoln Pool (approximately 0.35 mile to the north), Creative Kids Childcare (approximately 0.5 mile to the north), and Lincoln Elementary School (approximately 0.55 mile to the north). The areas east and south of the Project site include at least eight warehouse distribution centers.

The diverse and relatively low-income neighborhoods surrounding the Project already face disproportionately high levels of pollution and other burdens. According to the Draft CalEnviroScreen 4.0, the California Environmental Protection Agency’s screening tool that ranks each census tract in the state for pollution and vulnerability, the Project’s census tract ranks worse than 84 percent of the rest of the state for pollution burden and worse than 79 percent of the state for population vulnerability.<sup>4</sup> The census tract is in the 81st percentile for diesel particulate matter pollution, 92nd percentile for pesticides exposure, and 97th percentile for

<sup>2</sup> California Air Resources Board (“CARB”), “Nitrogen Dioxide & Health,” <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health>; CARB, Summary: “Diesel Particulate Matter Health Impacts,” <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment (“OEHHA”) and American Lung Association of California, “Health Effects of Diesel Exhaust,” <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf>.

<sup>3</sup> See, e.g., “Noise Sources and Their Effects,”

<https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (stating that a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

<sup>4</sup> OEHHA, “Draft CalEnviroScreen 4.0,” <https://oehha.ca.gov/calenviroscreen/report/draft-calenviroscreen-40>.

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drinking water contamination. Residents of this community also experience significant health risks associated with pollution—people that live in the Project’s census tract are in the 91st percentile for asthma and 94th percentile for cardiovascular rates. Further, approximately 72 percent of the population has an income that is less than two times the federal poverty level.

## II. THE MND FAILS TO COMPLY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The MND fails to comply with CEQA on several fronts, including providing an inadequate project description that does not take into account all of the potential uses for the Project. The MND also includes faulty air quality, greenhouse gas, and land use impacts analyses that underestimate the impacts to nearby sensitive receptors. Finally, once the City has adequately analyzed the Project’s significant impacts, it should include all feasible mitigation measures as required by CEQA.

### A. The Project Description is Insufficient

The CEQA Guidelines require an initial study to describe a proposed project. (CEQA Guidelines, § 15063, subd. (d)(1).) Project descriptions should contain all details that are essential components of a project since “an accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 731 [quotation omitted].) In this case, the MND’s project description does not adequately describe the Project because it omits key details that are essential for accurately assessing the Project’s environmental impacts and is inconsistent with other parts of the MND.

The Transportation Impact Analysis Report for the Project states that the Project could include high-cube warehouse uses. However, the MND’s project description does not describe the Project’s potential for high-cube warehouse uses, including which types of activities will occur in the Project’s warehouse. These details are important since high-cube warehouses generate significantly more traffic, noise, and air quality impacts than other types of warehouses, and the scope of impacts vary depending on the type of operations that occur at the warehouses. According to the Institute of Transportation Engineers, a high-cube warehouse can serve as a fulfillment center, parcel hub, cold storage facility, transload facility, or a short-term storage building.<sup>5</sup> Thus, the project description should clearly state whether the Project will have high-cube warehouse uses, how much space will be used for high-cube warehouse activities, and the types of operations that will occur in these areas. Moreover, as discussed further below, if the Project could involve high-cube warehouse activities, the environmental impacts of these activities must be fully analyzed by the City.

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<sup>5</sup> Institute of Transportation Engineers, “High-Cube Warehouse Vehicle Trip Generation Analysis,” at p. 3 (Oct. 2016), <https://www.ite.org/pub/?id=a3e6679a%2De3a8%2Dbf38%2D7f29%2D2961becdd498>.



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Second, the analysis of noise impacts in the MND considers the potential for refrigerated trucks utilizing the Project's 56 loading bays, but the MND project description does not include any discussion of whether the Project will allow for cold storage. (MND at p. 59.) If the Project's building has cold storage, the Project's environmental impacts could be dramatically greater since refrigerated trucks produce substantially more air pollution and greenhouse gas emissions than trucks that visit standard storage facilities. As explained by CARB:

Transport Refrigeration Units (TRUs) are refrigeration systems powered by diesel internal combustion engines designed to refrigerate or heat perishable products that are transported in various containers, including semi-trailers, truck vans, shipping containers, and rail cars. Although TRU engines are relatively small, ranging from 9 to 36 horsepower, significant numbers of these engines congregate at distribution centers, truck stops, and other facilities, resulting in the potential for health risks to those that live and work nearby.<sup>6</sup>

This critical detail should be disclosed in the MND and the environmental impacts of this type of warehouse use must be fully analyzed.

#### **B. The City's Air Quality and Greenhouse Gas Emissions Analyses are Insufficient**

##### **1. The MND's Analysis of Air Quality Impacts is Insufficient**

The purpose of CEQA is to ensure that a lead agency fully evaluates, discloses, and, whenever feasible, mitigates a project's significant environmental effects. (Pub. Resources Code, § 21002.1.) To comply with CEQA, a lead agency must make "a reasoned and good faith effort to inform decision makers and the public" about a project's potential impacts. (*See Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1367, as modified on denial of rehearing [Sept. 26, 2001].) If a lead agency fails to analyze a certain aspect of a project's potential environmental impact, a court may conclude that the limited facts in the record support a fair argument that the project may have a significant environmental impact. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) CEQA's requirements for full disclosure are not satisfied if an environmental impacts analysis uses outdated models and inaccurate information.

Here, the MND fails to disclose whether the Air Quality and GHG Modeling analysis utilizes CARB's 2014, 2017, or 2021 Emission Factors Model ("EMFAC") to calculate air emissions from mobile sources. The difference between the versions is significant since EMFAC 2021 uses the latest scientific data available to evaluate environmental impacts.<sup>7</sup> Considering the serious air quality problems already present in the communities surrounding the Project, it is essential for the MND to provide accurate estimates of how the Project will

<sup>6</sup> CARB, "Transport Refrigeration Unit (TRU or Reefer) Regulation," <https://ww3.arb.ca.gov/msprog/truckstop/trus/trus.htm>.

<sup>7</sup> CARB, "EMFAC," <https://arb.ca.gov/emfac>.

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contribute to air pollution. If the City has not done so, it should use the EMFAC 2021 model to project the Project's mobile source emissions to comply with CEQA's good faith disclosure requirements.

Further, the MND's air quality assessment fails to analyze and take into account the potential for different types of uses in CalEEMod, even though the MND in other places indicates the Project could allow additional uses, such as refrigerated warehouse uses that typically have more serious environmental impacts. In order to account for the variety of potential uses, the air quality assessment should consider adjusting the input variables in CalEEMod to reflect the most environmentally-intensive uses. As previously discussed, the MND's Traffic Impact Analysis states that the Project will include a high-cube warehouse area, but the air quality assessment fails to analyze the environmental impacts from this particular land use type. Further, the MND's analysis of noise impacts considers the potential for refrigerated trucks accessing the Project, but the air quality assessment does not analyze impacts from a cold storage warehouse. In order to take into account of different warehouse subtypes in CalEEMod, the analysis should adjust truck trip rates, vehicle type proportions, truck trip length, and other input variables. If these more intense warehouse uses are permitted, the City must analyze, disclose, and mitigate their significant environmental impacts pursuant to CEQA.

Moreover, the MND's Air Quality Assessment is defective because it relies on an arbitrary trip length of seven miles to estimate emissions from mobile sources. The Project includes warehouse and manufacturing uses, where heavy-duty trucks are likely to be receiving and hauling goods to and from the Project site to destinations all over California and potentially out of the State. Most of these trips are much farther than seven miles. The MND should calculate vehicle trip lengths based on the actual likely destinations of vehicles visiting the Project and explain the basis for the chosen trip lengths.

Finally, despite acknowledging that the nearest sensitive receptors are only 40 feet from the site, the MND summarily concludes that the Project would have less than significant impacts to sensitive receptors. (MND at p. 25.) The MND explains that the likelihood that sensitive receptors will be exposed to high concentrations of diesel particulate matter ("DPM") is low because the construction activities are short-term and are subject to San Joaquin Valley Air Pollution Control District rules and regulations. (MND at p. 23.) However, the MND does not fully evaluate or disclose the potential concentrations of DPM from construction activities. Furthermore, the MND's analysis of potential concentrations of DPM from the Project's operations fails to disclose whether or not it takes into account the potential for refrigerated trucks to access the Project. As previously mentioned, the MND's analysis of noise impacts indicated the potential for refrigerated trucks at the Project. Given that tenants of the proposed warehouse are unknown at this time, the City should analyze the potential for more intense uses.

## 2. The MND Fails to Analyze the Project's Cumulative Air Quality Impacts

"One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources." (*Kings Cty.*

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*Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720.) Consequently, the CEQA Guidelines mandate all assessments of environmental impacts to include an analysis of cumulative impacts that “take[s] account of the whole action involved.” (CEQA Guidelines, § 15355, Appendix G.)

Despite inclusion of a cumulative air quality impact checklist question, the MND provides no analysis of cumulative air quality impacts. Relying on California Code of Regulations Title 14, Section 15064, subd. (h)(3), the MND asserts that a lead agency may determine that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with a previously approved plan. Thus, because the MND finds that the Project in isolation would not exceed the San Joaquin Valley Air Pollution Control District’s (“SJVAPCD”) Small Project Analysis Levels (“SPAL”), it concludes that its air quality impacts—including its cumulative impacts—would be less than significant. (MND at p. 22.) However, as discussed in the SJVAPCD’s Guidance for Assessing and Mitigating Air Quality, if a project is below applicable significance thresholds, that does not indicate that the project cannot be cumulatively significant.<sup>8</sup> Further, California Code of Regulations Title 14, Section 15064, subd. (h)(3) states that if a lead agency relies on compliance with a plan, regulation, or program to determine the Project’s cumulative impacts, the lead agency should explain how implementing the particular requirements in the plan, regulation, or program ensures that the Project’s incremental contribution to the cumulative effect is not cumulatively considerable. However, the MND does not explain how compliance with the SJVAPCD’s SPAL ensures that the Project’s impacts are not cumulatively considerable.

An MND must “[e]xplain[] the reasons for determining that potentially significant effects would not be significant.” (CEQA Guidelines, § 15063, subd. (c)(3)(C).) A proper cumulative impacts analysis considers the incremental impact of a project in the context of the impacts of past, present, and reasonably foreseeable future projects. (*Id.* at § 15065, subd. (a)(3); *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 118 [“[T]he guiding criterion on the subject of cumulative impact is whether any additional effect caused by the proposed project should be considered significant given the existing cumulative effect.”].) The analysis of a project’s own impacts is an inquiry that is distinct from considering the project’s cumulative impacts. (*Kings County Farm Bureau v. City of Hanford, supra*, 221 Cal.App.3d at pp. 719-21 [holding that relatively small air quality impacts from a project do not eliminate the need to consider the project’s combined impacts with other development].)

Analysis of the Project’s cumulative air quality impacts is especially crucial here because the Project is located in a community that already suffers from some of the worst air pollution in the State. As previously discussed, sensitive receptors are located immediately west and north of the Project site, while to the east and south of the Project, at least eight other warehouses currently operate. Even if the Project’s air quality impacts are not significant in isolation, they

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<sup>8</sup> San Joaquin Valley Air Pollution Control District, “Guidance for Assessing and Mitigating Air Quality Impacts (2015), <http://www.valleyair.org/transportation/GAMAQI.pdf>.

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become more concerning when combined with the pollution produced by other nearby warehouses and industrial sites and in such close proximity to sensitive receptors. The MND does not consider whether the Project's impacts in combination with other sources of air pollution will have cumulative impacts on the nearby sensitive receptors could be significant. The City should prepare an EIR to investigate this question.

### 3. The MND's Analysis of Greenhouse Gas Emissions Impacts is Insufficient

The MND concludes that the Project would generate less than significant impacts with mitigation for greenhouse gas emissions by demonstrating the Project's compliance with the City's Climate Action Plan ("CAP"). The MND states that the City's "CAP is consistent with the goals presented in AB 32 and SB 32 and, therefore, projects considered consistent with the CAP would be considered to result in a less-than-significant impact related to GHG emissions." (MND at p. 43.) However, courts have repeatedly held compliance with a single environmental or land use law or regulation does not create an exemption from CEQA's requirement that lead agencies evaluate all of a project's significant environmental impacts. For example, "compliance with a general plan in and of itself 'does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects.'" (*East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 301.) Thus, the City's conclusion that the Project would generate less than significant impacts for greenhouse gas emissions based on the Project's compliance with the CAP is inadequate.

Furthermore, the City's analysis of the Project's compliance with the CAP is flawed. The City's CAP requires projects to "comply with the applicable land use, sustainable development, and resources conservation policies of the Manteca General Plan." (MND at p. 43.) The MND concludes that the City would verify the Project's compliance with General Plan policies during the Site Plan Review process and, therefore, the Project meets the CAP's requirement. (MND at p. 43.) However, CEQA prohibits the deferral of environmental analysis in order to serve its purposes of public participation and informed decision-making. "By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307; Pub. Resources Code, § 21003.1.) The City must, therefore, analyze the Project's consistency with Manteca's General Plan before concluding that the Project complies with the City's CAP and has less than significant greenhouse gas emissions impacts.

### **C. The MND Fails to Analyze the Project's Consistency with Manteca's General Plan**

The CEQA Guidelines require an initial study to examine whether a project "would be consistent with existing zoning, plans, and other applicable land use controls." (CEQA Guidelines, § 15063, subd. (d)(5).) Despite this requirement, the MND quickly concludes that the Project does not conflict with Manteca's General Plan since "[t]he proposed project would be consistent with the site's current land use and zoning designations." (MND at p. 32.) However,

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the MND does not analyze whether the Project will conflict with any policies in Manteca's General Plan, including the following:

- AQ-P-3: Segregate and provide buffers between land uses that typically generate hazardous or obnoxious fumes and residential or other sensitive land uses.
- AQ-P-7: New construction will be managed to minimize fugitive dust and construction vehicle emissions.
- CD-P-25: The City shall encourage mixed land uses but provide physical separation or design buffers between incompatible land uses.
- C-P-49: The city shall require that new industrial development pay a fair share toward improvements required to accommodate heavy vehicles, including increased pavement wear.

Manteca also has new proposed policies in its Draft General Plan Update that, if adopted, will apply to the Project. Although not required under CEQA, the City should consider analyzing the Project's consistency with the proposed Draft General Plan Update. Significantly, the General Plan Update will include several policies designed to reduce impacts in environmental justice communities, as required under SB 1000, including the following:

- LU-9.1: Require future planning decisions, development, and infrastructure and public projects to consider the effects of planning decisions on the overall health and well-being of the community and its residents, with specific consideration provided regarding addressing impacts to disadvantaged populations and communities and ensuring disadvantaged communities have equitable access to services and amenities.
- CD-6.3: Require setbacks and other design elements to buffer residential units to the extent possible from the impacts of abutting roadway, commercial, agricultural, and industrial uses.

Since the MND fails to discuss the Project's consistency with the policies contained in Manteca's General Plan, the MND's assessment of land use impacts is flawed.

#### **D. The MND Does Not Include All Feasible Mitigation Measures to Reduce the Project's Potentially Significant Impacts**

CEQA requires a lead agency to adopt all feasible mitigation measures that minimize the significant environmental impacts of a project. (Pub. Resources Code, § 21002; CEQA Guidelines, § 15126.4, subd. (a)(1).) The MND's mitigation measures must be specific, binding, and enforceable through permit conditions, agreements, or other legally binding instruments.

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(Pub. Resources Code, § 21081.6, subd. (b); CEQA Guidelines §§ 15071, subd. (e) and 15126.4, subd. (a)(2).)

Here, the City concludes that air quality impacts will result in less than significant environmental impacts and, therefore, it does not propose any mitigation measures for such impacts. However, as previously discussed, the MND's analysis of the Project's air quality impacts is flawed and most likely underestimates the Project's impacts on nearby sensitive receptors. Despite acknowledging that there are existing single-family residences just 40 feet from the Project site, the MND does not include any mitigation measures that address air quality, traffic, or noise impacts from the Project's construction and operational activities.

After fully evaluating the Project's environmental impacts through an EIR, Manteca should consider adopting additional specific, binding, and enforceable measures to address the Project's air quality impacts from its construction and operation. We recommend the City to refer to the Bureau of Environmental Justice's guidance, *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* for examples of air quality and greenhouse gas emissions mitigation measures.<sup>9</sup> For example, we suggest consideration of the following recommendations and measures to mitigate air quality and greenhouse gas impacts:

- Per CARB guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.<sup>10</sup>
- Creating physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce pollutant dispersal between warehouses and any areas where sensitive receptors are likely to be present, such as homes, schools, daycare centers, hospitals, community centers, and parks.
- Requiring off-road construction equipment to be zero-emission, where available, and all diesel-fueled off-road construction equipment, to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.

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<sup>9</sup> State of California Department of Justice, "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act," <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf>.

<sup>10</sup> California Air Resources Board (CARB), *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted under varying scenarios; this document may be found on CARB's website and is entitled: "California Sustainable Freight Initiative: Concept Paper for the Freight Handbook" (December 2019).

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- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Limiting the amount of daily grading disturbance area.
- Forbidding idling of heavy equipment for more than two minutes
- Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Installing and maintaining, at the manufacturer’s recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer’s recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.
- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.

These measures have been adopted in comparable and larger projects, demonstrating that such measures are feasible.

#### **E. Consultation with Responsible Agencies**

CEQA requires a lead agency to consult with responsible and trustee agencies that have jurisdiction over resources impacted by a proposed project prior to adopting an MND. (Pub. Res. Code § 21080.3, subd. (a) [“Prior to determining whether a negative declaration or environmental impact report is required for a project, the lead agency shall consult with all responsible agencies and trustee agencies.”]; CEQA Guidelines, § 15073, subd. (c).) Here, the MND fails to list the responsible agencies for the Project or reveal whether the City consulted

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with those agencies before choosing to prepare an MND for this Project. Thus, it is unclear whether the City has met CEQA's consultation requirements for this Project.

**III. CONCLUSION**

Thank you for the opportunity to provide these comments. We encourage Manteca to comply with CEQA's requirements and adequately disclose, analyze, and mitigate the environmental impacts of the Project prior to its approval. The Attorney General's Office is available to provide assistance to Manteca as it works on its CEQA compliance for the Project. Please do not hesitate to contact me if you have any questions or would like to discuss these issues further.

Sincerely,



RICA V. GARCIA  
Deputy Attorney General

For ROB BONTA  
Attorney General



**Letter RO-1 – Chatten Brown Law Group**

- RO-1-1** The comment does not provide any substantial evidence that the requirements of California Environmental Quality Act (CEQA) Guidelines section 15162, regarding the need to prepare a subsequent Environmental Impact Report (EIR), are present. The comment provides an introductory summary of the commenter’s concerns about greenhouse gas (GHG) emissions and biological resources. This comment does not raise any issue or include any substantive concern regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-1-2** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment provides a history of the previous environmental documentation completed for the Project site. The commenter states that the 2003 EIR Addendum reduced the number of lots from 96 to 56 lots and included “Technology Business Park” uses. It should be noted that while the number of lots may have been reduced from 96 to 56, the size of the lots increased so that the overall size of the project evaluated in the 2003 EIR Addendum remained the same. Furthermore, the Specific Plan “Technology Business Park” use designation permitted warehouses; thus, the 2003 EIR Addendum analysis is relevant for the analysis of the Project. This comment does not raise any issue or include any substantive concern regarding the adequacy of the environmental analysis; therefore, no further response is provided.
- RO-1-3** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment incorrectly states that the proposed project entails a change in the planned land use of the site from mixed-use-residential emphasis to light industrial through a rezone. For clarification, the Project includes a Specific Plan Amendment (SPA) which would change the land use designation to “Light Industrial,” which is similar to the previous “Business Technology Park” use allowed on-site prior to 2018. The Project does not include a rezone. The zoning designation for the Project site would remain “Specific Plan.” No revision to the Addendum is warranted as a result of this comment.
- RO-1-4** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment provides a summary of the documents the EIR Addendum is tiering from, states that the current Project is different from those that preceded it, and claims that the analysis is outdated. The commenter also opines that the 2024 Addendum precludes review of new circumstances, new feasible mitigation measures, regulations and other relevant considerations that have arisen since the prior documents were prepared. The comment is incorrect. CEQA Guidelines § 15164 allows for preparation of an addendum to a previously certified EIR if some changes or additions are necessary but are not substantial changes that require major revisions of the previous EIR due to the involvement of new significant impacts (CEQA Guidelines § 15162). Neither the Public Resources Code nor the CEQA Guidelines establish any requirements concerning the age of previous CEQA

documentation. As demonstrated throughout the EIR Addendum, the current Project reduces environmental impacts compared to the previous environmental analyses conducted for the Project site and does not present substantial changes or new significant environmental impacts. CEQA Guidelines § 15162 (a)(1) states that a further EIR may be required if proposed changes to a project will require "major revisions" to the previous EIR because of "new significant environmental effects or a substantial increase in the severity of previously identified significant effects." In the case of the proposed Project, the changes proposed do not involve new or more severe significant environmental impacts than those disclosed in the documents the Addendum is tiering from, and there would be no major revisions to the previous CEQA compliance documentation. Furthermore, CEQA Guidelines § 15164 does not have any provision related to the types of previous uses on-site. The Project is being required by the County to implement all applicable mitigation measures from the previous environmental analyses and incorporate and comply with all current regulatory requirements. As such, the Project's EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted in response to this comment.

**RO-1-5** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment states that meaningful mitigation measures should be incorporated, characterizing the measures required by prior CEQA compliance documents as "unenforceable and vague." The comment also states that Project Design Features are "non-binding," the Project's description should provide more detail, and that additional mitigation is needed to address GHG emissions and biological resources. As indicated above in Response to Comment RO-1-4, the EIR Addendum appropriately tiers from previous environmental documents that include specific, implementable mitigation measures that would continue to apply to the Project. Furthermore, the commenter incorrectly states that Project Design Features are non-binding. As the name implies, a Project Design Feature is an element incorporated into the Project's design and is incorporated into the Project's development plans. All Project Design Features as well as mitigation measures will be enforced as Conditions of Project Approval. Thus, the Project Design Features are binding and would be implemented as part of the Project. The Project Design Features have been added to EIR Addendum Attachment E, Summary of Mitigation Measures. As such, the Project's EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted as a result of this comment. Lastly, the commenter does not provide any evidence of a change in circumstances as that term is used in CEQA Guidelines Section 15162.

**RO-1-6** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment focuses on the age of previous CEQA documentation conducted for the Project site and opines that due to the age of prior documents, the EIR Addendum limits environmental analysis and relies on vague mitigation. Please refer to Response to Comment RO-1-4 and RO-1-5. The CEQA Guidelines do not have a provision related to the age of previous CEQA documentation. The commenter states mitigation measures now feasible have not been included. However, the commenter does not provide any substantial evidence to support this claim, nor do they provide mitigation measures not listed that are

now feasible. The Project’s EIR Addendum appropriately tiers from previous environmental documentation and applies appropriate mitigation measures and no revision to the Addendum is warranted.

- RO-1-7** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment refers to the California Attorney General’s Office (AGO) *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* and incorrectly states the guidelines have not been implemented or considered in the EIR Addendum. The AGO’s Best Practices document provides “examples of best practices and mitigation measures” and does not mandate that any of the recommendations be implemented. The recommendations provide examples and suggestions to be evaluated for feasibility and applicability on a project-by-project basis.

Below in italic text is the list of recommendations mentioned in the comment. A response related to the feasibility is provided below each recommendation presented in the comment.

- *Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zero-emission beginning in 2030;*

This measure is infeasible for the Project to implement because the Project is a speculative development, and tenants are unknown at this time. Additionally, given the Project’s proximity to the United States/Mexico border, the Project is anticipated to be used for cross-border business operations. Thus, a portion of the trucks coming to the Project site would come from Mexico. The Project Applicant and any future tenant would be unable to control the types of heavy-duty vehicles coming to the site from Mexico into the United States. Furthermore, based on the current market, this recommendation would be infeasible. Other similar projects in the area are not required to implement this recommendation; thus, imposing a requirement for all heavy-duty vehicles to be zero emission beginning in 2030 would make the Project infeasible to market to future tenants.

- *Requiring all on-site motorized operation equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging and fueling stations provided;*

As noted on EIR Addendum page 28, the Project includes a Project Design Feature requiring all cargo handling equipment be electric. Thus, this measure is already incorporated into the Project’s design.

- *Requiring tenants to use zero-emission light-and medium-duty vehicles as part of business operations;*

This measure is infeasible for the Project to implement because the Project is a speculative development, and tenants are unknown at this time. Additionally, given the Project's proximity to the United States/Mexico border, the Project is anticipated to be used for cross-border business operations. Thus, a portion of the light- and medium-duty vehicles coming to the Project site would come from Mexico. The Project Applicant and any future tenant would be unable to control the types of light- and medium-duty vehicles coming to the site from Mexico into the United States. Furthermore, based on the current market, this recommendation would be infeasible. Other similar projects in the area are not required to implement this recommendation; thus, imposing a requirement for all light- and medium-duty vehicles to be zero emission beginning in 2030 would make the Project infeasible to market to future tenants.

- *Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible; and*

The Project would include installation of solar panels in accordance with Title 24 Building Code and the roofs would be designed to structurally support solar panels. However, the Project is a speculative development, and tenants are unknown at this time. Thus, it is infeasible to design Project roofs to accommodate the maximum future coverage and solar power generation feasible, because tenant rooftop equipment needs and electricity needs are unknown at this time.

- *Requiring all stand-by emergency generators to be powered by non-diesel fuel.*

The Project is a speculative development, and tenants are unknown at this time. Thus, it is unknown what type and size of emergency generators would be needed on-site. The Project is not contemplated to be owner occupied and would go through multiple generations of future tenants. The needs for emergency generators would change with various tenants and it is infeasible to require emergency generators to be powered by non-diesel fuel when the emergency generator needs of the future tenants is unknown.

Furthermore, as listed on EIR Addendum page 28, the Project incorporates the Project Design Features that reduce GHG emissions, including the following items from the AGO's Best Practices document:

- Cargo handling equipment would be electric.
- All vehicle operators are required to comply with CARB Rule 2485 and CARB Rule 2449, which limits nonessential idling of diesel-fueled commercial vehicle engines and diesel-powered off-road equipment to five minutes or less. Prior to issuance of occupancy permits for buildings with loading dock areas, the County shall verify that signs are posted in these areas that inform vehicle and equipment operators about the

requirements of these Rules except that such signs shall post a 3-minute idling restriction (instead of the 5-minutes required by CARB).

Furthermore, and as documented in the EIR Addendum pp. 28-29, the currently-proposed Project would substantially reduce the number of vehicle trips calculated to serve the Project site by 20,211 trips compared to the 2000 Supplemental EIR (SEIR) and by 27,555 trips compared to the 2018 SEIR. As shown on Table 4 of the EIR Addendum (p. 29, GHG Emissions Summary), the proposed Project would reduce GHG emissions compared to the GHG emissions quantity reported in the 2000 SEIR and in the 2018 SEIR. As such, the Project's EIR Addendum appropriately evaluates the current Project and demonstrates that GHG emissions would be far less than previously reported. As such, no additional mitigation measures are needed and no revision to the Addendum is warranted.

**RO-1-8** The comment does not provide any substantial evidence that these new plans and strategies trigger the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR. The comment quotes portions of Public Resource Code Section 21166 and suggests that a subsequent EIR should be prepared. CEQA Guidelines §§ 15162 through 15164 set forth the criteria for determining what additional environmental documentation, if any, must be completed when a previously certified EIR covers the project for which a subsequent discretionary action (or actions) is required. The Project's EIR Addendum was prepared in accordance with CEQA Guidelines § 15164(e) and explains the rationale for the County's determination that an EIR Addendum is the appropriate form of CEQA compliance document for the Project. As indicated in the EIR Addendum pp. 7-9, none of the circumstances requiring a subsequent EIR or additional environmental documentation have occurred. As demonstrated throughout the analysis in the EIR Addendum, the Project does not entail any new significant environmental effects or result in a substantial increase in severity of a previously identified effect either due to a change in project, change in circumstances, or new information of substantial importance. As such, the Project's EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-9** The comment does not provide any substantial evidence that these new plans and strategies trigger the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR. The comment states impacts due to the increase in industrial land uses on-site were not appropriately evaluated in the Addendum. As indicated in Response to Comments RO-1-4 and RO-1-8, the County appropriately prepared an EIR Addendum in accordance with CEQA Guidelines § 15164 and all Project impacts were appropriately evaluated in the EIR Addendum. Furthermore, the 2021 version of the Specific Plan explains that "[u]nless a discretionary permit is issued to implement a Commercial Center on this site, the underlying Technology Business Park land use designation and associated standards shall apply." (2021 Specific Plan p. 29.) It further explains that "[l]and subject to the Technology Business Park designation is intended for development of manufacturing operations and business offices that research, develop and produce advanced technologies, such as defense and space technologies, communication, computer and internet, audio/visual, pharmaceutical and medical products," but it can also accommodate "logistics

and e-commerce uses.” (2021 Specific Plan, pp. 38, 100.) Table 3.1-1 describes the uses allowed in each Specific Plan designation area, light wholesale storage and distribution centers are permitted so long as “[a]ll operations, including storage of materials, [are] enclosed (within a building or within a solid fence or wall, minimum six feet in height). (2021 Specific Plan, pp. 107, 109.) The 2018 version of the Specific Plan also permitted light wholesale storage and distribution centers within the Technology Business Park designation. (2018 Specific Plan, p. 109.) As such, the Project’s EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-10** The comment does not provide any substantial evidence that these new plans and strategies trigger the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR. The comment suggests that the EIR Addendum relies on “noncompliant transportation analysis” and states that although the Project is exempt from the provisions of Senate Bill (SB) 743, the Project should be subject to SB 743 because it represents a shift in transportation analysis and concludes that a supplemental EIR is required. The commenter incorrectly states that SB 743 requires transportation impacts be evaluated by July 1, 2020. As stated on EIR Addendum p. 40, although as of July 1, 2020, LOS can no longer be the basis for determining an environmental effect under CEQA, CEQA Guidelines §15064.3(c) is clear that “[t]he provisions of [§ 15064.3] shall apply prospectively as described in [CEQA Guidelines] section 15007.” CEQA Guidelines § 15007(c) specifically states: “[i]f a document meets the content requirements in effect when the document is sent out for public review, the document shall not need to be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved.” As noted above, the Guidelines changes with respect to VMT took effect on July 1, 2020, while the East Otay Mesa Business Park Specific Plan EIR was certified in 1994 and its two Supplemental EIRs and various Addenda were approved through 2018. As such, and in accordance with CEQA Guidelines §§ 15064.3(c) and 15007(c), revisions to the previously certified EIR are not required under CEQA in order to conform to the new requirements established by CEQA Guidelines § 15064.3. See *A Local & Regional Monitor v. City of Los Angeles* (1993) 12 Cal.App.4th 1773, 1801. Furthermore, impacts related to VMT were known or could have been known at the time the previous environmental analysis was certified or adopted. See *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301. As such, the Project’s EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-11** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment refers to transit stations and light rail included as part of the project evaluated in the original EIR and suggests that the removal of the planned transit station would be a “major” change from the original 1994 EIR, necessitating the need for subsequent environmental review. The County disagrees. The 1994 EIR was prepared for the entire East Otay Mesa Business Park Specific Plan, which has been amended ten times following the initial approval of its 1994 EIR. Each Specific Plan Amendment was supported with environmental analysis. The light rail and transit stations were removed from the Specific

Plan as part of a previous Specific Plan Amendment and were evaluated as part of the environmental analysis conducted for the previous amendment. CEQA requires that this prior environmental analysis is presumed legally adequate. Pub Res C §§21080.1, 21167.2. Further, once an EIR has been certified or a negative declaration has been adopted for a project, the lead agency or a responsible agency may not require a further EIR for a later discretionary project approval unless one of the statutory conditions for a subsequent or supplemental EIR is found to exist. Pub Res C §§21166, 21167.2; CEQA Guidelines §§15162, 15231. The currently proposed Project does not remove any transit stations or light rail lines from the Specific Plan’s Mobility Plan. Furthermore, the 1994 EIR mobility network did not include any light rail lines or transit stops on the Project site. Therefore, the commenter’s claim that the Project removed the planned transit station is inaccurate. As such, the Project’s EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-12** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment opines again that the CEQA documents that the EIR Addendum tiers from are outdated, suggesting that the Addendum include review of the California Air Resources Board (CARB) 2022 Scoping Plan and San Diego County Air Pollution Control District (APCD) 2022 Regional Air Quality Strategy. The promulgation of new plans and strategies by state and regional entities is not significant new information triggering further CEQA review. The EIR Addendum contains reasoned explanation that the Project’s air quality and GHG emissions would be less than reported in CEQA compliance documents that the EIR Addendum tiers from. As such, no revision to the Addendum is warranted.

**RO-1-13** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment states that substantial new information about GHG and air quality has become available since the Project site’s prior CEQA compliance documents were prepared and that necessary and feasible mitigation is not incorporated for the Project. Please refer to Response to Comments RO-1-5 and RO-1-7. As such, the Project’s EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-14** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment states that the EIR Addendum should consider all endangered or threatened species that may be impacted by the Project and suggests that the EIR Addendum fails to account for listed species found nearby. The comment provides the example of the California coastal gnatcatcher as being documented “near the project site.” The EIR Addendum includes a Biological Resource Analysis (included as EIR Addendum *Technical Appendix B1*) which presents the results of a site visit conducted in 2023 by professional, qualified biologists to assess the site for the potential to support sensitive species. The California coastal gnatcatcher was not observed; thus, impacts to the California coastal gnatcatcher would not occur. Additionally, the commenter notes the gnatcatcher was found “nearby,” but the observances of the gnatcatcher are 10 to 21 years old (ranging from 2003

to 2012) in an open space canyon located 0.3-mile northeast of the Project’s development area. The San Diego Management and Monitoring Program viewer referenced by the commenter also assigns these sitings as “Low” accuracy. Given that the gnatcatcher was not observed on the site in 2023 by professional biologists that are qualified to identify the species and that the most recent siting was 10 years ago and was located off-site in an open space canyon approximately 0.3-mile away from the Project’s development area, the EIR Addendum appropriately accounts for the species and appropriately addresses potential impacts. As such, the Project’s EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-15** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment provides background information about the Otay Tarplant, states the species has been documented “in the immediate vicinity of the project site,” and suggests that it was not appropriately evaluated in the EIR Addendum. The comment also notes that the Otay Tarplant was listed as federally endangered four years after the 1994 EIR was certified and states that the species should be studied. The EIR Addendum includes a Biological Resource Analysis (included as EIR Addendum *Technical Appendix B1*) which included a site visit conducted in 2023 by professional, qualified biologists to assess the site for the potential to support sensitive species. Otay Tarplant was not observed on the Project site; thus, impacts to Otay Tarplant would not occur because the species is absent. Additionally, the commenter notes Otay Tarplant was found “nearby”. The observance of Otay Tarplant referenced by the commenter is located within preserved open space located 0.3-mile north of the Project’s development area. Given the Otay Tarplant has been confirmed by professional biologists to be absent from the Project site but is located off-site in an open space area, the EIR Addendum appropriately accounts for listed species. As such, the Project’s EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-16** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment states the Project site and area have experienced an increase in the illegal use of off-road vehicles and that this is a change to the Project’s circumstances and increased risk of impacts to biological resources. The comment suggests that additional mitigation for biological resources should be incorporated. The EIR Addendum carries forward mitigation measure M-BI-12m which requires the open space area be fenced with a chain link fence prior to clearing and grubbing. Furthermore, the EIR Addendum carries forward mitigation measure M-BI-12p which states “Installation of a sturdy fence that can prevent cutting fence shall be extended around the entire western, northern, and eastern edges of the northern Open Space Easement (lot 20 of the proposed Tentative Map) due to the ongoing problem of trespassing recreational off-road vehicles (this type of fence would not prevent entry and use by wildlife).” Both of these mitigation measures have been carried forward into the EIR Addendum (See Appendix E, *Summary of Mitigation Measures*.) As previously noted, the EIR Addendum includes a Biological Resource Analysis (included as EIR Addendum *Technical Appendix B1*), which included a site visit to conducted in 2023 by professional, qualified biologists to verify vegetation mapping and assess habitat for potential to support



sensitive species. The Biological Resource Analysis concluded that no additional mitigation for biological resources would be required beyond that required by previous CEQA documents. Furthermore, all previous environmental documentation for the site evaluated physical disturbances to the Project site in areas that would be disturbed to implement the Project; thus, all impacts related to physical disturbance of the site have been appropriately evaluated and mitigation measures applied as applicable and have been carried forward into the EIR Addendum. As such, the Project's EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-17** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment opines that the EIR Addendum inaccurately assesses the effects of hazardous materials and expresses concern that a mitigation measure requiring a soil management plan was removed from the EIR Addendum, despite the EIR Addendum's statement that the Project would increase the use and transport of hazardous waste.

The commenter quotes a portion of a sentence from the EIR Addendum regarding an increase in the use of hazardous materials; however, the commenter is referencing a discussion related to the project evaluated in 2018 SEIR, not the current Project, and failed to note the complete sentence: *"The 2018 SEIR found that the previously approved project's commercial and light industrial land uses would increase the number of facilities that transport, use, store, and dispose of hazardous materials; however, the previously approved project would be subject to applicable rules, policies, and regulations and would not result in direct impacts related to the routine transport, use, storage, or disposal of hazardous materials."* (EIR Addendum p. 30). The conclusion of the referenced statement indicates that direct impacts related to the transport, use, storage, or disposal of hazardous materials would not occur in consideration of requirements to comply with applicable regulations as a matter of law. Although this statement was providing background information on the 2018 SEIR's conclusions, the same regulatory requirements would also apply to the Project. As concluded on p. 31 of the EIR Addendum, impacts would be less than significant in consideration of mandatory compliance to applicable rules, regulations, and policies related to the transport, use, and storage of hazardous materials. As such, the Project's EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

The mitigation measure referenced by the commenter from the 2018 SEIR stated that *"As part of soil sampling shall occur . . . if constituents of concern (CoC)-bearing soils are encountered, following County Department of Environmental Health standards, then a Soil Management Plan (SMP) shall be prepared"* (2018 SEIR Mitigation Measure M-HZ-1). The Project includes a proposed Site Plan and an accompanying site-specific Geotechnical Investigation was conducted for the site that (included as EIR Addendum *Technical Appendix D*), which included soil sampling and investigation, as called for by the mitigation measure. No CoC-bearing soils were encountered on the Project site; thus, a soils management plan is not necessary; the mitigation measure was appropriately omitted because the Geotechnical Investigation provides substantial evidence that CoC-bearing soils

are absent and the Project’s impacts will be less than significant. As such, the Project’s EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-18** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment claims that the EIR Addendum fails to properly evaluate the Project’s cumulative impacts and that the Addendum cannot accurately account for cumulative impacts when tiering from environmental review dating back to 1994 and lists examples of cumulative projects excluded from the EIR Addendum. CEQA Guidelines § 15064(h)(1), states that when assessing whether a cumulative effect requires an EIR, “the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable.” As demonstrated in the EIR Addendum, the Project would not cause any new significant environmental effects or cause a substantial increase to previously identified effects compared to those previously disclosed. In fact, the Project would reduce the severity of environmental effects in several subject areas compared to information previously disclosed, particularly from the substantial reduction in vehicle trips that would be generated by the Project compared to previous projects evaluated for the site. The currently-proposed Project would reduce the number of generated vehicle trips by 20,211 trips compared to the 2000 SEIR and by 27,555 trips compared to the 2018 SEIR. As shown on Table 4 of the EIR Addendum (p. 29, GHG Emissions Summary), the proposed Project also would reduce GHG emissions compared to the GHG emissions quantity reported in the 2000 SEIR and in the 2018 SEIR. Thus, the Project would have no reasonable possibility of contributing to, or resulting in cumulatively considerable effects beyond the degree disclosed in the EIRs from which the EIR Addendum tiers. As such, the Project’s EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-19** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment states that the EIR Addendum tiers from the 2018 SEIR in analysis of ground-disturbing activities and asserts that the Addendum inappropriately relies on the 2018 SEIR for various unrelated conclusions, such as under the topic of public services. While the comment is accurate in that the topic of public services is unrelated to ground-disturbing activities, the 2018 SEIR presented more information about public services than did the 1994 EIR and as such, was the most relevant EIR to tier from for this topic. As such, the Project’s EIR Addendum appropriately evaluates the current Project related to the topic of public services and no revision to the Addendum is warranted.

**RO-1-20** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment states that the project evaluated in the 2018 SEIR relied on a “*net zero*” GHG significance threshold. The 2018 SEIR disclosed that the project evaluated in that SEIR would emit 32,786 metric tons of CO<sub>2</sub> equivalent (MT CO<sub>2e</sub>) per year (MT/yr). EIR Addendum Table 4, *GHG Emissions Summary*, shows that the GHG emissions that would

be emitted by the current Project is up to 24,888 MT CO<sub>2e</sub>/yr., which is measurably less than previously disclosed. The Project's GHG emissions would be reduced as compared to the existing approved entitlement and the EIR Addendum concludes that the Project would not generate more severe GHG emissions than previously reported.

The EIR Addendum does not rely on a “net zero” threshold. The EIR Addendum evaluates whether the Project would cause any new significant environmental effects or a substantial increase in the severity of previously identified effects to GHG emissions. As stated on EIR Addendum p.28, the analysis of the Project is based on a comparison of emissions from the Project to previously approved entitlements for industrial uses on the Project site. As compared to the established baseline of 28,411 MT CO<sub>2e</sub>, the Project would result in lower GHG emissions than under the existing approved entitlement. As such, the Project's EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-21** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment refers to the County's decision to remove a carbon offset mitigation measure from the 2018 SEIR based on the 2018 *Golden Door Properties, LLC v. County of San Diego* case and opines that it would have been feasible for the County to add substitute mitigation measures for GHG reduction to address unmitigated GHG emissions. The comment suggests contribution to an in-County GHG mitigation bank; however, no such mitigation bank exists.

As noted on EIR Addendum p. 28, the 2018 SEIR evaluated impacts to GHG emissions to determine if the project under evaluation in 2018 would increase GHG emissions compared to the existing environmental setting. The SEIR determined that impacts would be significant because the project proposed in 2018 was calculated to emit 32,786 CO<sub>2e</sub> MT/yr. The threshold of significance for GHG emissions applied in the 2018 SEIR was net zero, utilizing carbon offsets as a mitigation measure to achieve net zero. However, as noted above, using carbon offsets was subsequently found to be infeasible by the *Golden Door* case.

Subsequent to *Golden Door*, another measure requiring the purchase of offsets was similarly found to be invalid in an unpublished Court of Appeal decision, with the court finding the measure's inclusion of additional standards for offsets did “not cure the defects found in *Golden Door*.” (*Sierra Club v. County of San Diego* (Dec. 21, 2021, No. D077548) 2021 WL 6050624, at \*11.) In light of such uncertainty, the County finds and reaffirms that carbon offsets are not a feasible method for mitigating the Project's GHG emissions.

In addition, it should be noted that the vast majority of GHG emissions that would be generated by the Project, including mobile emissions and energy emissions, are subject to the California Cap and Trade program, which places an economy-wide “cap” on major sources of GHG emissions, such as refineries, power plants, industrial facilities and transportation fuels. For example, ““Fuel suppliers’ are responsible for the carbon pollution

from fuels under the Cap-and-Trade Program” and thus must acquire “allowances” to cover all carbon pollution from such fuels. They may also purchase certain approved offsets to fulfill up to 8 percent of their compliance obligation. (*See Golden Door* at 485.) Given that a vast majority of the GHG emissions that would be generated by the Project are covered by Cap and Trade and thus are already subject to a regulatory program that includes offsets, the County further finds it would be inappropriate and infeasible to use offsets to mitigate such emissions. Rather, mitigation measures should focus on reducing emissions from the Project.

The basis of evaluation in the EIR Addendum is whether the current Project would cause any new significant environmental effects or a substantial increase in the severity of previously identified effects to GHG emissions compared to what was reported in the 2012 SEIR and 2018 SEIR. The County has determined that it would not. As noted in Response to Comment RO-1-20, the Project would result in lower GHG emissions when compared to the existing approved entitlement as shown in Addendum Table 4 (p. 29, GHG Emissions Summary). Despite the fact that the use of carbon offsets was previously determined to be infeasible by the *Golden Door* case, the Project results in fewer GHG emissions than the existing approved project. Further, a number of Project Design Features listed on p. 28 of the EIR Addendum have been incorporated to address GHG emissions. The comment’s suggestion to contribute to a County GHG mitigation bank is found infeasible because no such bank exists.

**RO-1-22** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment asserts that the EIR Addendum relies on outdated mitigation measures that are insufficient and unenforceable, that biological resource mitigation measures from documents prior to 2018 are not incorporated, and that measures were incorrectly removed, including for the variegated dudleya and San Diego button celery. The comment also disagrees with the conclusion that plant species are absent from the Project site “merely because they were absent during a dry year.”

All mitigation measures applied to the EIR Addendum are enforceable by the County of San Diego during the grading and construction permit process. In response to the comment’s assertion that biological mitigation measures applied prior to 2018 are not included, as explained on EIR Addendum p. 7, “the most recent evaluations of on-site physical conditions and impacts occurred as part of the 2018 SEIR which evaluated the site for development of mixed-use development within the same (and greater) physical impact footprint as the Project. Thus, it is appropriate for the discussion and analysis in this EIR Addendum to primarily tier from the 2018 SEIR for the evaluation of physical ground-disturbing impacts.” Therefore, impacts and mitigation to biological resources are appropriately evaluated based on the most recent reported on-site physical conditions, and not conditions that existed six years prior as reported in the 2012 SEIR.

As noted in the Biological Resource Analysis (included as EIR Addendum *Technical Appendix B1*), a site visit conducted by qualified professional biologists in 2023 included

assessment of the variegated dudleya. As noted on EIR Addendum pp. 18-19 and in the Biological Resource Analysis, no variegated dudleya were observed during the 2023 site visit, and “[c]onditions in the spring of 2023 were appropriate for finding this species of dudleya as rainfall in the area is above normal.” Thus, the comment’s claim that variegated dudleya were not observed merely due to a “dry” year is inaccurate. Variegated dudleya was last documented on the Project site in 2006 and was not documented during surveys conducted in 2015 or 2016 and 2020 or 2021, nor were they observed during the site visit conducted in 2023. Therefore, mitigation is not required for the variegated dudleya based on substantial evidence that the species is confirmed to be absent from the site.

As noted in the Biological Resource Analysis, the biological resources site visit conducted in 2023 also included an assessment for San Diego button celery. As noted on EIR Addendum p. 19 and in the supporting Biological Resource Analysis, no San Diego button celery individuals were observed during the 2023 Project site visit and San Diego button celery was last observed on-site in 2004 and was not observed in surveys conducted in 2015 or 2016 and 2020. Therefore, based on substantial evidence that the species is confirmed absent from the site, mitigation is not required for the San Diego button celery.

As such, the Project’s EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-23** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment states there is an absence of GHG mitigation measures. Please refer to Response to Comments RO-1-5, RO-1-7, RO-1-13, RO-1-20, and RO-1-21. Based on these responses, the Project’s EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-24** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment opines that the mitigation measures applied to the Project from prior CEQA compliance documents are not enforceable. The County disagrees. All mitigation measures applied to the EIR Addendum would be enforced by the County of San Diego during the Project’s grading and construction permit process as part of the Project’s mitigation monitoring and reporting program (MMRP), which are made Conditions of Project Approval. As such, no revision to the Addendum is warranted.

**RO-1-25** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment asserts that the 2024 Addendum relies on ineffective air quality mitigation measures applied in previous CEQA compliance documents. The comment provides examples of mitigation measures and states they are vague and lack an implementation strategy or are duplicative of regulatory requirements such as ACPD rules. The comment further asserts that additional mitigation measures are needed because air quality impacts would be significant and unavoidable. The County disagrees. As documented on EIR

Addendum pp. 15-17, the current Project would reduce air quality emissions as compared to the levels disclosed in the 2012 SEIR and 2018 SEIR; thus, because impacts would be less, additional mitigation measures are not required. Further, regulatory requirements addressing air pollutant reductions have become stricter since the prior CEQA compliance documents were prepared and yet further, EIR Addendum p. 28 lists several Project Design Features (listed below) that have been added and will be applied to the current Project. As such, no revision to the EIR Addendum is warranted.

- No chilled, cold, or freezer warehouse space inside the facilities that would attract tractor trailers with transport refrigeration units
- Installation of electric vehicle charging infrastructure for passenger vehicles
- Installation of sidewalk and bikeway improvements from the County’s Active Transportation Plan
- No natural gas to serve the buildings
- Utilization of renewable energy and installation of energy-efficient features in compliance with CALGreen Title 24 requirements
- Utilization of water efficiency and conservation requirements and installation of water-efficient features in compliance with CALGreen Title 24 requirements
- Planting of 3,316 trees on-site
- Cargo handling equipment would be electric
- All vehicle operators are required to comply with CARB Rule 2485 and CARB Rule 2449, which limits nonessential idling of diesel-fueled commercial vehicle engines and diesel-powered off-road equipment to five minutes or less. Prior to issuance of occupancy permits for buildings with loading dock areas, the County shall verify that signs are posted in these areas that inform vehicle and equipment operators about the requirements of these Rules except that such signs shall post a 3-minute idling restriction (instead of the 5-minutes required by CARB).

**RO-1-26** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment addresses CEQA requirements for a project description and states that the Project Description is vague and unclear due the range of building occupant types that would be allowed to occupy the Project’s buildings. The County disagrees. The Project Description presented in the EIR Addendum (pp. 8-9) discloses the Project’s location and boundaries and a general description of the technical, environmental, and economic characteristics, and the intended uses for the Project site as required by CEQA. A reasonable forecast was made based on the Project’s location and design and the Project Applicant’s extensive experience building and operating projects of this nature, that the buildings are reasonably expected to be occupied by general warehouse and industrial park tenants. Please refer to Attachment A to this Response to Comments, which provides a summary of the Applicant’s experience developing projects of this nature. As such, the EIR Addendum used a reasonable forecast and no revision to the EIR Addendum is warranted.

**RO-1-27** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment re-asserts that the project description is vague and would allow for uses that are inconsistent with the Addendum’s conclusions and points out an example of where the discussion of hazardous materials is perceived to be inconsistent. As stated in Response to Comment RO-1-26, the County has determined that the EIR Addendum used a reasonable forecast of uses upon which to base its analyses. The comment states that “excess” quantities of waste is not defined and states there are no mitigation measures or Project Design Features related to hazardous waste. The EIR Addendum has been revised to clarify that “excess” refers to the threshold quantities listed in Chapter 6.95 of the California Health and Safety Code. As concluded in the EIR Addendum, the Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant hazard and hazardous materials impacts; therefore, mitigation measures and Project Design Features are not required.

**RO-1-28** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment references the Project’s land use types evaluated in the Air Quality and Greenhouse Gas Technical Memorandum (*Appendix A-1 to the EIR Addendum*). The comment states that industrial park uses are associated with higher vehicle trip generation rates and should have been included in the air quality analysis. The comment states that is unclear if warehouse and industrial park uses would be allowed on-site. The EIR Addendum includes a description of the anticipated uses on-site, which are consistent with the uses evaluated in the Project’s technical reports. EIR Addendum page 9 clearly states “Based on the design characteristics of the buildings, they are reasonably expected to be occupied by general warehousing and high-cube transload and short-term warehouse uses, consistent with the Specific Plan’s light industrial land use designation, to be used in part, as part of international goods movement given the site’s close proximity to the U.S./Mexico border.” As such, the Project’s EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-29** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment opines that the project description is unclear and that the Project’s Air Quality technical memorandum is internally inconsistent regarding permitted uses. The comment also asks if tenants would use hazardous materials and seeks additional information about allowed uses and limitations on the type of uses to comport with what the EIR Addendum analyzed. Please refer to Response to Comment RO-1-26 regarding the Project Description. As stated, a reasonable forecast was made based on the Project’s location and design and the Project Applicant’s extensive experience building and operating projects of this nature, that the buildings are expected to be occupied by general warehouse and industrial park tenants (see Attachment A to this Response to Comments matrix.) It is common practice in development for builders to not know future building tenants until the structures are under construction or built and a schedule for occupancy is assured so that buildings can be advertised for lease. CEQA does not require the environmental document to identify a

tenant or end user because CEQA is concerned with the project's environmental impacts, not who uses it. *Maintain Our Desert Env't v Town of Apple Valley* (2004) 124 Cal.App.4th 430. As analyzed in the EIR Addendum, the Project's warehouse and industrial park uses would increase the number of facilities that transport, use, and dispose of hazardous materials in the Project area. However, the Project's building users would be subject to applicable rules, regulations, and policies that would assure that such activities would not result in direct impacts related to the routine transport, use, storage, or disposal of hazardous materials, and impacts would be less than significant. This would apply to all future tenants of the Project site. As such, the Project's EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-30** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment asserts that impacts cannot be calculated without knowing the type of warehousing that would occur, to determine the significance of air quality and GHG impacts. Please see RO-1-29. The comment also refers to a California Attorney General's Comment Letter on two unrelated projects, written in 2020 and 2021. The comment concludes that the 2024 Addendum should guarantee that cold storage would not be used on-site and that all Project Design Features should be incorporated as mitigation measures. The County has already added the Project Design Features as conditions of approval to the Project to prohibit cold storage warehouse use and to assure implementation of the Project Design Features listed in EIR Addendum p. 28. As such, the Project's EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-31** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The comment states the Project could feasibly incorporate a variety of additional mitigation measures and lists suggested measures. The comment also requests the Project Design Features be incorporated as mitigation measures. The County has already added the Project Design Features as conditions of approval to the Project to assure implementation of the Project Design Features listed in EIR Addendum p. 28. The comment does not provide substantial evidence that the suggested measures will reduce the proposed Project's GHG emissions.

As noted under Response to Comment RO-1-20, the Project would reduce GHG emissions compared to existing entitlements and mitigation measures are not required as the Project's impacts are reduced.

The comment requests maintaining open space in the northeast section of the site, which is already incorporated into the Project as a design feature.

Please refer Response to Comment RO-1-30 regarding the request to incorporate Project Design Features as mitigation measures.



As noted by the commenter, the Project is required to comply with existing law. As such, the Project’s EIR Addendum appropriately evaluates the current Project and no revision to the Addendum is warranted.

**RO-1-32** The comment does not provide any substantial evidence that the requirements of CEQA Guidelines section 15162, regarding the need to prepare a subsequent EIR, are present. The concluding comment reiterates the commenter’s concerns related to the 2024 Addendum’s reliance previous SEIRs and addenda. The comment request that the 2024 Addendum consider recent changes in law, policy, and the Project site and conduct a more comprehensive environmental review. The comment also requests the project description be revised to allow for “accurate” impact calculations. Finally, the comment states that the Project’s mitigation measures are vague and unenforceable and states more meaningful and enforceable mitigation measures must be incorporated, including the Project Design Features. Please refer to Responses to Comments RO-1-1 through RO-1-31. This comment does not raise any new issue or include any new substantive comment concerning the adequacy of the environmental analysis; therefore, no further response is provided.



13191 Crossroads Parkway North, Sixth Floor  
City of Industry, CA 91746-3497  
(562) 692-9581

MajesticRealty.com  
R.E. License #00255328 (CA)

VIA EMAIL

May 16, 2024

Greg B. Mattson, AICP  
Project Manager - Contractor  
San Diego County Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

Dear Greg,

The Otay Mesa market is one of the strongest California industrial markets due to its connection with the U.S. – Mexico border, with the city's Land Port of Entry (POE) being the busiest commercial port in California and the third-busiest POE along the U.S.-Mexico border. Otay Mesa's industrial inventory has grown by nearly 45% since 2019 and as the region continues to attract industrial tenants with its strong maquiladora activity, increased port capacities and growing cross-border opportunities with Mexico, that growth is set to continue.

The market of Otay Mesa currently has over 23 million sq. ft. of existing industrial space, of which Majestic Realty ("Majestic") owns and operates nearly 1.5 million square feet with additional construction currently under way.

Majestic has been in the market since 2015 and is one of the few developers that not only develops industrial properties but owns and manages the assets with a long-term mindset. This has provided a strong understanding of the market, and we have strong conviction that the additional industrial space this Project would provide is not only in high demand but would greatly benefit the surrounding communities both in terms of the jobs created and the resulting economic activity that flows through the warehouses.

Approval of this Project would allow for up to 2,850,000 square feet of Class A industrial buildings spread out over 5 proposed phases. As in the past, every aspect of the Project will be built with long-term ownership in mind and designed to continue growing with and promoting the business community of East Otay Mesa for decades to come.

Sincerely,

MAJESTIC REALTY CO.

A handwritten signature in blue ink, appearing to read "Thomas B. Simmons", written over the company name.

Thomas B. Simmons  
R.E. License #01747515 (CA)  
Vice President

**EAST OTAY MESA PROPERTY OWNERS ASSOCIATION**  
**OTAY MESA PROPERTY OWNERS ASSOCIATION**

May 5, 2024

Gregory Mattson  
San Diego County  
gregory.mattson@sdcountry.ca.gov

Dear Mr. Mattson:

On behalf of the members of the East Otay Mesa and Otay Mesa Property Owners Associations, I am sending this letter of support for the proposed Majestic Sunroad project located at the northeast corner of Otay Mesa Road and Harvest Road in the County of San Diego, California.

The project is proposed to be spread over 5 phases with 2 to 4 buildings per phase constructed over a period of several years to accommodate steady absorption of Class A industrial space in Otay Mesa.

The previously proposed use was mixed use residential which would be a disaster in that location with all that has been developed in East Otay over the past 5 - 7 years.

Converting the use back to the original industrial land use will allow it to better match surrounding land uses.

We support the Class A quality and best of class features including efficient transportation designs, adequate truck queueing onsite and dedicated trailer storage that will meet the needs of the varied Otay Mesa business community for decades to come.

The members of our Associations enthusiastically support this proposed project.

Sincerely,



David Wick, Chairman  
East Otay Mesa Property Owners Association

Rob Hixson, Chairman  
Otay Mesa Property Owners Association

**From:** [Alejandra Mer y Tecan](#)  
**To:** [Simmons, Tom](#)  
**Cc:** [Matsen, Gregory](#) (Contractor); [Kira, Brandon](#); [Lisa Gordon](#) (gordon@sunriseenterprises.com)  
**Subject:** [External] Re: Majestic's next project in Olay  
**Date:** Thursday, March 28, 2024 11:23:03 AM  
**Attachments:** [Pete's Graphic - LIT](#)  
[1355274-962-4603-h36e-027c029f9f6.jpg](#)

---

Good morning to all.  
The Olay Mesa Chamber is in full support of the proposed industrial park mentioned below.  
Regards  
Alejandra

On Mar 28, 2024, at 10:50 AM, Simmons, Tom <TSimmons@majesticrealty.com> wrote:

Hi Alejandra,

Following up from our conversation at the planning group meeting, would you be able to send a brief email reply to this email thread back to Greg Mattson our County Planner that the chamber is in support of Majestic working to develop the 250 acre Sunroad property in east Olay as a class A industrial park?  
Please let me know if you have any questions regarding this.

All the best,  
Tom

**Tom Simmons**  
R.E. License #01747515 (CA)  
Vice President

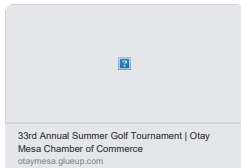
T 562-948-4347  
C 949-249-7706  
[TSimmons@majesticrealty.com](mailto:TSimmons@majesticrealty.com)  
[www.MajesticRealty.com](http://www.MajesticRealty.com)  
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Majestic Realty Co. | 13101 Crossroads Parkway North, 6th Floor, City Of Industry, CA, 91746  
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DENVER • LAREDO • LAS VEGAS • PHOENIX • PORTLAND



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**Attachment H –  
SERVICE AVAILABILTY  
FORMS**



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

Please type or use pen

Sunroad Otay Partners, L.P. 858-362-8500  
 Owner's Name Phone  
 8620 Spectrum Center Blvd., Suite 1100  
 Owner's Mailing Address Street  
 San Diego CA 92123  
 City State Zip

ORG \_\_\_\_\_  
 ACCT \_\_\_\_\_  
 ACT \_\_\_\_\_  
 TASK \_\_\_\_\_  
 DATE \_\_\_\_\_ AMT \$ \_\_\_\_\_

**F**

DISTRICT CASHIER'S USE ONLY

**SECTION 1. PROJECT DESCRIPTION**

TO BE COMPLETED BY APPLICANT

- A.  Major Subdivision (TM)  Specific Plan or Specific Plan Amendment  
 Minor Subdivision (TPM)  Certificate of Compliance: \_\_\_\_\_  
 Boundary Adjustment  
 Rezone (Reclassification) from \_\_\_\_\_ to \_\_\_\_\_ zone.  
 Major Use Permit (MUP), purpose: \_\_\_\_\_  
 Time Extension... Case No. \_\_\_\_\_  
 Expired Map... Case No. \_\_\_\_\_  
 Other Site Plan Permit \_\_\_\_\_
- B.  Residential ..... Total number of dwelling units \_\_\_\_\_  
 Commercial ..... Gross floor area \_\_\_\_\_  
 Industrial ..... Gross floor area Maximum 2,850,000 s.f.  
 Other ..... Gross floor area See above
- C. Total Project acreage 253.1 Total lots 16 Smallest proposed lot 3.09

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

646-240-30	
646-310-17	
646-080-26, -27, -28, -29	
646-080-31, -32, -33	

Thomas Guide. Page 1351/1352 Grid J-1/A-1  
 NEC of Otay Mesa Road and Harvest Road  
 Project address Street  
 Otay 92154  
 Community Planning Area/Subregion Zip

OWNER/APPLICANT AGREES TO COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.

Applicant's Signature: Tom Sumner Date: 06/19/2023  
 Address: 13191 Crossroads Pkwy N., Industry, CA 91746 Phone: 562 948 4347  
 (On completion of above, present to the district that provides fire protection to complete Section 2 and 3 below.)

**SECTION 2: FACILITY AVAILABILITY**

TO BE COMPLETED BY DISTRICT

- District Name: San Diego Fire Protection District  
 Indicate the location and distance of the primary fire station that will serve the proposed project:  
Station 38 Alta Road 1.8 miles
- A.  Project is in the District and eligible for service.  
 Project is not in the District but is within its Sphere of Influence boundary, owner must apply for annexation.  
 Project is not in the District and not within its Sphere of Influence boundary.  
 Project is not located entirely within the District and a potential boundary issue exists with the \_\_\_\_\_ District.
- B.  Based on the capacity and capability of the District's existing and planned facilities, fire protection facilities are currently adequate or will be adequate to serve the proposed project. The expected emergency travel time to the proposed project is 3.7 minutes.  
 Fire protection facilities are not expected to be adequate to serve the proposed development within the next five years.
- C.  District conditions are attached. Number of sheets attached: \_\_\_\_\_  
 District will submit conditions at a later date.

**SECTION 3. FUELBREAK REQUIREMENTS**

Note: The fuelbreak requirements prescribed by the fire district for the proposed project do not authorize any clearing prior to project approval by Planning & Development Services.

- Within the proposed project 100 feet of clearing will be required around all structures.  
 The proposed project is located in a hazardous wildland fire area, and additional fuelbreak requirements may apply. Environmental mitigation requirements should be coordinated with the fire district to ensure that these requirements will not pose fire hazards.

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

Authorized Signature: DAVID SIBGET Fire Services Coordinator 619-672-7112 6/20/23  
 Print Name and Title Phone Date

On completion of Section 2 and 3 by the District, applicant is to submit this form with application to:  
 Planning & Development Services - Zoning Counter, 5510 Overland Ave, Suite 110, San Diego, CA 92123





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

*Please type or use pen*

Sunroad Otay Partners, L.P.	858-362-8500	ORG _____	<b>S</b>
Owner's Name	Phone	ACCT _____	
8620 Spectrum Center Blvd., Suite 1100		ACT _____	
Owner's Mailing Address	Street	TASK _____	
San Diego	CA 92123	DATE _____	
City	State	Zip	AMT \$ _____

*DISTRICT CASHIER'S USE ONLY*

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

<p>A. <input type="checkbox"/> Major Subdivision (TM) <input type="checkbox"/> Certificate of Compliance: _____  <input checked="" type="checkbox"/> Minor Subdivision (TPM) <input type="checkbox"/> Boundary Adjustment  <input checked="" type="checkbox"/> Specific Plan or Specific Plan Amendment  <input type="checkbox"/> Rezone (Reclassification) from _____ to _____ zone  <input type="checkbox"/> Major Use Permit (MUP), purpose: _____  <input type="checkbox"/> Time Extension... Case No. _____  <input type="checkbox"/> Expired Map... Case No. _____  <input checked="" type="checkbox"/> Other <u>Site Plan Permit</u></p> <p>B. <input type="checkbox"/> Residential . . . . Total number of dwelling units _____  <input type="checkbox"/> Commercial . . . . Gross floor area _____  <input checked="" type="checkbox"/> Industrial . . . . Gross floor area <small>Maximum 2,850,000 s.f.</small> _____  <input checked="" type="checkbox"/> Other . . . . Gross floor area <small>See above</small> _____</p> <p>C. Total Project acreage <u>253.1</u> Total lots <u>16</u> Smallest proposed lot <u>3.09</u> ac</p> <p>D. Is the project proposing its own wastewater treatment plant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          Is the project proposing the use of reclaimed water? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p style="text-align: center;">Assessor's Parcel Number(s) (Add extra if necessary)</p> <table border="1" style="width: 100%;"> <tr><td>646-240-30</td><td></td></tr> <tr><td>646-310-17</td><td></td></tr> <tr><td>646-080-26, -27, -28, -29</td><td></td></tr> <tr><td>646-080-31, -32, -33</td><td></td></tr> </table> <p>Thomas Guide Page <u>1351/1352</u> Grid <u>J-1/A-1</u>                  NEC of Otay Mesa Road and Harvest Road                  Project address _____ Street _____                  Otay _____ 92154                  Community Planning Area/Subregion _____ Zip _____</p>	646-240-30		646-310-17		646-080-26, -27, -28, -29		646-080-31, -32, -33	
646-240-30									
646-310-17									
646-080-26, -27, -28, -29									
646-080-31, -32, -33									

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

Applicant's Signature: Tom Junma Date: 06/19/2023  
 Address: 13191 Crossroads Pkwy N., Industry, CA 91746 Phone: 562 948 4347

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

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

District name San Diego County Sanitation District Service area East Otay Mesa Service Area

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

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

C.  District conditions are attached. Number of sheets attached: 1 Sheet  
 District has specific water reclamation conditions which are attached. Number of sheets attached: \_\_\_\_\_  
 District will submit conditions at a later date.

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

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

Michael Ngo Michael Ngo ET3 858-694-3359 6-22-2023  
 Authorized Signature Print Name and Title Phone Date

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

## ATTACHMENT

1. Prior to the recordation of a final map, the developer shall execute a covenant, to be provided by the City of San Diego, to participate in, and not object to, the formation of a Community Facilities District or other mechanism, to fund or reimburse the construction of the improvement phases, as identified in the Otay Mesa Trunk Sewer Infrastructure Upgrades Cost Estimate and Constructability Review (Brown and Caldwell) dated June 9, 2009.

The developer shall secure performance of this obligation by recording the covenant with the County Recorder with a copy to the City.

2. Future wastewater discharge permit issued by the San Diego County Sanitation District ("District") shall be subject to:
  - a. City of San Diego and District fees in effect at time of permit issuance, and
  - b. Reimbursement agreements within the District, including reimbursement to City of San Diego for Otay Mesa Trunk Sewer and Pump Station.
3. APN's 646-080-26, 27, 28 & 29 (as specified on applicant's application for Sewer Availability) are outside the East Otay Mesa Service Area of the San Diego County Sanitation District. These parcels cannot receive sewer service unless annexed into the District boundary.
4. Requirements to construct public sewer facilities will be submitted at a later date as part of the project conditions.





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

*Please type or use pen*

Sunroad Otay Partners, L.P.	858-362-8500	<b>W</b>
Owner's Name	Phone	ORG _____
8620 Spectrum Center Blvd., Suite 1100		ACCT _____
Owner's Mailing Address	Street	ACT _____
San Diego	CA	TASK _____
City	State	DATE _____
	Zip	AMT \$ _____
<i>DISTRICT CASHIER'S USE ONLY</i>		

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

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

B.  Residential . . . . . Total number of dwelling units \_\_\_\_\_  
 Commercial . . . . . Gross floor area \_\_\_\_\_  
 Industrial . . . . . Gross floor area Maximum 2,850,000 s.f. \_\_\_\_\_  
 Other . . . . . Gross floor area \_\_\_\_\_

C.  Total Project acreage 253.1 Total number of lots 16

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

Assessor's Parcel Number(s) (Add extra if necessary)	
646-240-30	
646-310-17	
646-080-26, -27, -28, -29	
646-080-31, -32, -33	

Thomas Guide Page 1351/1352 Grid J-1/A-1  
 NEC of Otay Mesa Road and Harvest Road  
 Project address \_\_\_\_\_ Street \_\_\_\_\_  
 Otay \_\_\_\_\_ 92154  
 Community Planning Area/Subregion \_\_\_\_\_ Zip \_\_\_\_\_

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

Applicant's Signature: Tom Sumner Date: 06/19/2023  
 Address: 13191 Crossroads Pkwy N., Industry, CA 91746 Phone: 562 948 4347

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

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

District Name: Otay Water District Service area \_\_\_\_\_ Water ID: 22

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

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

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

D.  How far will the pipeline(s) have to be extended to serve the project? The project can be served by an existing 21" & 24" potable main on Otay Mesa Road.

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

Authorized Signature: Raisa Arias Print Name Raisa Arias  
 Print Title Permit Technician Phone 619-670-2241 Date 7/17/2023

**NOTE: THIS DOCUMENT IS NOT A COMMITMENT OF SERVICE OR FACILITIES BY THE DISTRICT**  
 On completion of Section 2 and 3 by the District, applicant is to submit this form with application to:  
 Planning & Development Services – Zoning Counter, 5510 Overland Ave, Suite 110, San Diego, CA 92123



*...Dedicated to Community Service*

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

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

*Sent via e-mail to: [ecolwell@tbplanning.com](mailto:ecolwell@tbplanning.com)*

Project No.: P1438-00000

Activity: 3111

July 14, 2023

Emilie Colwell  
T & B Planning, Inc.  
4909 Murphy Canyon Road, Suite 405  
San Diego, CA 92123

Subject: Project Facility Availability – Water: Minor Subdivision (TPM)  
Project Address: Northeast corner of Otay Mesa Road and Harvest Road,  
San Diego, CA 92154  
APN(s): 646-240-30-00, 646-310-17-00, 646-080-26,27,28,29, 646-080-31,32,33

Dear Ms. Colwell:

The Otay Water District (District) has no objection to the subject project (Project). The developer will be required to comply with the District approved January 2020 Sub-Area Master Plan (“SAMP”) for 250 East Otay Mesa, the District approved June 2021 250 East Otay Mesa SAMP Amendment No. 1, and any updates that may be required. As provided to the District, the Project consists of sixteen (16) lots totaling approximately 253.1 acres for a minor subdivision. The Project can be served by an existing 24-inch potable main and an existing 21-inch potable main on Otay Mesa Road.

The developer must comply with Section 62.01 of the District’s Code of Ordinances, “To provide for future line extensions, pipelines installed within public streets must be constructed to the subdivision boundary and pipelines not installed within a public street must be installed in a District easement or right-of-way and must extend across the frontage of the parcel or parcels to be served.”

The developer will be required to submit plans and plumbing fixture unit counts for District review and approval prior to water meter purchase and pay all fees, including plan review, inspection, water meter installation, and capacity fees prior to any work. If service laterals do not exist for the Project, the applicant must pay to have the District install them. The District requires that the design and construction of the new facilities be in conformance with the Water Agencies’ Standards and that the District’s plan check and approval of the plans be completed prior to commencement of the Project.

When a customer requests water service on a parcel of land with potable irrigated landscape equal to 5,000 square feet or more, a separate meter will be required for irrigation purposes on the site.

Emilie Colwell  
Project Facility Availability – Water: Minor Subdivision (TPM)  
July 14, 2023  
Page 2 of 2.

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


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

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

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

Enclosed are the documents you forwarded with your review request.

Sincerely,  
OTAY WATER DISTRICT

  
Kevin Cameron, P.E.  
Engineering Manager

KC: mlw

Enclosures

cc: County of San Diego (w/enclosures)  
Planning & Development Services  
Zoning Division  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123





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

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

Sunroad Otay Partners, L.P. Owner's Name	858-362-8500 Phone		ORG _____ ACCT _____ ACT _____ TASK _____ DATE _____	<b>Sc</b>
8620 Spectrum Center Blvd., Suite 1100 Owner's Mailing Address			ELEMNTARY _____ HIGH SCHOOL _____ UNIFIED _____	
San Diego City	CA State	92123 Zip		

DISTRICT CASHIER'S USE ONLY

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

**A. LEGISLATIVE ACT**

Rezones changing Use Regulations or Development Regulations  
 General Plan Amendment  
 Specific Plan  
 Specific Plan Amendment

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

646-240-30	646-080-28
646-310-17	646-080-29
646-080-26	646-080-31
646-080-27	646-080-32, -33

**B. DEVELOPMENT PROJECT**

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

**C.**

Residential . . . . . Total number of dwelling units \_\_\_\_\_  
 Commercial . . . . . Gross floor area \_\_\_\_\_  
 Industrial . . . . . Gross floor area Maximum of 2,850,000 s.f.  
 Other . . . . . Gross floor area \_\_\_\_\_

**D.**  Total Project acreage 253.1 Total number lots 16

Thomas Guide Page 1351/1352 Grid J-1/A-1  
 NEC of Otay Mesa Road and Harvest Road  
 Project address \_\_\_\_\_ Street \_\_\_\_\_  
 Otay \_\_\_\_\_ 92154  
 Community Planning Area/Subregion \_\_\_\_\_ Zip \_\_\_\_\_

Applicant's Signature: Tom Sumner Date: 06/19/2025  
 Address: 13191 Crossroads Pkwy N., Industry, CA 91746 Phone: 562 948 4347  
 (On completion of above, present to the district that provides school protection to complete Section 2 below.)

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

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

District Name: San Ysidro School District Sweetwater Union School Dist

Indicate the location and distance of proposed schools of attendance.

Elementary: OceanView Hills Elem. miles: 5.01  
 Junior/Middle: Vista del Mar Middle miles: 5.16  
 High school: N/A miles: N/A

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

Authorized Signature: J. J. Iniguez Print Name: Jose Iniguez  
 Assistant Superintendent of Admin. Leadership, School Support & Safety Phone: 619-428-4474 ext. 3005

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



**Attachment I –  
OWNERSHIP DISCLOSURE**



1 - 471

County of San Diego, Planning & Development Services

APPLICANT'S DISCLOSURE OF OWNERSHIP INTERESTS ON APPLICATION FOR ZONING PERMITS/ APPROVALS ZONING DIVISION

Record ID(s) PDS2022-MISC-22-019

Assessor's Parcel Number(s) 646-240-30, 646-080-26, -27, -28, -29, -31, -32, -33, 646-310-17

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

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

Aaron Feldman
Sunroad Otay Partners, L.P.
The Sunroad Irrevocable Remainder Trust
The Sunroad 2011 Trust
The Sunroad 2015 Trust
Sunroad Holding Corporation
Sunroad Real Estate Holding Corporation

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

Aaron Feldman

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

Aaron Feldman
Dan Feldman
Uri Feldman

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

Tom Simmons
Signature of Applicant
Tom Simmons
Print Name

OFFICIAL USE ONLY

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123
For any questions, please email us at: PDSZoningPermitCounter@sdcounty.ca.gov
http://www.sdcounty.ca.gov/pds