



The County of San Diego

Planning Commission Hearing Report

Date:	April 13, 2018	Case/File No.:	Otay 250; PDS2015-GPA-15-008; PDS2015-SPA-15-001; PDS2015-REZ-15-007; PDS2015-TM-5607; PDS2015-ER-15-98-190-13G
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Amendment to Specific Plan to incorporate mixed-use residential, commercial, and industrial uses; General Plan Amendment, Specific Plan Amendment, Zone Reclassification, and Tentative Map
Time:	9:00 a.m.	Applicant/Owner:	Sunroad Enterprises, LLC
Agenda Item:	#3	Appeal Status:	Not applicable; Board of Supervisors is the Decision Maker
Environmental:	Supplemental Environmental Impact Report	APNs:	646-240-30, 646-310-17, 646-080-26, 27, 28, 29, 31, 32, and 33

A. EXECUTIVE SUMMARY

Introduction

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider the proposed General Plan Amendment (PDS2015-GPA-15-008), Specific Plan Amendment (PDS2015-SPA-15-001), Rezone (PDS2015-REZ-15-007), and Tentative Map (PDS2015-TM-5607), conditions of approval and findings, and environmental findings prepared in accordance with the California Environmental Quality Act (CEQA) for the Otay 250 project.

The Otay 250 project is a master planned community consisting of 253 acres in the Otay Mesa Subregional Plan and East Otay Mesa Specific Plan (EOMSP) area and is the first major Specific Plan Amendment (SPA) application proposed for consideration since the adoption of the EOMSP in 1994. The 3,013-acre EOMSP is planned as a modern industrial and business center. Approximately 552 acres is set aside for conservation or very low-density (one dwelling unit per acre) residential use. The EOMSP does not currently allow mixed-use residential development. The applicant's requested Specific Plan Amendment will amend the EOMSP to allow residential mixed-use.

During the processing of the application, the County received public comments and concerns from numerous stakeholders. Planning & Development Services (PDS) staff conducted a careful and thorough review of the project for consistency with County codes, policies and ordinances as summarized in this report.

This report will provide the history of the EOMSP, the current status of development within the EOMSP, the components of the proposed project, and environmental analysis. The sections contained in this report describe in detail the following: development proposal, analysis and discussion, public input, and the PDS recommendation.

This is a request for the Planning Commission to evaluate and consider the application, and make a recommendation to the Board of Supervisors (Board) to approve the application as submitted, approve the project with modifications, or deny the application.

Key Requirements for Requested Actions:

1. Is the proposed project consistent with the vision, goals, and polices of the General Plan?
2. Does the project comply with the policies set forth under the Otay Mesa Subregional Plan?
3. Does the project comply with the policies set forth under the East Otay Mesa Business Park Specific Plan as modified by this application?
4. Is the proposed project consistent with the County's Zoning Ordinance?
5. Is the proposed project consistent with the County's Subdivision Ordinance?
6. Does the project comply with the California Environmental Quality Act (CEQA)?

Recommendations

After PDS's review and analysis, PDS staff supports the project as proposed and recommends approval of the General Plan Amendment (GPA), Specific Plan Amendment (SPA), Rezone (REZ), and Tentative Map (TM), with the modifications and conditions as explained in the report and incorporated in the attached Resolutions and Form of Decisions. If the Planning Commission concurs in their review that the required findings can be made, then make the following recommendations to the Board of Supervisors:

1. Adopt the Environmental Findings, which includes the certification of a Supplemental Environmental Impact Report (SEIR) (Attachment G).
2. Adopt the Resolution approving General Plan Amendment PDS2015-GPA-15-008 for the reasons stated therein and discussed in this report (Attachment B).
3. Adopt the Resolution approving Specific Plan Amendment PDS2015-SPA-15-001 for the reasons stated therein and discussed in this report (Attachment C).
4. Adopt the REZ Ordinance PDS2015-REZ-15-007 titled, AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE OTAY SUBREGIOAL AREA PLAN (Attachment D).

5. Adopt the Resolution of Approval for Tentative Map PDS2015-TM-5607 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 (Attachment E).

B. BACKGROUND

Regional Location and Existing Land Uses

The EOMSP is located in the southwestern portion of San Diego County immediately adjacent to the U.S./Mexico border (Figure 1). The EOMSP lies between the Otay River Valley to the north, the international border with Mexico to the south, and 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.



Figure 1 – Vicinity Map

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 International Border including the San Ysidro Border Crossing. Brown Field, a public airport, is also located west of the EOMSP in the City of San Diego.

Donovan State Correctional Facility is located north of the EOMSP and is operated by the State of California Department of Corrections and north of O’Neal Canyon 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 because of Johnson Canyon and O’Neal Canyon, which buffer the project site from the correctional facilities. East of the EOMSP is vacant land and the Otay Landfill. To the south of the Specific Plan area is the U.S./Mexico International Border and the Tijuana International Airport (Figure 2).

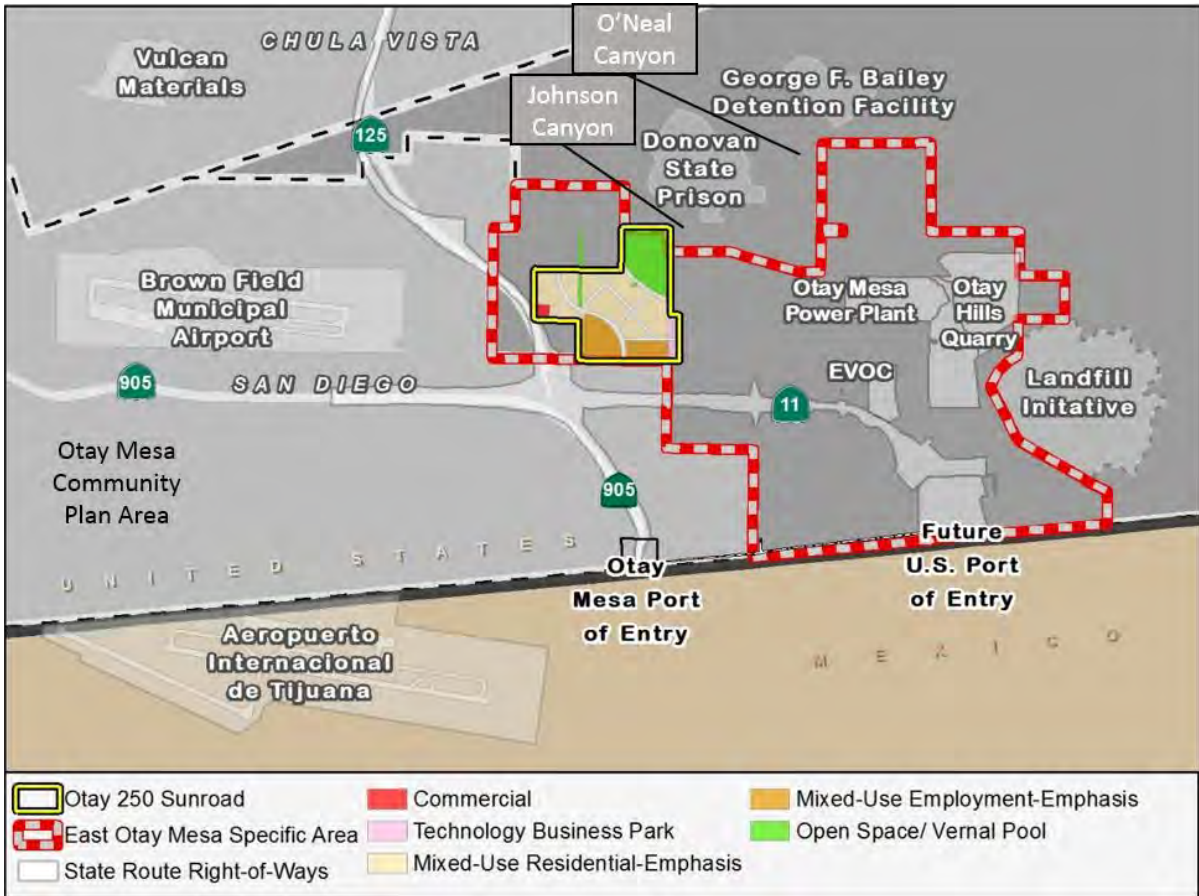


Figure 2 – Regional Vicinity Map

East Otay Mesa Specific Plan

The EOMSP is envisioned as a major employment center in southern San Diego County (Figure 3). The objectives of the EOMSP are to encourage regional technology manufacturing uses, provide adequate land area for light industrial uses, provide appropriate areas for heavy industrial uses, allow for commercial uses to serve employees and visitors, and preserve environmental resources.

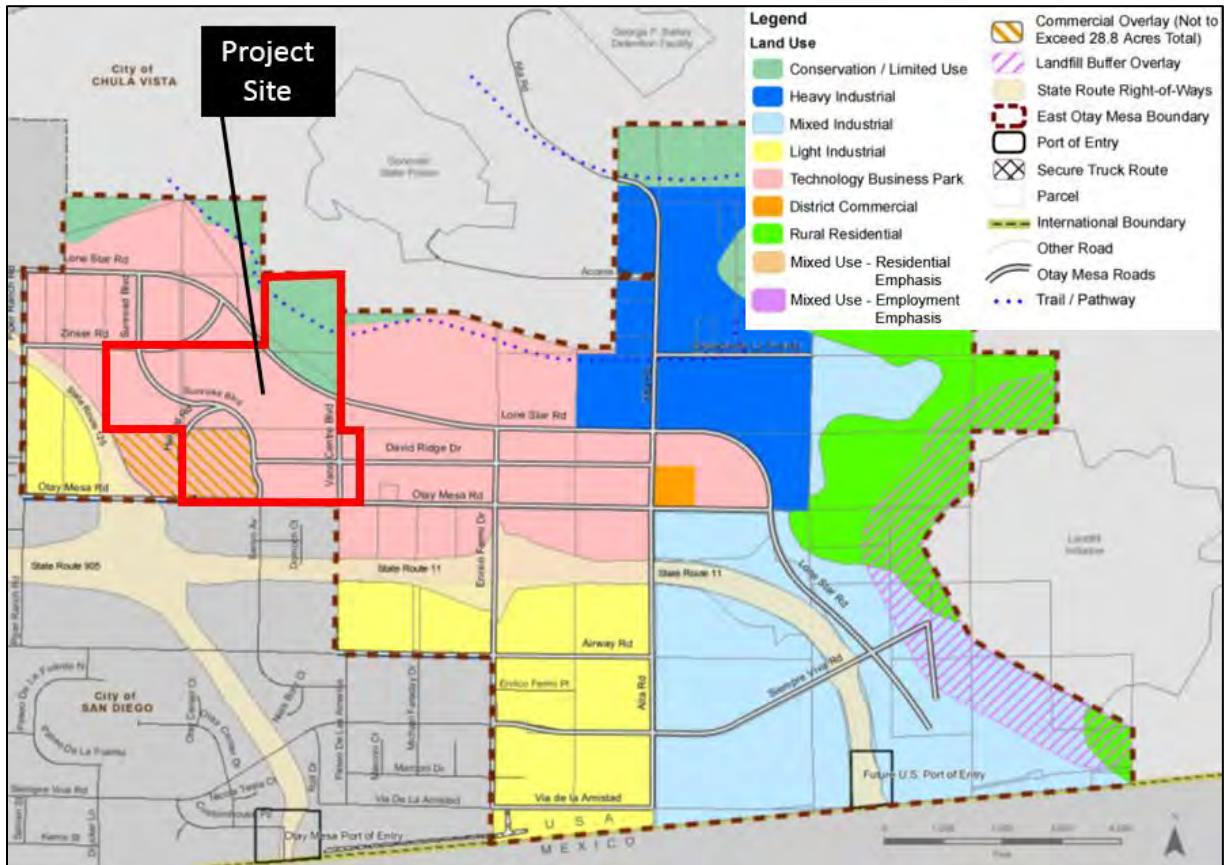


Figure 3 – Current EOMSP Land Uses

The EOMSP includes land use regulations, development standards, processing requirements, and circulation standards for development within the plan area. The EOMSP is a regulatory document that establishes standards for development, environmental conservation, and public facilities to implement the objectives of the General Plan and Otay Mesa Subregional Plan.

Although the EOMSP was originally adopted 24 year ago in 1994, limited development has occurred since that time. The EOMSP allows limited Rural Residential development on the eastern boundary; however, there has been no residential development within the EOMSP, nor has the anticipated industrial and business center development occurred. More than 90 percent of the EOMSP area remains vacant or contains a lower intensity transitional use, such as fleet storage and salvage yards (Figure 4).



Figure 4 – Aerial Photo

Project Site

The project site is currently undeveloped and encompasses approximately 253 acres. Several unimproved dirt roads cross the project site and a San Diego Gas and Electric (SDG&E) easement traverses the western portion of the project site in a north-south direction. The site is located generally east of State Route 125 (SR-125), north of Otay Mesa Road, west of Vann Centre Boulevard, and south of Zinser Road. The project site is predominately flat with sloping elevations ranging from approximately 620 feet median sea level (msl) in the central portion of the site to approximately 527 feet msl at the northwest corner. Southeast of the project site is the future site of a new land port of entry (POE). This new POE will be served by the new State Route 11 (SR-11), which will connect with State Route 905 (SR-905) and SR-125 north of Airway Road and just south of the project site.

In 2000 the Planning Commission approved a TM (TM 5139) to subdivide the site into 74 industrial lots and 22 commercial lots. In addition, 51.3 acres of open space were proposed on-site. In 2012 the Planning Commission approved (TM 5538), to subdivide the site into 52 technology business park lots, one stormwater detention lot, and a dedicated biological open space lot. TM 5538 superseded TM 5139. A Final Map has not been recorded for TM 5538 and no development has occurred on-site. Both previous entitlements are consistent with the existing EOMSP.

Prior to submittal of TM 5538, multiple conditions under the previously approved TM 5139 were satisfied, including the dedication of 51.3 acres of biological open space, the purchase of 49.3 acres of non-native grassland habitat, and the dedication of a trail easement as identified in the County Trails Master Plan.

C. DEVELOPMENT PROPOSAL

Project Description

The project proposes a mixed-use pedestrian oriented technology park that will be realized through an amendment to the EOMSP to change the land uses of the project site from existing industrial, business technology and commercial uses to mixed-use residential. The proposed SPA provides the design guidelines and improvement plans for the project. The community will include a mix of uses, including residential, business technology, commercial, and parks. The project proposes a high concentration of density, 40 dwelling units per acre (du/ac), around the project's mixed-use areas, which transitions to lower densities along the project's perimeter.

No implementing development is proposed with the project, subsequent discretionary permits such as Site Plans will be required to implement development. The proposed SPA includes implementation requirements to ensure that all subsequent discretionary actions include the appropriate design features such as site design, architecture, and landscaping.

The project will allow for the following types of uses:

- A maximum of 3,158 dwelling units, which may include:
 - Multi-Family housing
 - Duplexes
 - Townhomes/rowhouses
 - Single-family detached
 - Condominium Ownership
- A maximum of 78,000 sq. ft. of commercial uses, including:
 - Shopping Centers
 - Grocery Stores
 - Personal Services
 - General Retail
 - Dining Establishments
- A maximum of 765,000 sq. ft. of employment uses, including:
 - Research and Development Businesses
 - Medical Services
 - Custom Manufacturing
 - Wholesale Storage and Distribution

Additionally, the project has been designed to promote a sustainable, mixed-use pedestrian oriented development by including bicycle and pedestrian facilities; energy and water conservation design features including solar photovoltaic systems; and implementing a transportation demand management (TDM) program, among other design features. Permanent biological open space has been previously dedicated as a result of TM 5139 that will retain sensitive biological/wetland habitat totaling 51.3 acres.

1. General Plan Amendment

In order to develop the proposed project, a GPA is required to amend the Otay Subregional Plan text to allow for a residential and mixed-use development. Under the existing General Plan Land Use Designations, the site cannot support a mixed-use project that includes residential units. The Otay Subregional Plan currently supports predominately industrial and commercial uses. The GPA will allow residential uses to support growth in the region without impacting the overall goals and objectives of the Plan.

2. Specific Plan

A Specific Plan is a tool to implement the General Plan, and establishes a link between implementing policies of the General Plan and an individual development proposal on a specific site.

The proposed SPA identifies the location and extent of the uses of land, including open space within the area covered by the plan as shown below in Figure 5. The Specific Plan also provides the components and criteria for of each of the planning areas and provides conceptual plans for the development of the proposed land uses. The text of the Specific Plan explains how each of the planning areas will be developed and the required permits. Each subsequent phase will require additional permits in order to implement the Specific Plan and will be required to comply with the provisions of the Specific Plan.

The Specific Plan includes Design Guidelines governing building setbacks, architectural elevation design, parks, green space, lot design, signage and lighting. The Design Guidelines will be implemented through approved Site Plans. The applicant has not submitted Site Plans, Site Plans will be required in the future prior to issuance of building permits and will be required to be consistent with the guidelines and standards identified in the Specific Plan. As envisioned, the proposed project is intended to be similar to other mixed-use projects such as the Spectrum Center located in Kearny Mesa, San Diego.

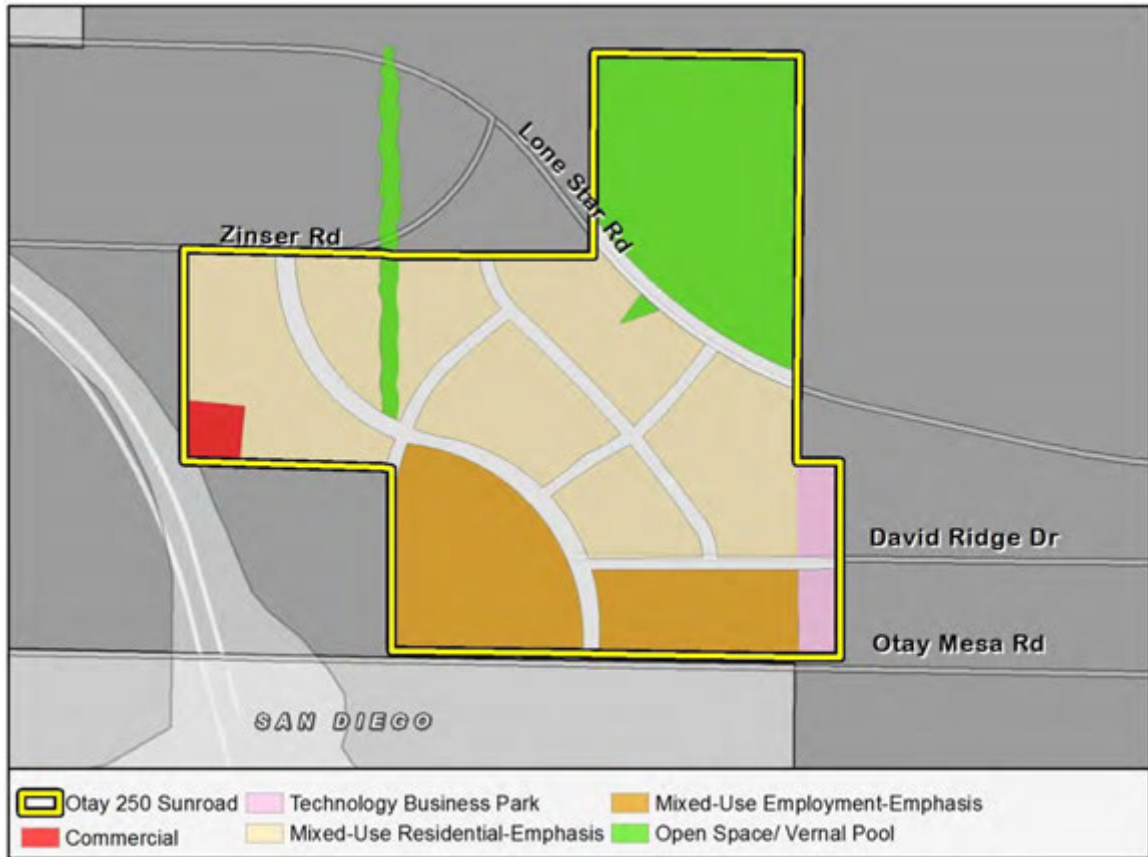


Figure 5 – Conceptual Land Use Plan

3. Zone Reclassification

A Zone Reclassification will also be required to implement the proposed project. The REZ will change the existing development regulations for the site, including the minimum lot size, maximum number of stories (height), and lot area ratios. All development within the Specific Plan will be regulated through the application of the “D” Special Area Designator, which requires a detailed Site Plan to be submitted for each phase prior to approval of any building permits. The Site Plans will identify the location of all structures, setbacks, and provide architectural details (elevations) and floor-plans.

4. Tentative Map

The project includes a TM application for the subdivision of the project site. The TM authorizes the subdivision of the entire 253-acre project site into 29 lots and one biological open space lot. The TM also includes a preliminary grading plan, which specifies rough grading quantities and drainage facilities that will serve the entire project.

5. Proposed Land Uses

The project proposes a total of six planning areas, with four types of land uses (Figure 5). Land-Use Designations include: Employment Emphasis Mixed-Use, Residential-Emphasis Mixed-Use, Technology Business Park, and Biological Open Space. Table C-1 provides an overview of the total

acreage of land use types for each planning area. The remaining 33 acres of the project site consists of public right-of-way for proposed public roads.

Table C-1 – Land Use Acreage by Planning Area

	Employment Emphasis	Residential Emphasis	Technology Business Park	Biological Open Space
Planning Area A	3 acres	32.5 acres	N/A	N/A
Planning Area B	N/A	47.8 acres	N/A	N/A
Planning Area C	30 acres	N/A	N/A	N/A
Planning Area D	16.5 acres	31.4 acres	N/A	N/A
Planning Area E	N/A	N/A	7.8 acres	N/A
Planning Area G	N/A	N/A	N/A	51.3 acres
Total	49.5 acres	111.7 acres	7.8 acres	51.3 acres

Employment-Emphasis Mixed-Use

Of the total employment-emphasis mixed-use acreage, 24.8 acres will develop with ground floor commercial/retail and office/technology business park uses. Upper floors may consist of additional commercial/retail and office/technology business park uses or residential units. Vertical mixed-use development is encouraged within this designation. This may include live/work units, non-residential mixed-use (such as ground floor retail with office above), or mixed-use residential development (such as ground floor retail/office with residential above). The remaining 24.7 acres in the Employment-Emphasis Mixed Use designation may be residential uses. Residential units may be placed above ground floor commercial/retail and/or office/technology business park uses or be accommodated within multi-family or single-family structures. Multi-family residential uses such as apartments, townhomes, and rowhouses with front entrances accessed from the sidewalk are preferred in this designation to promote pedestrian-oriented activity.

Residential-Emphasis Mixed-Use

Within the Residential-Emphasis Mixed-Use designation, 90 to 100 percent of the area may be used for residential use types include homes incorporated into vertical mixed-use developments (i.e. residential units above commercial or office space), multi-family, and single-family homes. Up to 10 percent of the remaining area may be dedicated to commercial/retail and/or office/technology business park uses. The commercial component is intended to provide small scale retail in close proximity to residential neighborhoods. Typical uses may include small scale commercial/retail uses, local convenience markets, personal services, gyms, and outdoor cafes or other dining establishments. Typical technology business park uses may include custom manufacturing, wholesale storage and distribution, research and development businesses, and offices. Parks and other recreational uses are also permitted within the mixed-use designations.

Technology Business Park

The Technology Business Park designation is intended for development of light manufacturing operations and business offices for research and development, biotechnology, pharmaceutical, and medical products. No residential uses are allowed within this designation.

Biological Open Space

The project incorporated a total of 51.3 acres of biological open space located in an existing easement in the northern portion of the site. The biological open space will be preserved in perpetuity and contains the majority of the site's sensitive habitat and species.

6. Open Space and Park Improvements

The County of San Diego Parkland Dedication Ordinance (PLDO) requires that projects that proposing more than 50 dwelling units dedicate land for parks, pay PLDO fees or a combination of both. The PLDO requires a total of 8.6 acres of improved parkland for the first 1,000 dwelling units proposed by the project. Once 1,000 dwelling units have been permitted, subsequent residential development applications will be required to dedicate and improve parkland and/or pay an in-lieu fees to satisfy the remaining PLDO requirements to the satisfaction of the Director of Parks and Recreation (DPR) for the remaining 2,158 dwelling units. The actual parkland acreage will be determined based on the actual number of dwelling units in the implementing entitlements.

Park locations, sizes, and amenities will be established during the discretionary review of the implementing permit process and will be subject to approval by PDS and DPR. The project will establish a Community Facilities District (CFD) or other financing mechanism to fund on-going park operation and maintenance in perpetuity.

In addition to parkland requirements, multi-family housing types are required to provide a minimum of 150 sq. ft. of usable open space per unit, which may consist of private or group open space. Private open space is accessible only to the residents of a particular unit and includes areas such as balconies, patios, and backyards. Group open spaces are indoor or outdoor recreation areas that are accessible to all residents. Examples of group open space areas include, but are not limited to, clubhouses, playgrounds, gyms, game rooms, plazas, pavilions, community gardens, picnic/barbeque areas, or pool areas. The usable open space requirement may be satisfied either through group open space, private open space, or a combination of both group and private open space.

7. Architectural/Design Standards

The SPA includes architectural standards to ensure architectural consistency and compatibility of the community. Emphasis is placed on design and construction in order to promote well-designed, attractive buildings. Harmonious development, pedestrian-scale architecture, particularly at the street level, and a hierarchical scale of uses are intended. While there is no proposed product specifically identified at this level of entitlement, Figures 6 through 8 depict examples of typical architectural designs representative of development standards for the proposed project. Figure 9 provides conceptual renderings of the future development. All development projects within the project site shall comply with the architectural and design standards. Implementing discretionary permits, such as Site Plans, Tentative Parcel Maps, or Tentative Maps, will be required to ensure compatibility with the regulatory measures of the EOMSP.



Figure 6 – Typical Vertical Mixed-Use Development Types



Figure 7 – Typical Horizontal Mixed-Use Development Types



Figure 8 – Typical Pedestrian-Oriented Residential Development Types



Figure 9 – Typical Conceptual Renderings of Mixed-Use Development

8. Trails/Sidewalks

The project will construct an approximately 0.75-mile long trail segment north of Sunroad Boulevard, providing pedestrian connectivity to the Otay River Valley Regional Park. Additionally, 4-foot wide pathways will be constructed along Harvest Road between Otay Mesa Road and Sunroad Boulevard (approximately 1,400 feet long), and along Lone Star Road between Van Centre Boulevard and Zinser Road (approximately 2,300 feet long). The project site includes a previously dedicated trail easement through the 51.3-acre biological open space in Planning Area G. The dedication was completed with the original entitlement. Construction of the trail on-site is not a condition of the project due to the lack of off-site trail improvements but will be constructed by the County at a later date when off-site trail easements have been dedicated. All proposed roads within the project site will include a minimum of 5-foot wide sidewalks separated from roadways by a 4.5-foot landscaped parkway. All sidewalks will meet the Americans with Disabilities Act (ADA) standards. Class II bicycle lanes (striped one-way bike lanes) will be provided on public roads (Figure 10).

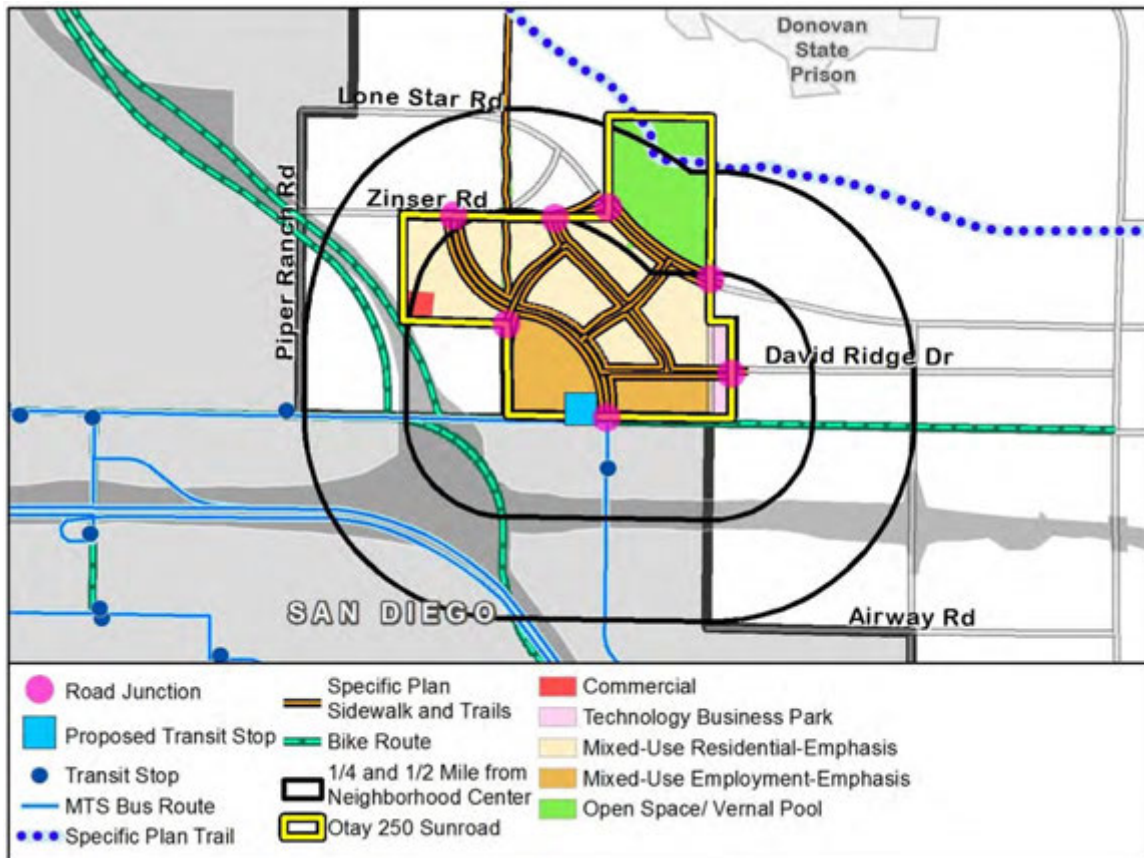


Figure 10 – Trails/Sidewalks

9. Transit Improvement

The proposed project will include the construction of a bus stop on Otay Mesa Road at the northeast corner of Otay Mesa Road and Harvest Road for the Metropolitan Transit Service (MTS). The proposed bus stop will be served by Bus Route 905, which connects Otay Mesa to the Iris Trolley Station, with stops at route points in the City of San Diego and the City of Chula Vista (Figure 10).

10. Circulation Improvements

Circulation improvements will include new public roads on and off-site. On-site access improvements include the construction of 72-foot wide public roads including Sunroad Boulevard, Sunroad View Drive, Alejandro Drive, and extensions of Harvest Road and David Ridge Drive. Frontage improvements include 48-foot interim public road improvements within the project boundary along Vann Centre Boulevard from Otay Mesa Road to south of Lone Star Road, Zinser Road from west of Sunroad Boulevard to Alejandro Drive, and Harvest Road from Otay Mesa Road to Sunroad Boulevard. Otay Mesa Road is currently constructed to interim public road standards along the site's frontage. The project will widen Otay Mesa Road and add 42-foot to 52-foot improvements along Otay Mesa Road for a total road width of 130 feet to 140 feet (Figure 11).

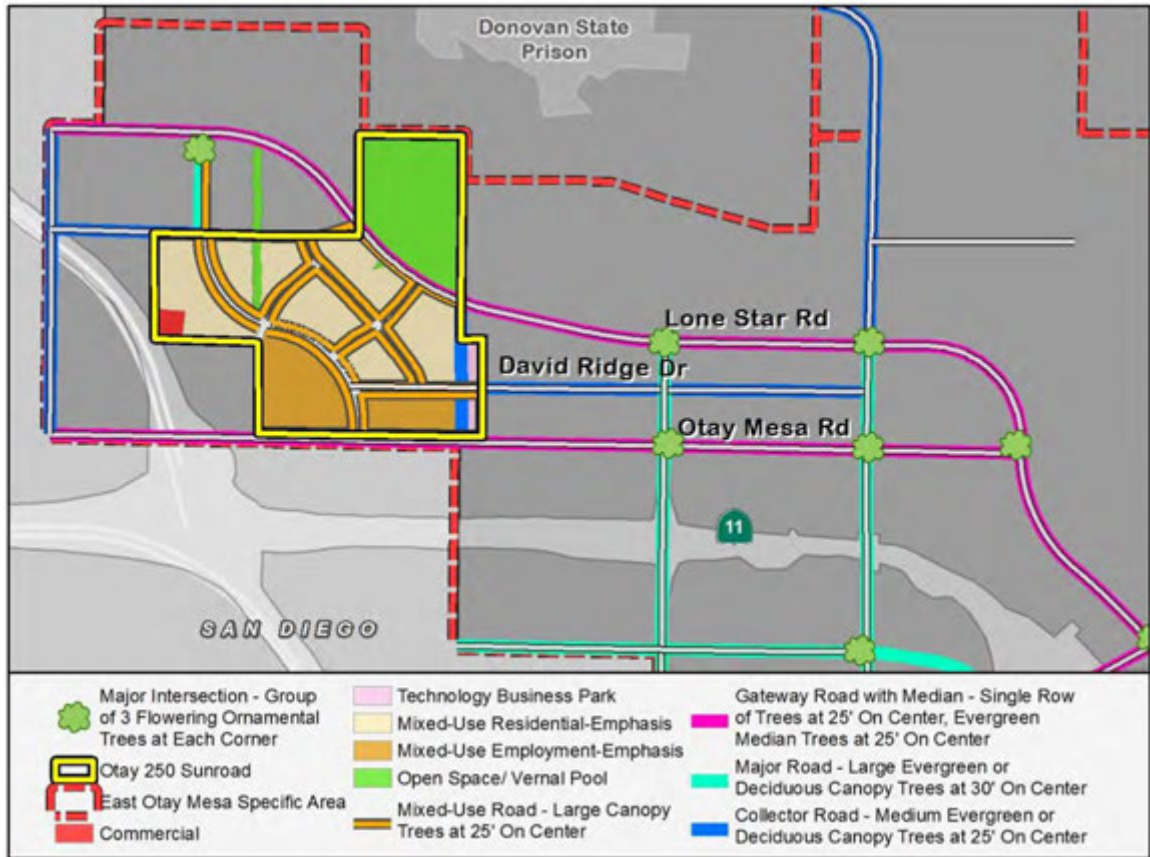


Figure 11 – Roadways

11. Community Facilities District

The existing EOMSP area requires development to pay into an existing CFD to fund ongoing service costs for fire protection and emergency services (CFD-09-01) for industrial and commercial uses. The introduction of residential uses from the proposed project will require additional fire and emergency personnel services that are not included in CFD-09-01. The proposed project is conditioned to form an additional CFD to assess the residential uses to ensure ongoing services for the project site are adequately funded. A CFD or similar funding mechanism is also required to fund on-going park operations and maintenance in perpetuity.

12. Municipal Services

A water supply assessment was prepared by the provider, Otay Water District, which concluded that the project will have adequate services to accommodate the proposed project. The Otay Water District has existing infrastructure located within Otay Mesa Road, along the project frontage. Wastewater service will be provided by the San Diego County Sanitation District and on-site pipelines will connect to the existing sewer line within Harvest Road and Otay Mesa Road. Service Availability Forms were received by the San Ysidro School District and the Sweetwater High School District indicating that the district have sufficient capacity. A Service Availability Form for fire protection services was provided by the San Diego County Fire Authority, the district will meet the five-minute travel requirement of the General Plan.

13. Earthwork

Earthwork is estimated to consist of 1,350,000 cubic yards of balanced cut and fill. The project prepared a Stormwater Quality Management Plan and Drainage Study which concluded that stormwater will be adequately retained and treated on-site. The project will comply with all necessary construction regulations, including stormwater best management practices (BMPs), dust control, and monitoring.

D. ANALYSIS AND DISCUSSION

Introduction

PDS staff has conducted a comprehensive evaluation of the project including site design and context guidelines, environmental analysis in accordance with CEQA, General Plan conformance, Subregional Plan conformance, and the County's Zoning Ordinance. The project was analyzed based on: how the project will implement the General Plan vision and guiding principles; the adequacy of proposed essential facilities and services; market analysis evaluation; environmental evaluation in compliance CEQA; conformance with the Otay Subregional Plan; and compliance with the Zoning and Subdivision Ordinances.

1. Planning and Development Analysis

a. General Plan

The GPA proposes changes to the Otay Subregional Plan to allow residential mixed-use within EOMSP to support the development of industrial uses in the area by providing areas to live and work in close proximity to commercial service opportunities. The proposed project complies with the Goals and Policies of the General Plan and Otay Subregional Plan.

The General Plan sets forth three major tenets in the effort to create sustainable communities as described in the County's 2011 General Plan: 1) build healthy communities; 2) build livable communities; and 3) build sustainable communities. Staff evaluated the project and concluded that it meets the sustainable design tenets as proposed.

Build Healthy Communities

The build healthy communities' tenet promotes a mix of land uses that will minimize vehicle trips and length, invigorate the economic health of businesses, and promote association among neighbors. This tenet provides the framework for the Community Development Model (CDM) and establishes the goal to promote compact development to maximize the use of planned infrastructure, services, and jobs. Compact development also reduces environmental impacts by reducing the footprint of development, and by increasing the amount of land that is used for open space and natural habitat.

The project meets the intent of the build healthy communities' tenet and implements the CDM through the inclusion of a mixed-use village core area, allowing a mixture of residential, retail, personal service, and office/industrial uses. At build out, the project can accommodate 3,158 residential units, 765,000 sq. ft. of employment uses, 78,000 sq. ft. of general commercial uses, and 51.3 acres of biological open space. The mix of uses will allow for residents to live, work, and shop nearby, thereby, reducing vehicle trips and creating a sense of community.

The project supports compact development, pedestrian activity, and greater connectivity between neighborhoods by providing a mix of uses connected by trails, sidewalks, bicycle lanes, and public transportation. The proposed development pattern and planned multi-modal facilities (including bicycle and pedestrian pathways) will allow residents to reduce their dependency on automobiles, promoting pedestrian-oriented development. The proposed development pattern will also help to support transit operations. A MTS bus stop will be constructed along the Otay Mesa Road frontage. In addition, this new mixed-use development is proposed in an area that has long been planned for a modern industrial/business park serving as a major employment center for southern San Diego county. The site is located within four miles of services such as schools and commercial centers (Figure 12). Therefore, infrastructure and services are currently available or planned for the future, to support the project. The introduction of housing will spur the construction of infrastructure that is necessary for future commercial and industrial development. The project promotes public health and sustainability objectives by providing for a better jobs/housing balance, in turn reducing potential commute times, and facilitating pedestrian and bicycle circulation.

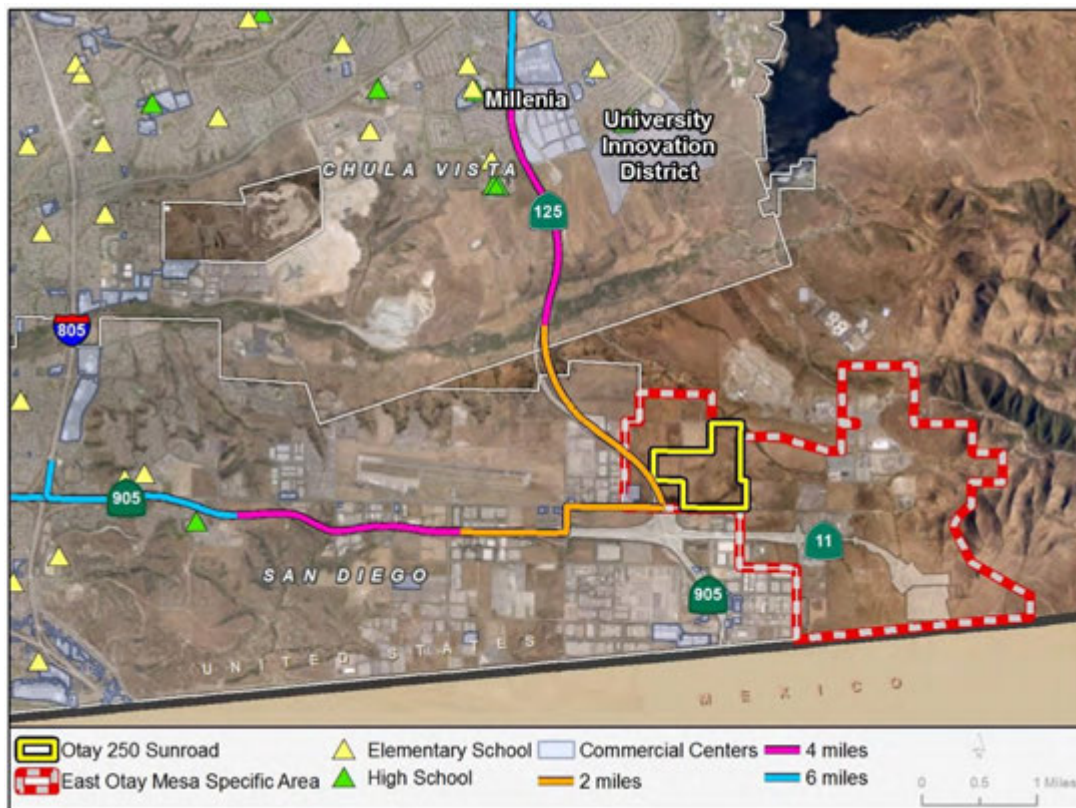


Figure 12 – Available Services

Build Livable Communities

The build livable communities' tenet states that efforts to improve access to transit coupled with compact development will reduce air pollution, greenhouse gas (GHG) emissions, energy consumption, noise, and time spent away from our families. It will provide more opportunities to walk in village cores and participate in recreational activities, which will improve the health of our families and children.

Based on staff's analysis, the project meets the intent of this tenet as demonstrated in the project conceptual design. All residential lots are within one-quarter mile of the proposed Mixed-Use Employment-Emphasis areas and project amenities. Additionally, the mix of uses proposed within the project site includes multiple recreational and open space amenities including at least 8.6 acres of public parks, 51.3 acres of biological open space, and trail and pathway opportunities.

The project provides a comprehensive, multimodal transportation network that builds upon the existing circulation system. Currently, MTS Bus Routes 905 and 905A provide service to the area. Route 905 provides express service generally along Otay Mesa Road/SR-905, between the Iris Avenue Transit Center and the Otay Mesa POE. Route 905 typically takes between 15 to 20 minutes to travel from the project site to Iris Avenue Transit Center, which includes the Blue Line Trolley service. Route 905A generally runs along the same route, with additional local service within Otay Mesa. Six existing bus stops are located within a mile of the project site and are frequented by buses approximately every hour. The project will include the construction of a MTS Bus Stop for Bus Route 905 at the northeast corner of Otay Mesa Road and Harvest Road. In addition, the future South Bay Rapid Transit Line anticipated to be constructed in year 2018 will be running along SR-125, providing nearby rapid transit service to the proposed project; a Rapid Transit Station is planned at the Otay Mesa International Transit Center (Figure 13).

The project will also improve roadways that traverse the project site, including: Sunroad Boulevard, Vann Centre Boulevard, Zinser Road, and Otay Mesa Boulevard. A comprehensive network of pathways as well as bikeways combined with a compact, mixed-use development pattern, will reduce the number and length of automobile trips, promote walking and biking, and increase access and safety for residents and employees.

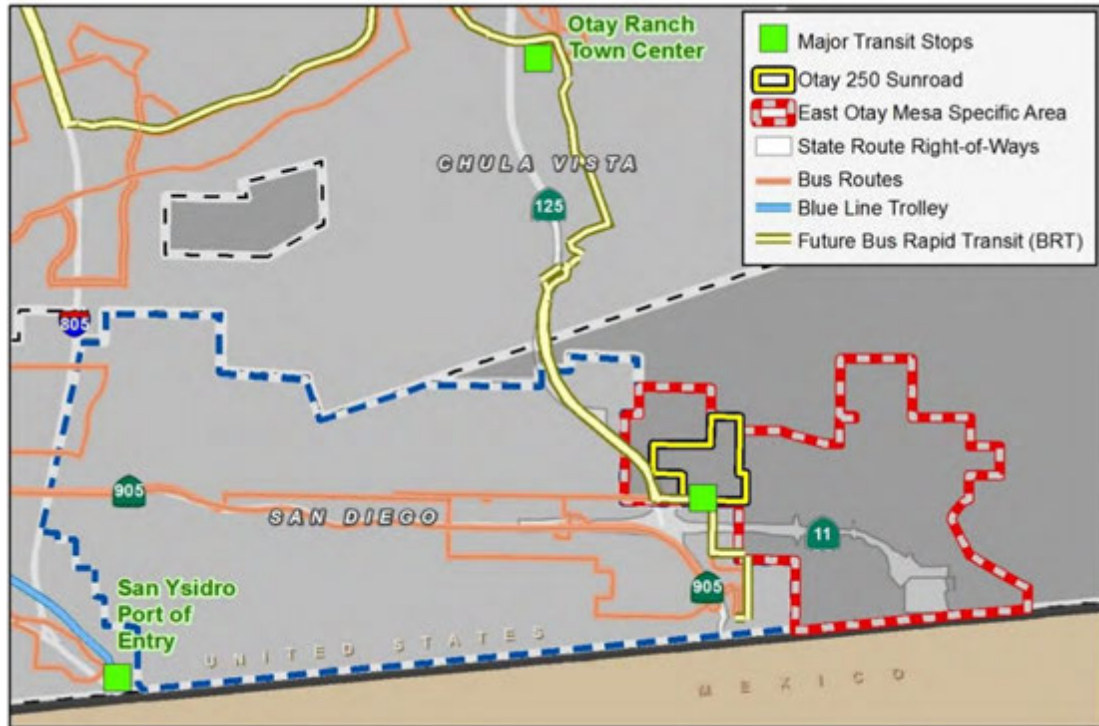


Figure 13 – Public Transit

Build Sustainable Communities

The build sustainable communities' tenet seeks to develop properties and design buildings to reduce energy consumption, use low-impact alternative energy sources, capture stormwater, reuse and recycle construction materials, reuse our solid wastes, and use non-toxic paints and materials. This effort will create resilient neighborhoods and sites, and will reduce the environmental impacts related to energy consumption.

The project meets the intent of the build sustainable communities' tenet by creating a livable community that reduces vehicular trips by offering places to live, work, and shop within a compact area located along a main public transit route. Implementing discretionary permits are required to prepare transportation demand management (TDM) programs to achieve a five percent reduction of vehicle trips; exceed 2016 Title 24 Building Code Requirements by 20 percent; and offset a minimum of 50 percent of energy usage through solar and low-flow fixtures, among other design features to create a sustainable community. In addition, sustainable planning and building design guidelines for development within the mixed-use designations have been incorporated into the project, such as the use of sustainable resources and recycled materials, the incorporation of native and drought tolerant landscaping with efficient irrigation systems, and the use of renewable energy sources.

b. Specific Plan

The County's General Plan is based on a vision to promote healthy and livable communities that protect natural resources for future generations. The vision is supported by interrelated principles that provide the supportive framework for the goals and policies that implement the vision. Specific Plans must include text and diagrams that provide standards and criteria by which development will proceed, including any subjects which in the judgment of the planning agency are necessary or desirable for the implementation of the General Plan.

County staff analyzed all of the design components of the project related to the General Plan vision, including the mix of uses, inclusion of amenities, recreational opportunities, such as parks and trails, walkability, bikeability, and accessibility, resource protection, and the overall sustainable composition of the project.

The proposed SPA addresses these topics in the following Specific Plan Goals and Policies.

- 1) Implement the General Plan vision of providing a diversity of choices by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas.
- 2) Establish a land use pattern with a mix of densities and land uses that will minimize automobile trips, support walking and bicycling, encourage participation in recreational activities, and invigorate the economic health of businesses.
- 3) Designate a mix of compatible land uses including high density residential, commercial/retail, office, and technology business park uses within a Village Core that is designed to encourage pedestrian activity and alternative modes of transportation.
- 4) Allow for a range of housing types to support the types of employment and income opportunities provided by the East Otay Mesa industrial and business park land uses.
- 5) Avoid strip commercial development in the mixed-use village core.
- 6) Require residential development projects to comply with the requirements of the Park Lands Dedication Ordinance to accommodate the parks and recreational needs of residents within the Mixed-Use Village Core.

The project implements the General Plan by promoting mixed-use development that is pedestrian oriented, offering residents a place to live, work, and shop. The project conserves sensitive resources, while providing recreational opportunities, infrastructure improvements, and future job centers. The below table (Table D-1) provides an overview of the existing Specific Plan and the proposed SPA.

Table D-1 – Specific Plan Comparison

	Existing Specific Plan	Proposed SPA
Mixed-Use Development	Predominately industrial and commercial uses	Allows a maximum of 3,158 dwelling units to allow for a mix of uses including live, work, and shopping opportunities
Urban Design Element	Limited to industrial and commercial architectural design	Encourages vertical development, live/work units, ground floor commercial mixed-use, open space plazas, and residential architectural styles
Master Streetscape	Requires sidewalks and landscaped medians throughout the specific plan	Proposes additional landscaping in medians including tree groupings at intersections and large canopy trees throughout the landscaped medians (20 foot tall minimum)
Recreational Opportunities	Required to dedicate easements to implement County Master Plan Trail Network	Required to construct 8.6-acre public park, comply with PLDO requirements, and construct 0.74-mile trail segment

2. Project Issues

a. Biology/Multiple Species Conservation Plan (MSCP)

The project is located within the South County MSCP. The northern and central portion of the project site qualifies as Biological Resource Core Area (BRCA). A portion of the site north of Lone Star Road is designated as a Major Amendment Area and the portion south of Lone Star Road is designated as a Minor Amendment Area. A Minor Amendment was approved with the previously approved TM (TM 5139). A Biological Opinion from the Department of Fish and Wildlife and the California Department of Fish and Wildlife (Agencies) provided concurrence on the Minor Amendment provided that the applicant satisfy the biological mitigation conditions of approval in 2003. The applicant satisfied the biological conditions of approval included in TM 5139, including the dedication of 51.3 acres of biological open space, the purchase of 49.3 acres of non-native habitat credits, the approval of a Resource Conservation Plan, and the approval of a five year translocation plan for Fairy Shrimp and Barrel Cactus.

A Biological Resources Technical Report was prepared for the proposed project and concluded that the project will have a less than significant impact to biological resources with the incorporation of mitigation. The impacts and mitigation that were analyzed for the proposed project are consistent with the previously approved TM 5139. The Minor Amendment is vested because project impacts have not significantly changed from TM 5139, there are no new significant biological impacts, the project development area has remained the same, and the applicant has satisfied conditions from TM 5139.

The project design minimizes impacts to the BRCA by developing the least environmentally sensitive section of the site while preserving the higher value resources, designated as a Major Amendment Area, in a 51.3-acre biological open space easement which contains vernal pools, native and non-native grassland, and a wildlife corridor for Johnson Canyon (Figure 14).

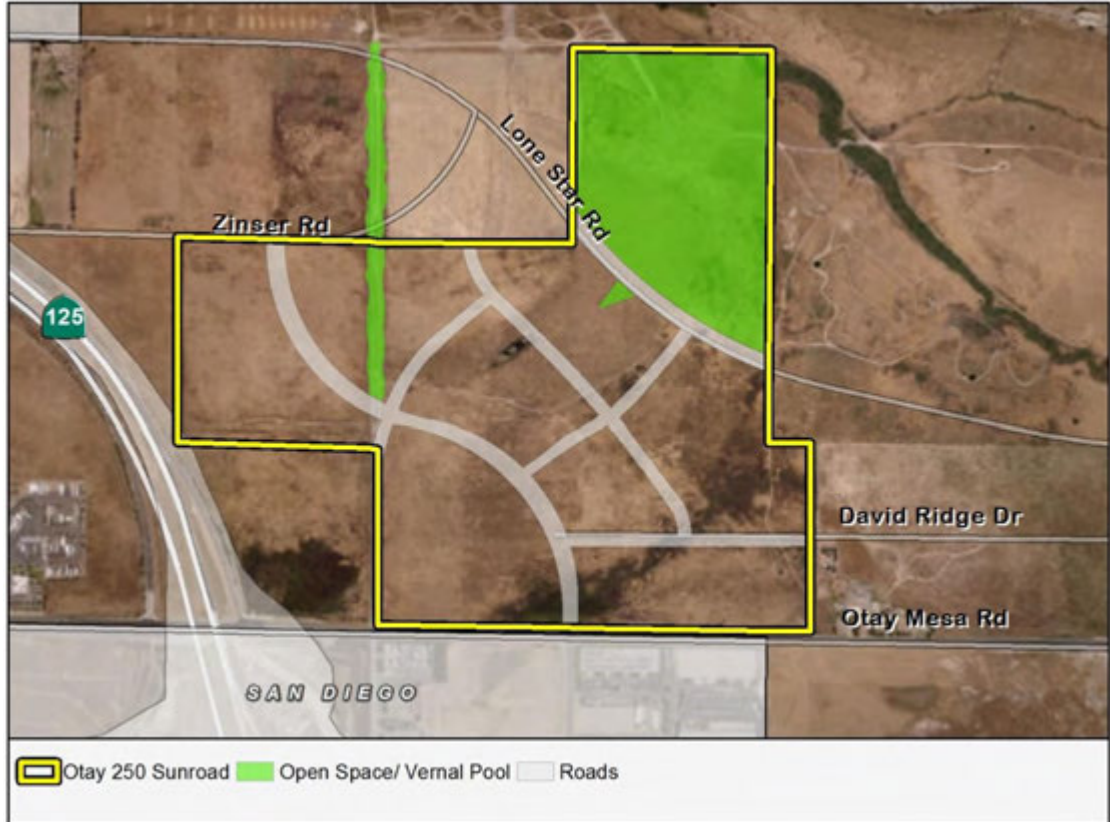


Figure 14 – Biological Open Space

Impacts to San Diego Button Celery, San Diego Fairy Shrimp, and Riverside Fairy Shrimp will be mitigated by translocating the species found in the project site to a vernal pool located in the biological open space. Translocation of these species will require federally-approved Take Authorization Permits. Impacts to Variegated Dudleya and federally protected wetlands will be mitigated off-site at a 1:1 ratio by either purchasing mitigation credit from a California Department of Fish and Wildlife approved mitigation bank or by providing for the conservation of habitat supporting at a minimum the same number of species found in the impacted area. Impacts to 196 acres of non-native grassland will be mitigated at a ratio of 0.5:1. The required 98 acres of non-native grassland mitigation is provided through preservation of 46.8 acres of non-native grassland on-site in the biological open space easement and two acres of native grassland within the biological open space, and purchase of 49.3 acres of non-native grassland habitat in an approved off-site mitigation bank. Impacts to 0.1 acre of disturbed wetland will be mitigated through the creation of wetlands and the enhancement of existing wetlands in the biological open space easement. No Quino Checkerspot Butterflies or Burrowing Owls were identified on-site during the processing of the project; however, avoidance of Burrowing Owls and Quino Checkerspot Butterfly will be ensured by the requirement for a pre-construction surveys.

The proposed project is required to update the previously approved conservation and translocation plans to current requirements and to create buffer zones adjacent to the open space easements to minimize the effects from noise and lighting.

b. Greenhouse Gas Emissions

A GHG analysis was prepared for the project which concluded that impacts will be less than significant through project design features and with the incorporation of mitigation. The project is conditioned to compare the expected emissions of the proposed development to the emissions generated from TM 5139 to ensure a no-net increase. The project will incorporate all feasible mitigation on-site including: the installation of photovoltaic solar panels that provide a minimum of 50 percent of the project’s residential and commercial use electricity needs; and exceed 2016 Title 24 standards by 20 percent, by installing low flow fixtures, natural gas fireplaces, and landscaping with drought tolerant vegetation. Each implementing discretionary permit will prepare a GHG Emissions Analysis to determine the project’s emissions to ensure subsequent development will not increase emissions. After all feasible on-site mitigation is implemented, if emissions are above those quantified by TM 5139, then the project is required to mitigate the remaining GHG emissions through the purchase of carbon offset credits. Table D-2 is a table of total operation emissions from TM 5139 in comparison to the proposed project.

Table D-2: Emissions Comparison

	TM 5139	Proposed Project
Commercial sq. ft.	383,180 sq. ft.	78,000 sq. ft.
Industrial sq. ft.	1,562,200 sq. ft.	765,000 sq. ft.
Residential Units	N/A	3,158 units
Total Emissions CO2 Equivalent Metric Tons a Year	28,411 Metric Tons/Year	32,786 Metric Tons/Year

c. Airport Compatibility

Portions of the project site are located within the Airport Influence Area (AIA) of the Brown Field Airport. The AIA is located within western portion of the project site and is designated with the “C” Special Area Designator. The purpose of this designator is to ensure that proposed development within the AIA is consistent with the compatibility polices and criteria outlined within the Brown Field Airport Land Use Compatibility Plan (ALUCP). Compliance with the ALUCP will be assessed during Site Plan review. Of the total area within the AIA, three acres of the project site are located within Zone 2 of the AIA, which prohibits residential uses and approximately 60 acres are located within Zone 4 of AIA which limit the density to 20 dwelling units per acre. These portions have been designated as employment-emphasis mixed-use and business technology uses and will include predominately employment and commercial/retail opportunities.

d. Traffic Impacts

The Traffic Impact Analysis prepared for the proposed project concluded that the project will have a less than significant impact to surrounding roads with the incorporation of mitigation. The proposed project will improve all of the roads along the site's frontage to interim public road standards, including: Zinser Road and Lone Star Road to the north; Vann Centre Boulevard to the east; and Harvest Road to the west. The project will improve Otay Mesa Road to meet public road standards for a six-lane road with a total width ranging from 130 feet to 140 feet. The project will also improve the proposed internal roads to public road standards, including: Alejandro Drive; Sunroad View Drive; and Sunroad Boulevard. The project will pay the County Transportation Impact Fee (TIF) for cumulative impacts within the County and pay the City of San Diego a fair-share contribution for off-site cumulative impacts.

When implementing discretionary permits are proposed, subsequent traffic impact analyses will be required to ensure the overall project does not go over the maximum number of trips analyzed in the project's SEIR.

The project is intended to help relieve the current housing-employment imbalance currently exhibited in the South County/Otay Mesa areas based on the commuting pattern data provided by the San Diego Association of Governments (SANDAG). According to SANDAG data, 55 percent of the South County (south of SR-54) employees commute from outside the South County area. SANDAG data also indicates that for the neighboring City of San Diego Otay Mesa area, 84% of employees live outside the Otay Mesa community. The lack of nearby housing for South County/Otay Mesa employees results in longer commute times to and from outside areas which places added burdens on Interstate 5 (I-5) and Interstate 805 (I-805) freeway corridors. SR-125 South Bay tollway is another commuting option, but the corridor is located far east of the primary location of residents that commute on a daily basis to/from the South County/Otay Mesa area.

The project, over time, could help to reduce the volume of lengthy regional commuter trips by providing housing for the Otay Mesa and East Otay Mesa areas which are planned for a significant amount of future industrial development. The completion of the SR-11 tollway to the new Otay Mesa East POE is anticipated to spur development in East Otay Mesa, making the area a major employment center. The SR-11 and Otay Mesa East POE are expected to be completed by 2021. The proposed project will provide housing options for future East Otay Mesa employees that could reduce regional VMT by providing housing closer to the planned office and industrial job centers.

The ability to have residential and employment centers within close proximity to each other in the East Otay Mesa will facilitate the implementation of increased transit services and the application of potential TDM to serve local and regional trips. Otay 250 residents could also utilize the MTS Trolley Blue Line and Express Bus service to access jobs in the central San Diego region.

3. CEQA Compliance

A Notice of Preparation (NOP) was circulated for public review from March 11, 2016, to April 11, 2016. During this time, public and agency input on the scope and content of the environmental information to be contained in the Draft SEIR was received.

The Draft SEIR was circulated for public review from March 23, 2017, to May 8, 2017 (a 45-day public review period). All interested persons and organizations had an opportunity during this time to submit their written comments on the Draft SEIR to the County of San Diego.

A total of seven comment letters were received during the public review period the Draft SEIR. In response to comments received from the circulation of the Draft SEIR, several additions or changes were made to the environmental analysis, including GHG emissions, biology, and traffic. These changes did not necessitate recirculation of the SEIR and responses to these comments are included within the Final SEIR. In addition, the Final SEIR contains minor revisions including clarifications and changes to the project. This primarily includes the change to incorporate a project design that will not increase emissions above the previously approved TM 5139, which ensures that the project will not cumulatively contribute to GHG emissions. Significant impacts were identified for the project and include impacts in the areas of biological resources, cultural resources, GHG emissions, hazards and hazardous materials, noise, paleontological resources, and transportation and traffic. Impacts for these issue areas will be reduced to less than significant with the implementation of mitigation measures.

Air Quality Impacts related to operational and construction emissions are above the County's screening thresholds and will be a cumulatively considerable impact. There are no mitigation measures identified that will reduce this impact to below a level of significance. However, because the project will provide residential uses in the East Otay Mesa area in close proximity to occupational uses, overall basin-wide emissions of these pollutants will be reduced due to less vehicle miles traveled to commute to places of employment. The project will not expose sensitive receptors to substantial pollutant concentrations.

4. Market Analysis

There were two market analyses prepared for the project, one by applicant, and one by Keyser Marston and Associates (KMA) at the request of staff. To thoroughly address the proposed changes to land use in the EOMSP, five key questions were analyzed.

- 1) Are the industrial trends identified by the developer a reasonable explanation for why East Otay Mesa has not developed as expected?

The developer's market analysis concluded that: high-tech development has located elsewhere in the County; the East Otay Mesa submarket is mainly distribution-oriented; San Diego has a high vacancy of industrial uses; and East Otay Mesa has a slow absorption rate of industrial uses. The KMA study confirmed such, and concluded that high-tech development has flourished in other areas within the region such as Miramar and Sorrento

Valley, and the remaining available supply is substantial. As such, the market analysis projected the area to reach full build out under the current EOMSP between 62 and 93 years.

- 2) How is the introduction of a mix of land uses, including residential, likely to contribute to the economic development goals of this industrially focused area? Is this mix of uses likely to have positive or negative effects on the short- and long-term viability of technology and industrial uses?

The development of new residential uses and associated public infrastructure improvements and amenities are likely to have positive effects on the viability of technology and industrial uses in the near- to mid-term. However, in the longer term, the introduction of residential uses may generate adverse impacts due to potential land use incompatibilities. Potential incompatibilities between residential uses and existing and planned industrial uses could potentially be mitigated through appropriate buffers and transition zoning.

- 3) Are residential uses and residential neighborhoods likely to be viable and compatible in the overall setting and context of existing and planned uses in the area?

At buildout, a residential community has the potential to become incompatible with the surrounding land uses if not planned appropriately. Incompatibility of land uses can be mitigated by buffering residential uses from industrial uses with transitional zones. The proposed project sites the highest residential density (40 du/ac) in the center of the project site, as development expands out to the edges of the site, density is reduced. The proposed design requirements include open space plazas, landscaping buffers, and building orientation requirements to buffer residential uses from the surrounding commercial and business technology uses. The commercial and business technology uses act as a transitional buffer from residential uses to the light and heavy industrial uses located farther off-site (1/3 mile and 3/4 mile respectively). The Johnson Canyon and O'Neal Canyon are located to the north of the project site. The canyons are large geographical features that buffer the proposed residential uses from the correctional facilities located 0.65 miles away.

- 4) Can the introduction of a mix of uses act as a catalyst or contribute to the growth of higher value jobs in the area and stimulate new development?

Development of high quality employment uses, is dependent on a number of factors, including the presence of housing, school districts, and leisure/lifestyle amenities. The project area benefits from proximity to existing desirable amenities (i.e., beaches, San Diego Bay, Downtown San Diego), schools, public transit, and freeway access. However, the area currently lacks the housing. The introduction of a mix of uses to the area, including residential, may help in attracting business technology employment uses.

- 5) Is the introduction of a mix of uses likely to lead to other changes to the current goals and intent set forth by the current East Otay Mesa Specific Plan?

The key objectives of the Specific Plan include facilitating the area as a major employment area in South County; encouraging and protecting the area for regional technology

manufacturing; and providing adequate land use area for warehousing, light industrial, and heavy industrial uses. The introduction residential uses, may potentially impact the type of employment uses that will be allowed in the Specific Plan. These impacts may be minimized through the creation of a buffer/transition zones separating residential from industrial uses.

5. Housing & Affordability

The State of California identifies the provision of decent and affordable housing for every Californian as a statewide goal. The General Plan Housing Element (Housing Element) strives to meet that goal through the provision of appropriately designated land, which provides opportunities for developing a variety of housing types, and through policies and programs designed to assist the development of housing for all income levels and special needs. The Housing Element is required to demonstrate that housing capacity is available, but it does not mandate the construction of housing units.

The Board adopted the fifth revision of the Housing Element in April 2013, in accordance with the requirements of state law, and updated the Housing Element in 2017. The Housing Element demonstrates that the General Plan fully accommodates the unincorporated county Regional Housing Needs Assessment of 22,412 units for the planning period of 2010 through 2020. The 2017 General Plan Annual Report confirms that 4,410 housing units have been permitted from 2010 through 2017. This equates to an average 551 units per year, which is less than the 2,241 units needed to be produced annually to meet the unincorporated county's share of the regions housing needs.

The reduced rate of housing production during the current Housing Element planning period has resulted in increased demand for housing in the region. Housing Element Policy H-1.3 provides direction for siting and increasing housing opportunities in the unincorporated county and states, "Maximize housing in areas served by transportation networks, within close proximity to job centers, and where public services and infrastructure are available." The proposed Specific Plan amendment is consistent with Policy H-1.3 because it will accommodate housing within a job center where public services and infrastructure are available and because it will ease demand by providing new opportunities for a variety of housing types.

The Housing Element designates affordable housing at a density of 10.9 du/ac or greater. The project's proposed density will range between 20-40 du/ac and, as such, is defined as moderate (10.9 to 15 du/ac), low income (15+ to 20 du/ac), and very low income (20+ to 40 du/ac) housing by the County's General Plan. The project will provide affordable housing to help achieve the 2,241 affordable units required annually in the unincorporated area while promoting sustainable design and pedestrian-oriented development which are the tenets of the General Plan.

6. Job-Housing Balance

The proposed project introduces a maximum of 3,158 dwelling units in a Village Regional Category that does not currently allow residential uses. The current EOMSP, if implemented as-is, will require employees to commute to East Otay Mesa from other areas, such as the City of San Diego, City of Chula Vista, Imperial City, National City, and Mexico at build out. The proposed amendment to the EOMSP will provide mixed-use development, consisting of residential, retail, and office/professional

uses, which is an important component of creating livable communities by providing places to live, work, and shop within a compact area. By locating residential uses near employment centers with existing jobs totaling 10,000 to 60,000 within a two mile radius, commute times will be reduced. Multiple employment centers are located within six miles of the project site, including industrial business parks, office parks, commercial retail centers, and distribution centers, while housing is limited to portions of the City of San Diego and the City of Chula Vista (Figure 15 and Figure 16).

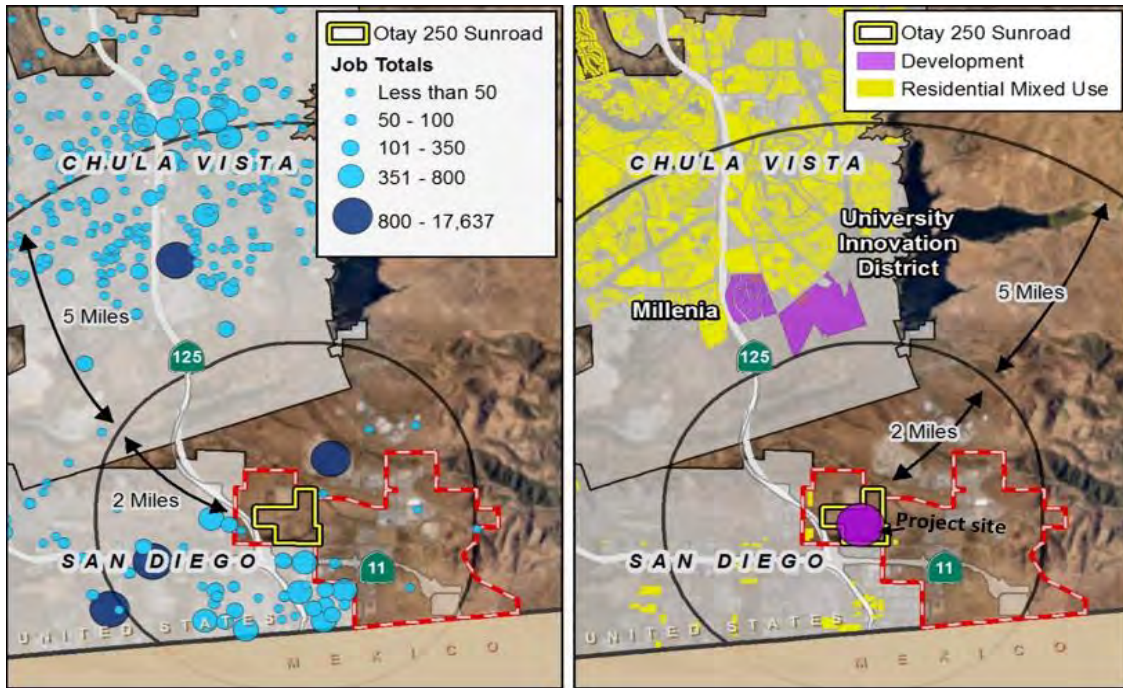


Figure 15 – Jobs and Housing

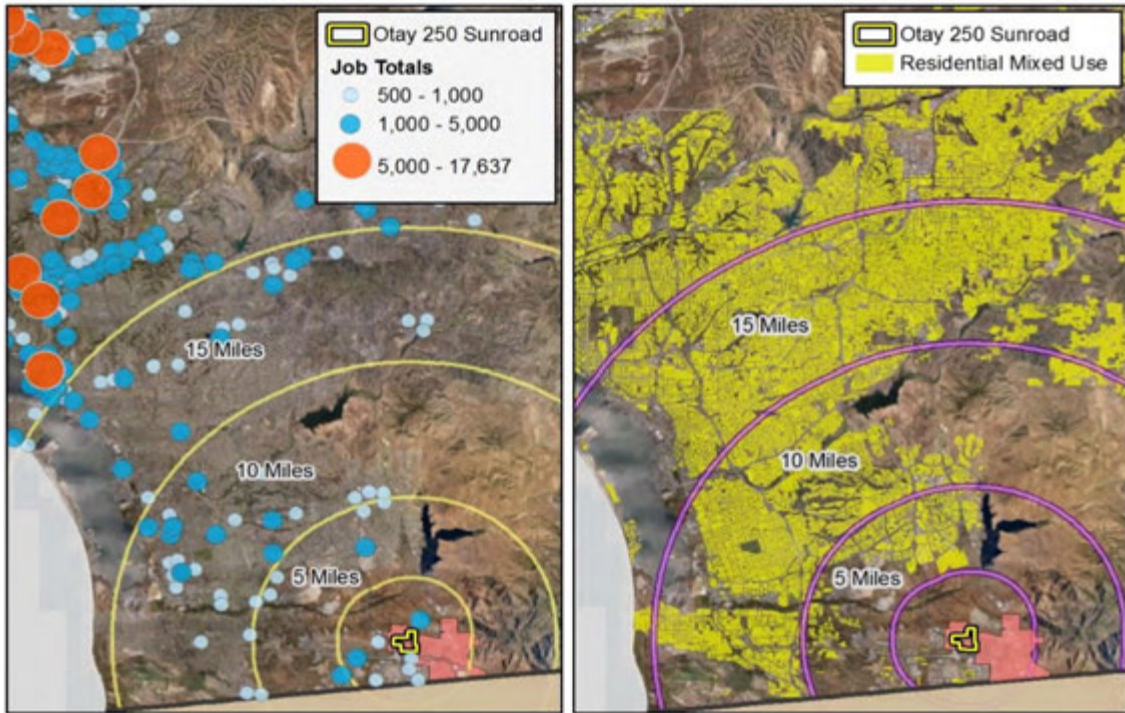


Figure 16 – Regional Jobs and Housing

E. COMMUNITY PLANNING GROUP

The project site is located in an area of the Otay Subregional Plan Area that is not represented by a community planning group or sponsor group.

F. PUBLIC INPUT

The project was presented to the Otay Mesa Property Owners Association on Thursday, December 14, 2017. The Otay Mesa Property Owners Association is in support of the proposed project. Meeting minutes and a letter of support from the Otay Mesa Property Owners Association can be found in Attachment I.

G. RECOMMENDATIONS

Staff recommends that the Planning Commission make the following recommendations to the Board of Supervisors:

1. Adopt the Environmental Findings, which includes the certification of a Supplemental Environmental Impact Report (SEIR) (Attachment G).
2. Adopt the Resolution approving General Plan Amendment PDS2015-GPA-15-008 for the reasons stated therein and discussed in this report (Attachment B).
3. Adopt the Resolution approving Specific Plan Amendment PDS2015-SPA-15-001 for the reasons stated therein and discussed in this report (Attachment C).

4. Adopt the REZ Ordinance PDS2015-REZ-15-007 titled, AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE OTAY SUBREGIONAL AREA PLAN (Attachment D).
5. Adopt the Resolution of Approval for Tentative Map PDS2015-TM-5607 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 (Attachment E).

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Report Approved By:

Mark Wardlaw, Director

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AUTHORIZED REPRESENTATIVE:



MARK WARDLAW, DIRECTOR

ATTACHMENTS:

Attachment A – Planning Documentation

Attachment B – Resolution Approving General Plan Amendment PDS2015-GPA-15-008

Attachment C – Resolution Approving Specific Plan Amendment PDS2015-SPA-15-001

Attachment D – PDS2015-REZ-15-007 titled AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE OTAY SUBREGION

Attachment E – Resolution of Approval for Tentative Map PDS2015-TM-5607

Attachment F – Environmental Documentation

Attachment G – Environmental Findings

Attachment H – Supplemental Environmental Impact Report

Attachment I – Public Documentation

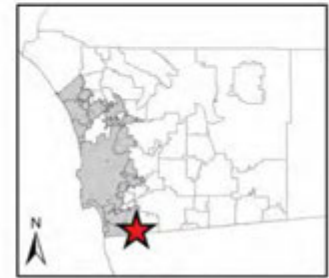
Attachment J – Ownership Disclosure

Attachment A – Planning Documentation

Otay 250 Sunroad

Vicinity Map


Otay
Community Plan Area



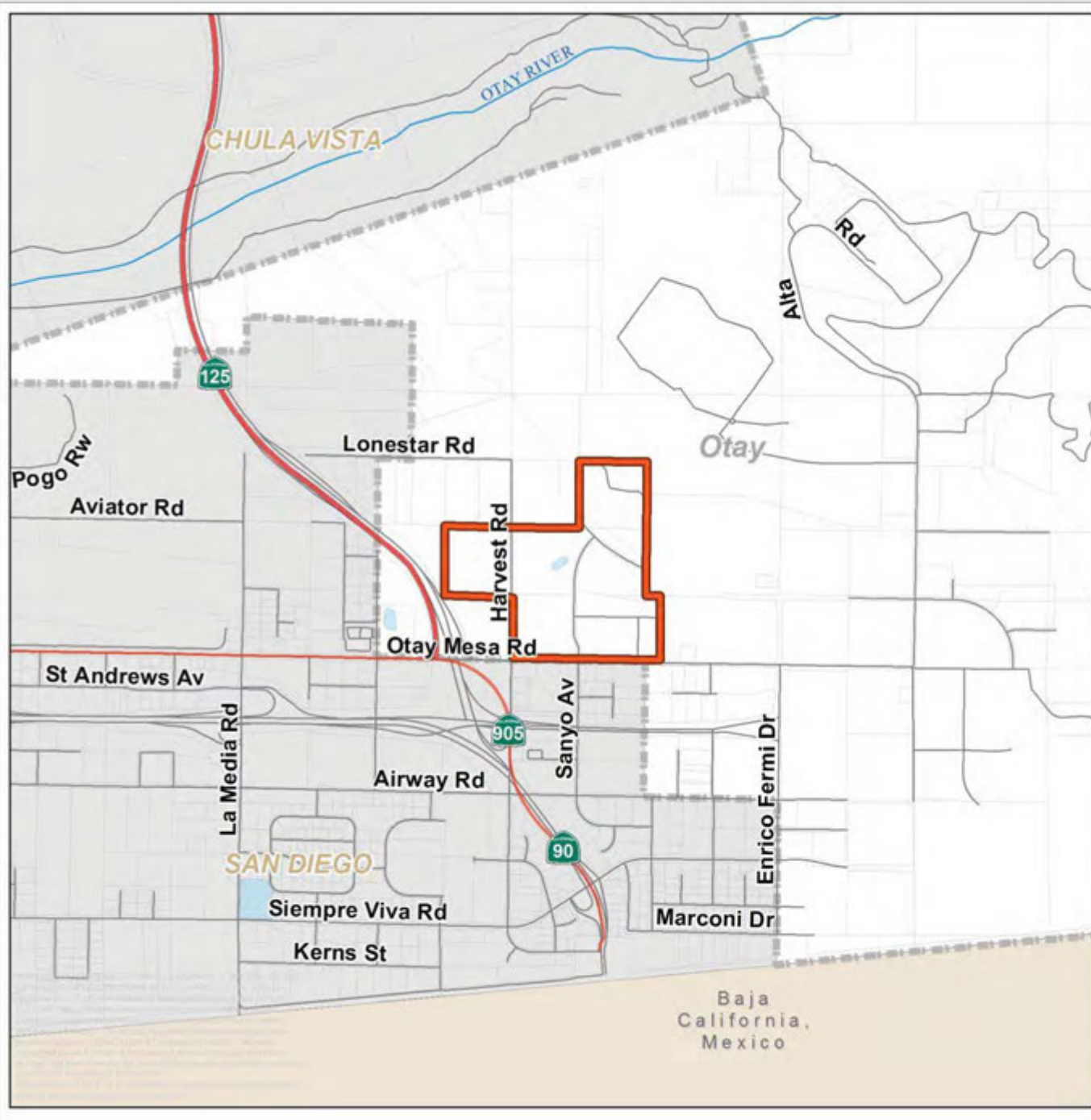
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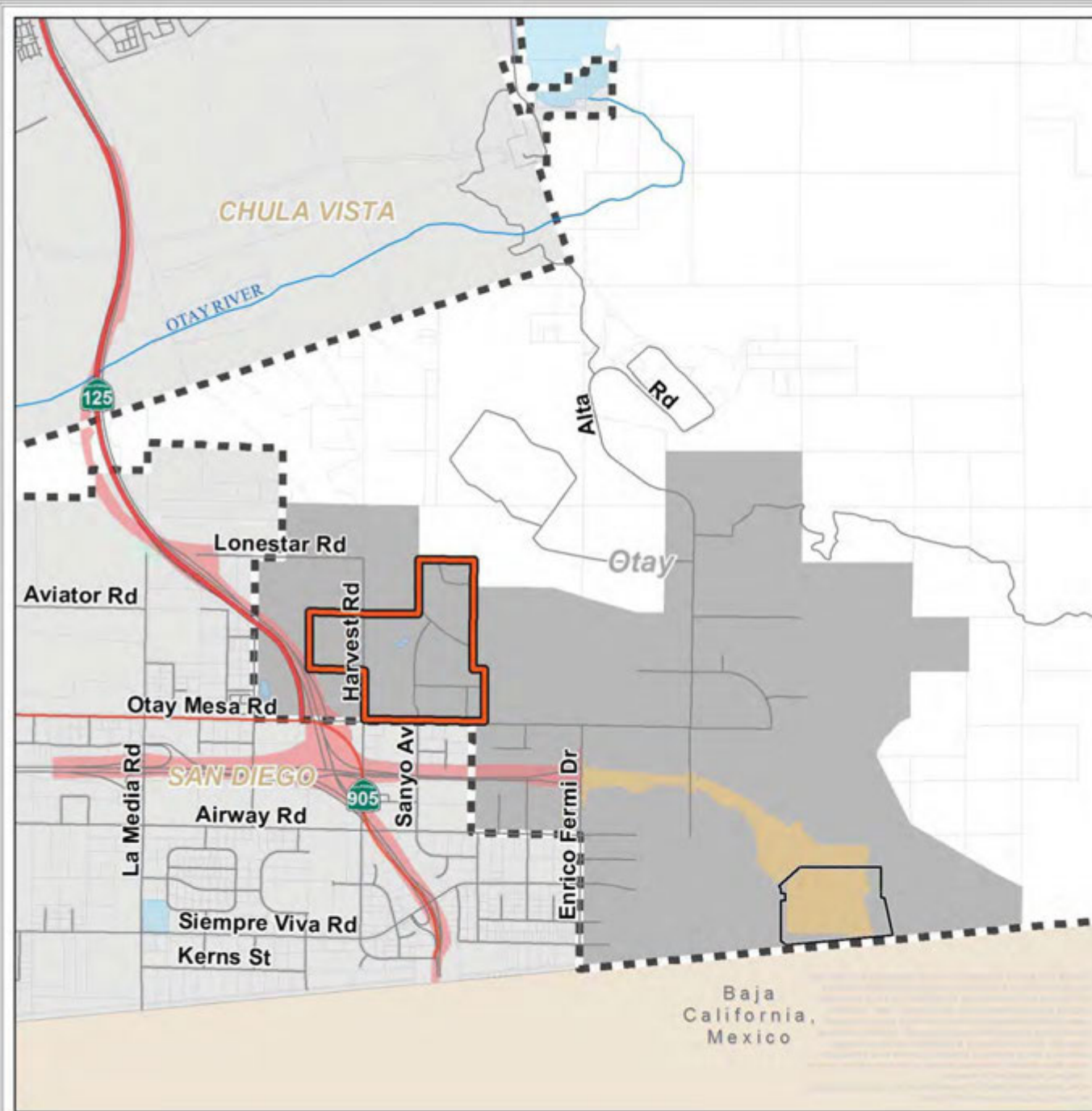
Otay 250 Sunroad

Vicinity Map

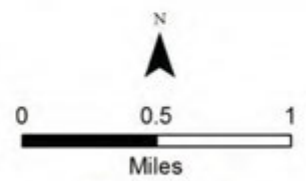
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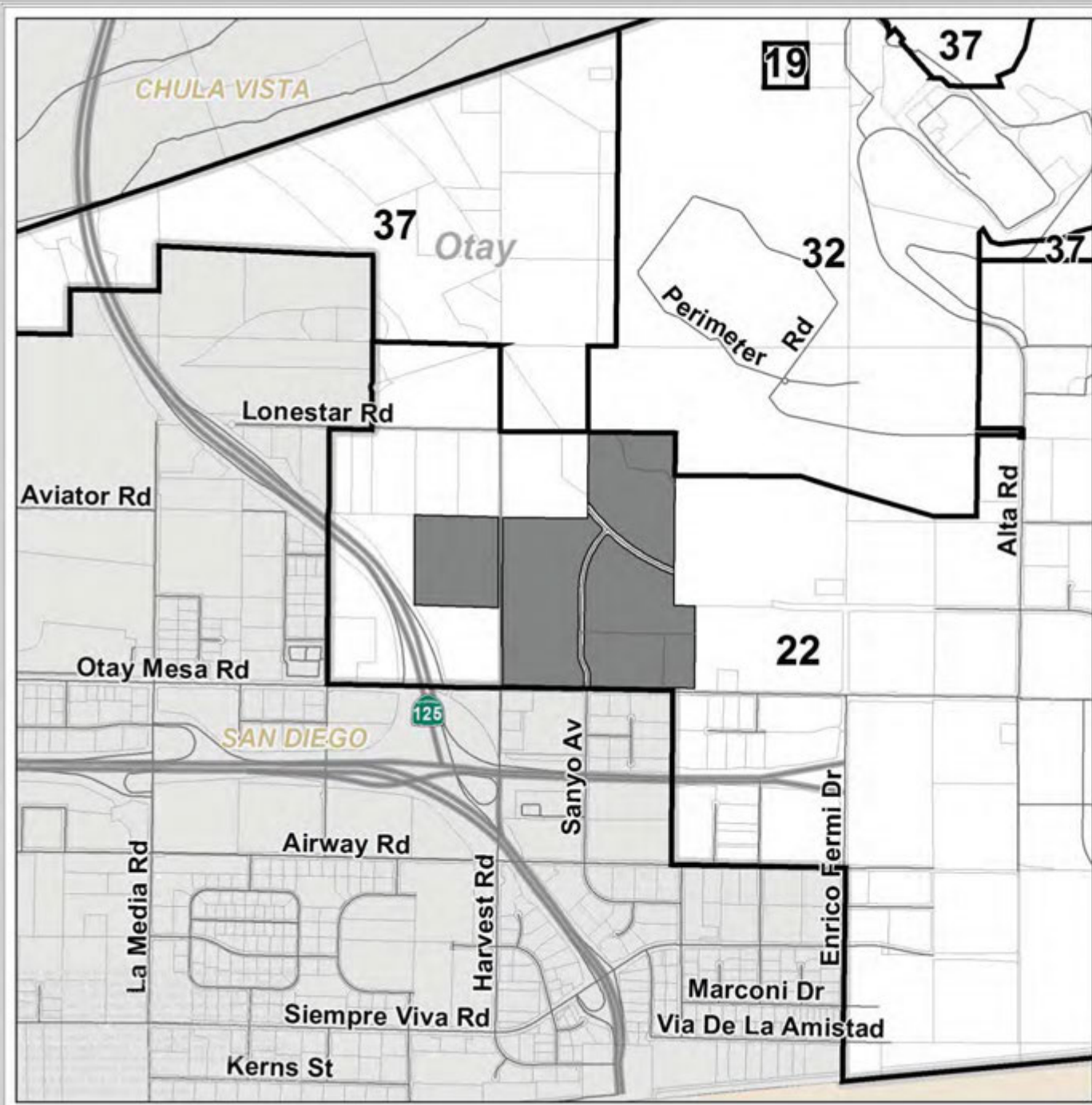
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- Roads
- Otay 250 Sunroad
- East Otay Mesa Boundary
- Parcels



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Otay 250 Sunroad

General Plan

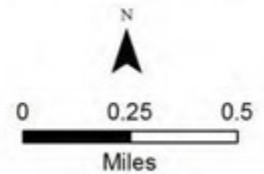
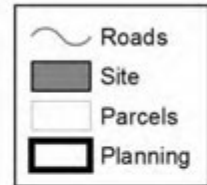
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Community Plan Area

(19) Rural Lands (RL-40)

(22) Specific Plan Area

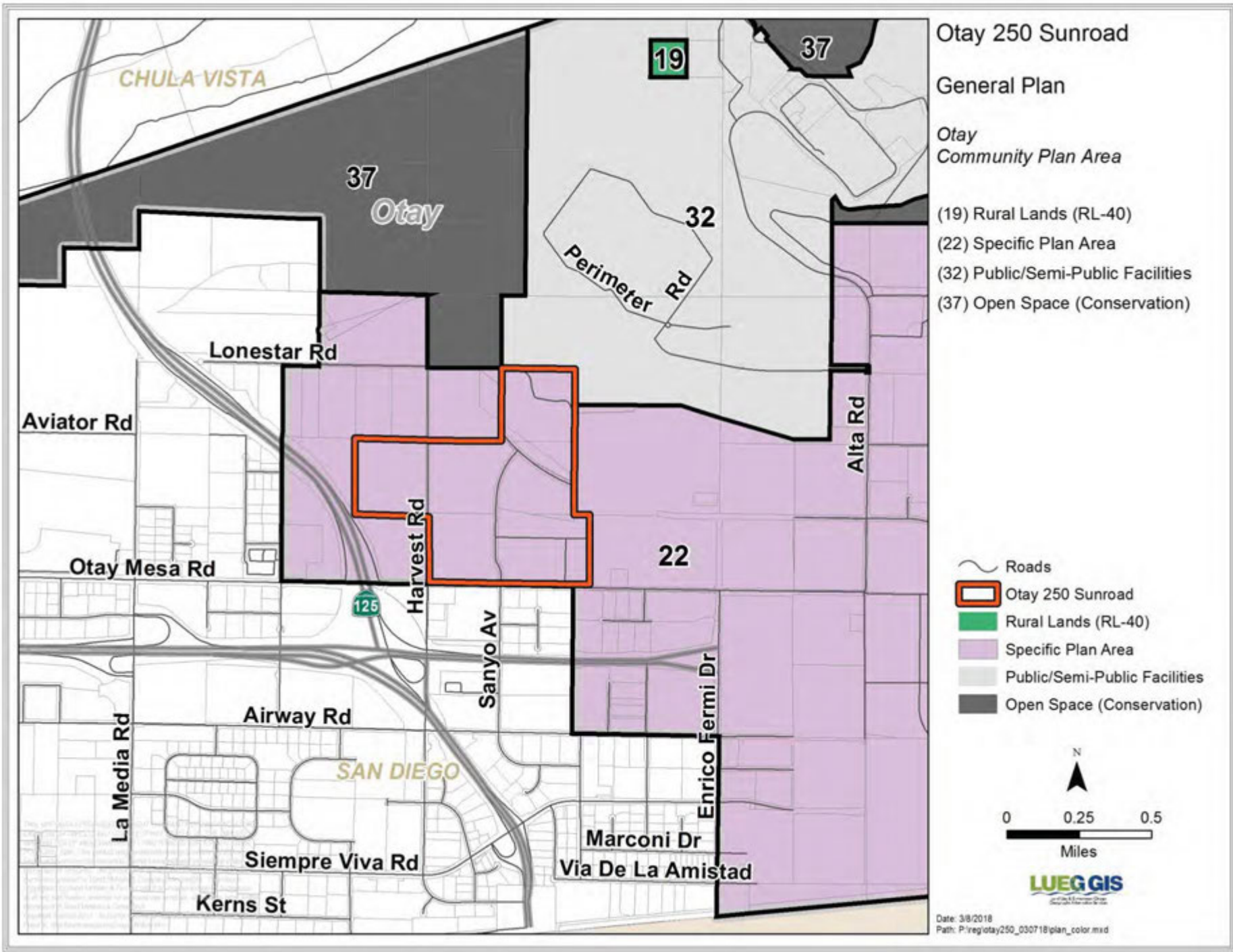
(32) Public/Semi-Public Facilities

(37) Open Space (Conservation)



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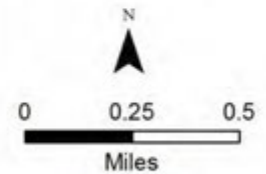
Otay 250 Sunroad

Zoning

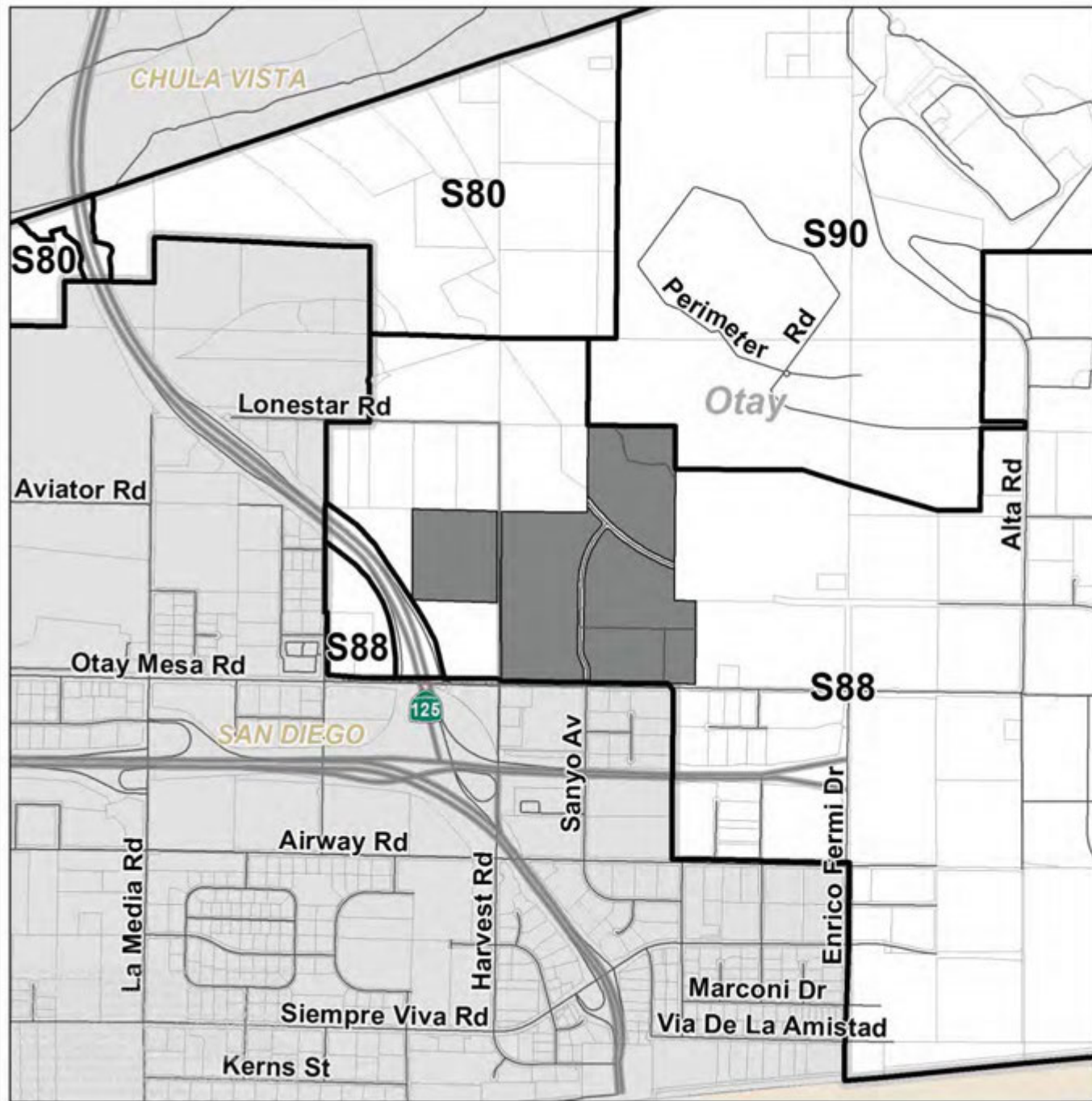
Otay
Community Plan Area

- S80 - Open Space
- S88 - Specific Planning Area
- S90 - Holding Area
- S94 - Transportation/Utility Corridor

- Roads
- Site
- Parcels
- Zoning



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Otay 250 Sunroad

Otay Community Plan Area

~ Roads

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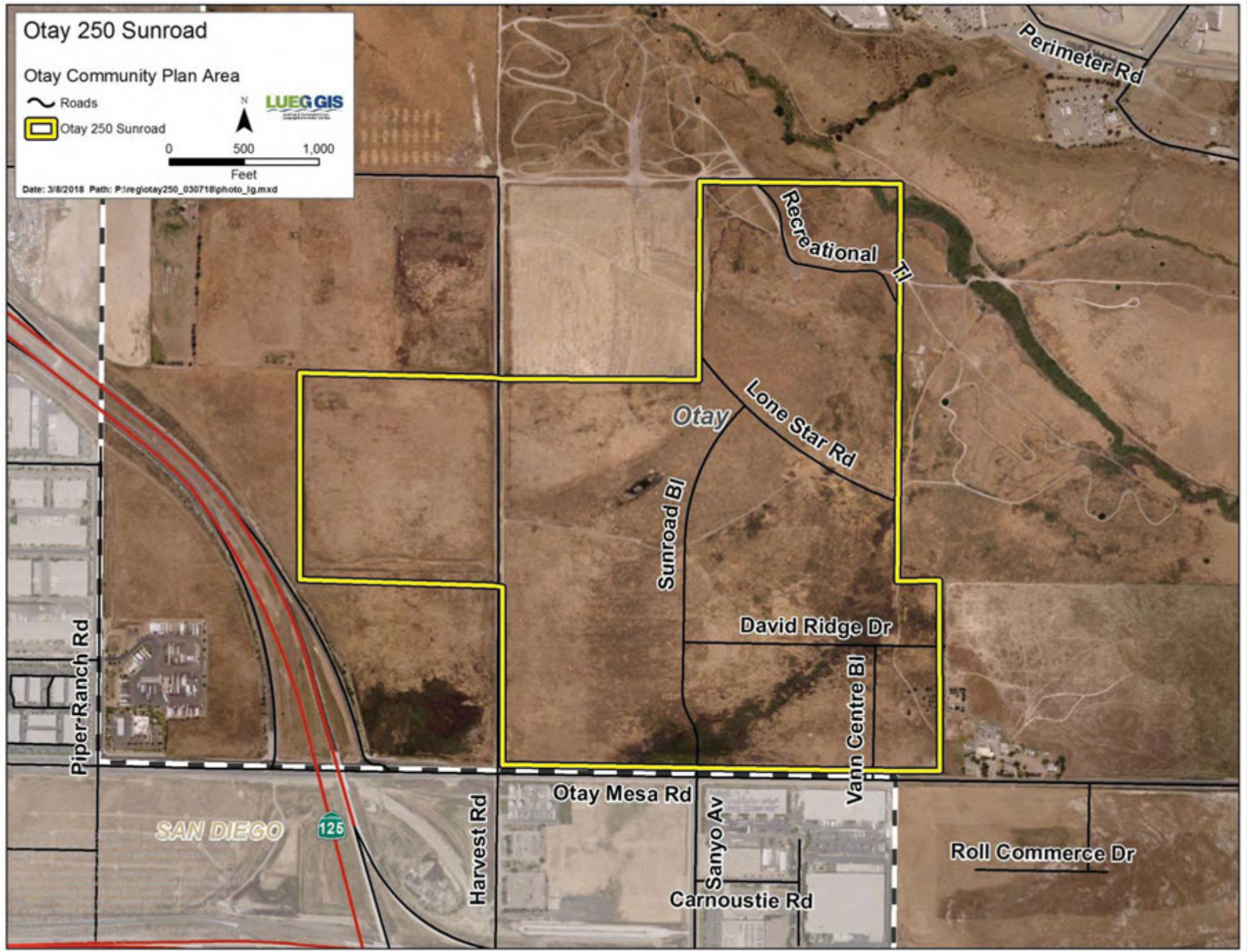
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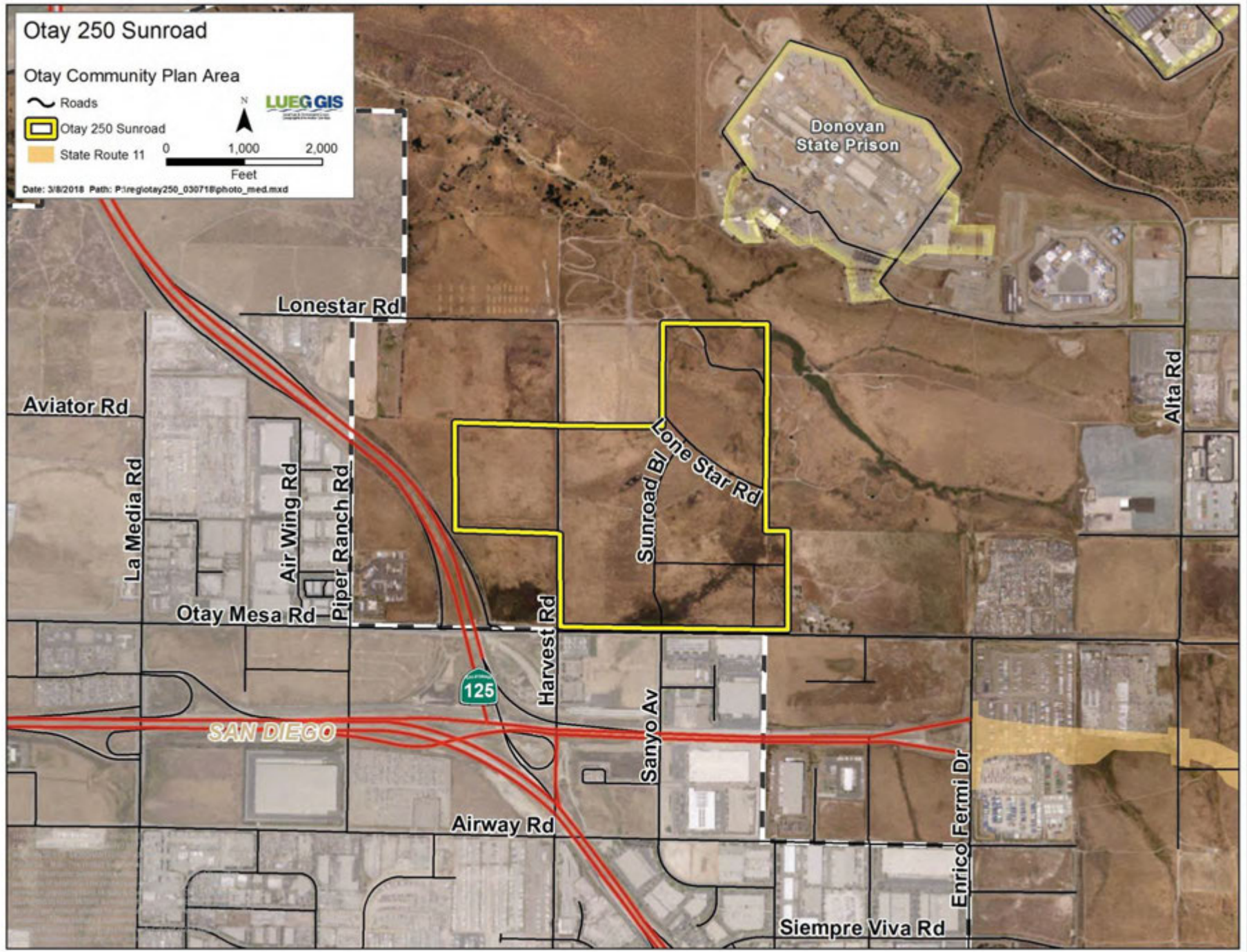
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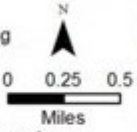


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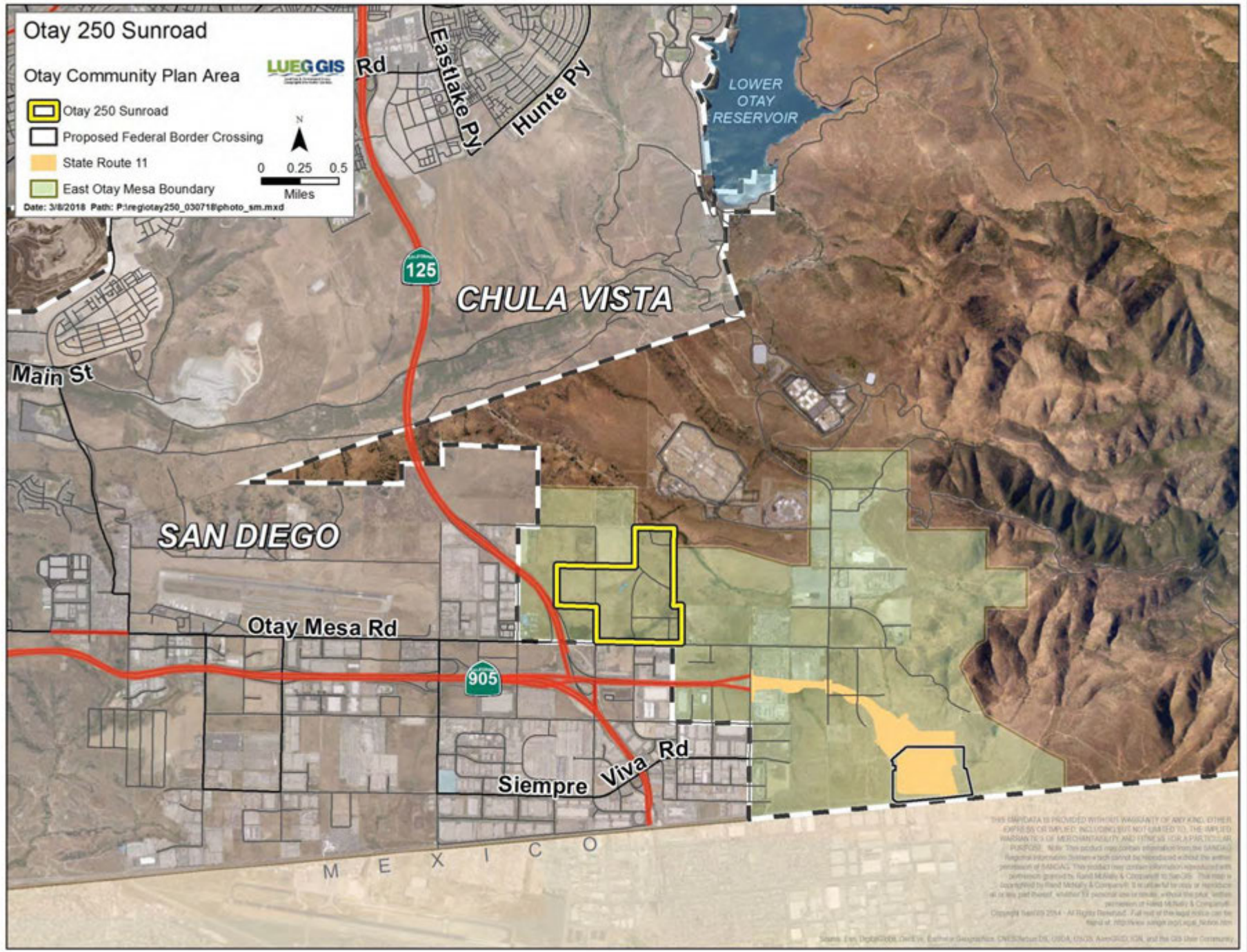
Otay Community Plan Area



- Otay 250 Sunroad
- Proposed Federal Border Crossing
- State Route 11
- East Otay Mesa Boundary



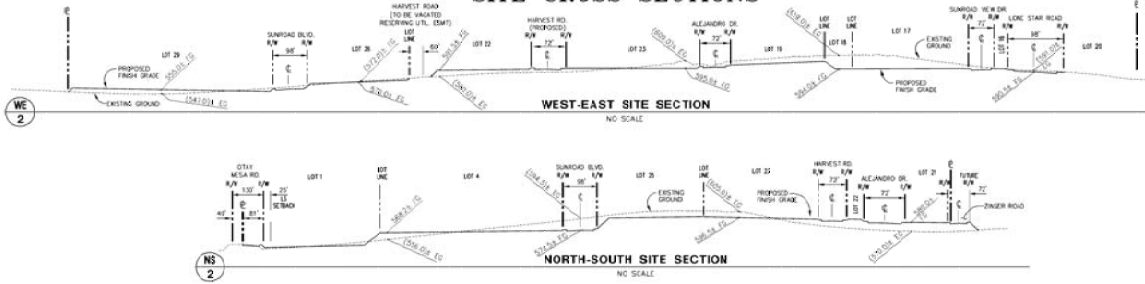
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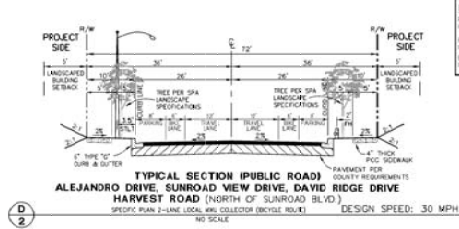
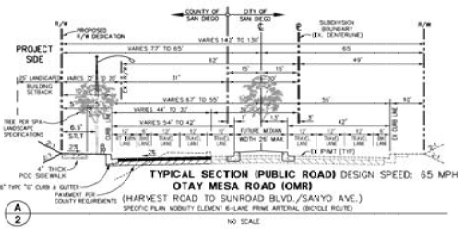
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State, Esri, DeLorme, Garmin, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

SITE CROSS SECTIONS

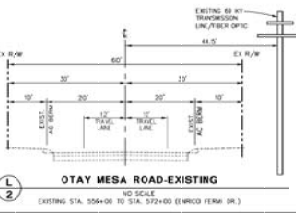
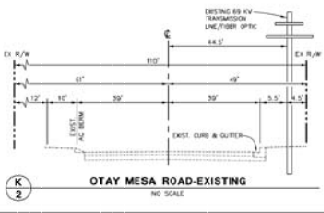
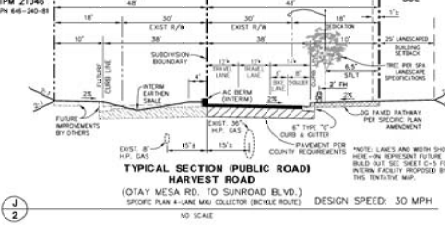
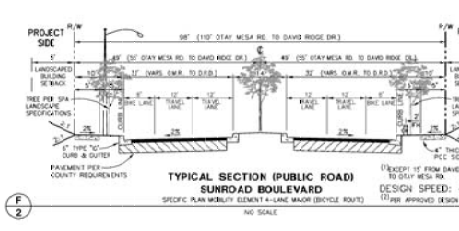
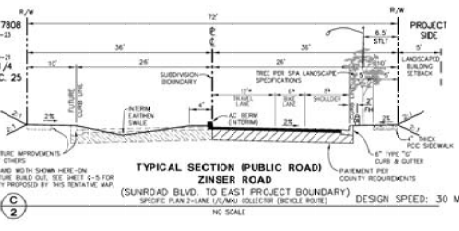
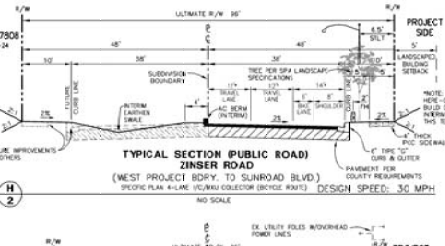
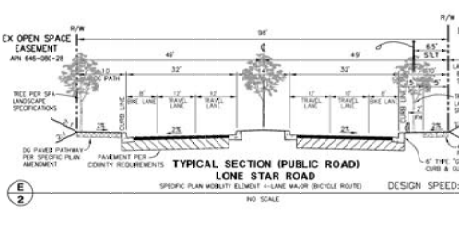
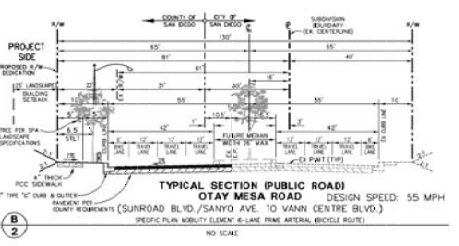
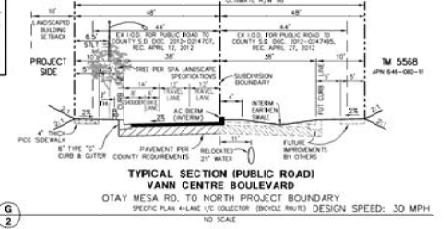


TYPICAL ROADWAY SECTIONS



PAVEMENT LEGEND

[Pattern]	PROPOSED ROAD PAVEMENT IMPROVEMENTS BY APPLICANT
[Pattern]	FUTURE ROAD PAVEMENT IMPROVEMENTS BY OTHERS
[Pattern]	EXISTING ROAD PAVEMENT IMPROVEMENTS



REVISIONS

STEVENS CRESTO ENGINEERING INC.
CIVIL ENGINEER
10000 SAN DIEGO AVENUE
SAN DIEGO, CA 92121
TEL: 619-594-8800
WWW.SCEI-CA.COM

NO. 2008
EX. 9-30-17
S.D.E.C. 00000000

TENTATIVE MAP
TYPICAL ROADWAY SECTIONS
SITE CROSS SECTIONS

COUNTY OF SAN DIEGO TRACT 5607
OTAY 250
COUNTY OF SAN DIEGO, CALIFORNIA

Date: JULY 11, 2018
Scale: AS SHOWN
Job: 1408-D1
Sheet: C-2
3 of 17 Sheets

COUNTY OF SAN DIEGO TRACT 5607

OTAY 250

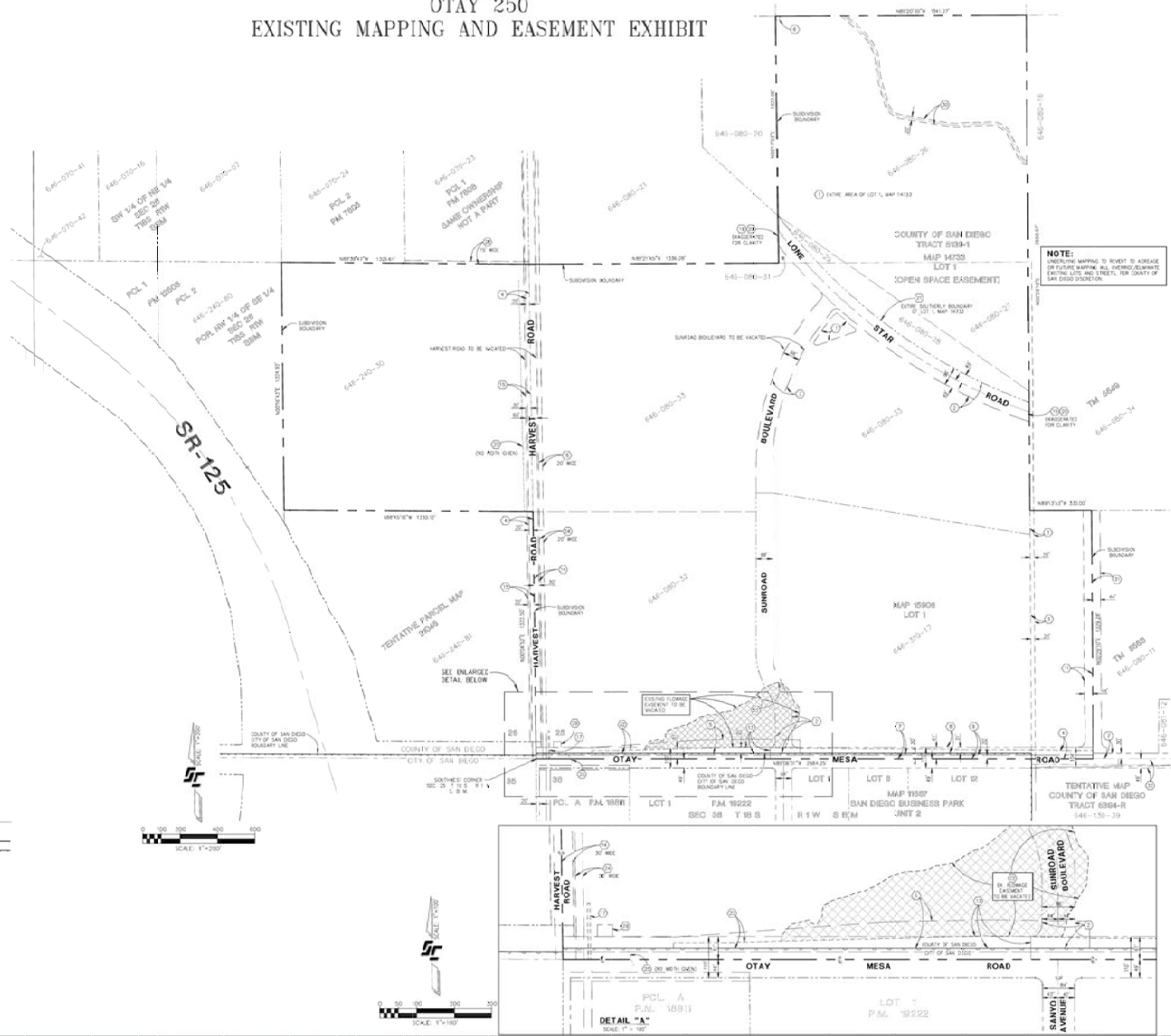
EXISTING MAPPING AND EASEMENT EXHIBIT

EXISTING EASEMENTS

- 1 EXISTING 30' SPACE EASEMENT (SEE REDUCED-SHADE CONSERVATION) SEC 200-182621-01 REC NOV 26 2003
- 2 EXISTING EASEMENT FOR COUNTY HIGHWAY PURPOSES SEC 200-170686-04 REC NOV 26 2003
- 3 EXISTING 30' WIDE EASEMENT TO STATE HIGHWAY ALTERN 615821 SEC 14845-04 REC OCT 13 1996
- 4 EXISTING 30' WIDE EASEMENT FOR COUNTY HIGHWAY PURPOSES BL 212 PG 5, SR REC AUG 21 1986
- 5 EXISTING EASEMENT FOR HIGHWAY (EMMENT) CURBS AND DRIVEWAYS ADJACENT TO STATE OF CALIFORNIA SEC 200-172031-01 REC OCT 27 2006
- 6 EXISTING 30'00" WIDE EASEMENT TO SOGEC SEC 86-47808-01 REC OCT 21 1989
- 7 EXISTING 30' WIDE EASEMENT FOR COUNTY HIGHWAY PURPOSES SEC 824-18 REC JAN 19 1965
- 8 EXISTING 3' WIDE EASEMENT FOR COUNTY HIGHWAY PURPOSES MAP 03 1517 SEC 200-193797-01 REC FEB 9 2000
- 9 EXISTING 30' WIDE EASEMENT FOR COUNTY HIGHWAY PURPOSES BL 212 PG 475-01 REC SEP 28 1989
- 10 EXISTING IRREGULAR, OPEE OF DEDICATION FOR PUBLIC RIGHT-OF-WAY SEC 201-014322-01 REC APR 12 2012
- 11 EXISTING EASEMENT FOR COUNTY HIGHWAY PURPOSES SEC 200-186151-01 REC NOV 13 2006
- 12 EXISTING 30' WIDE EASEMENT FOR COUNTY HIGHWAY PURPOSES BL 212 PG 5, SR REC AUG 21 1986
- 13 EXISTING 30' WIDE EASEMENT FOR COUNTY HIGHWAY PURPOSES BL 212 PG 256-01 REC MAR 18 1987
- 14 EXISTING 20' WIDE UTILITY EASEMENT TO SOGEC SEC 86-471405-01 REC MAY 18 1986
- 15 EXISTING 6' WIDE UTILITY EASEMENT TO SOGEC SEC 86-470008-01 REC MAY 27 1982
- 16 EXISTING IRREGULAR, OPEE OF DEDICATION FOR PUBLIC RIGHT-OF-WAY SEC 200-170786-03 REC NOV 26 2003
- 17 ACCESS RIGHTS, RELINQUISHED AND WAIVED SEC 200-170686-04 REC NOV 26 2003
- 18 ACCESS RIGHTS, RELINQUISHED AND WAIVED AS SHOWN ON MAP 1712 SEC 200-182190-01 REC JAN 19 2004
- 19 EXISTING EASEMENT FOR FLOWAGE OF WATERS TO THE COUNTY OF SAN DIEGO SEC 86-581786-01 REC MAR 18 1986
- 20 EXISTING 20' WIDE UTILITY EASEMENT TO SOGEC SEC 86-471405-01 REC MAY 28 1986
- 21 EXISTING EASEMENT FOR GUY POLE, ANCHOR AND ANCHOR GUY TO SOGEC (APPROXIMATE LOCATION AS SHOWN ON MAP) SEC 10365-01 REC OCT 27 1988
- 22 EXISTING 15' WIDE PRIVATE EASEMENT FOR WATER LINES SEC 86-388847-01 REC SEP 13 1978
- 23 EXISTING 5' WIDE EASEMENT TO SOGEC SEC 200-148564-01 REC APR 12 2008
- 24 EXISTING 20' WIDE NON-MOTORIZED MULTI-USE EASEMENT TRAIL SEC 011-311822-01 REC MAY 12 2011
- 25 EXISTING IRREGULAR, OPEE OF DEDICATION FOR PUBLIC RIGHT-OF-WAY SEC 201-014322-01 REC APR 12 2012
- 26 EXISTING IRREGULAR, OPEE OF DEDICATION FOR PUBLIC RIGHT-OF-WAY SEC 201-014322-01 REC AUG 16 2011

LEGEND

DESCRIPTION	SYMBOL
SUBDIVISION BOUNDARY	---
CITY / COUNTY OF SAN DIEGO BOUNDARY	---



NOTE:
INDICATING MAPPING TO REVERT TO ADEQUATE TO FUTURE MAPPING. ALL OVERLAP/REMARKS EXISTING LOTS AND STREETS, PER COUNTY OF SAN DIEGO (SPECIAL).

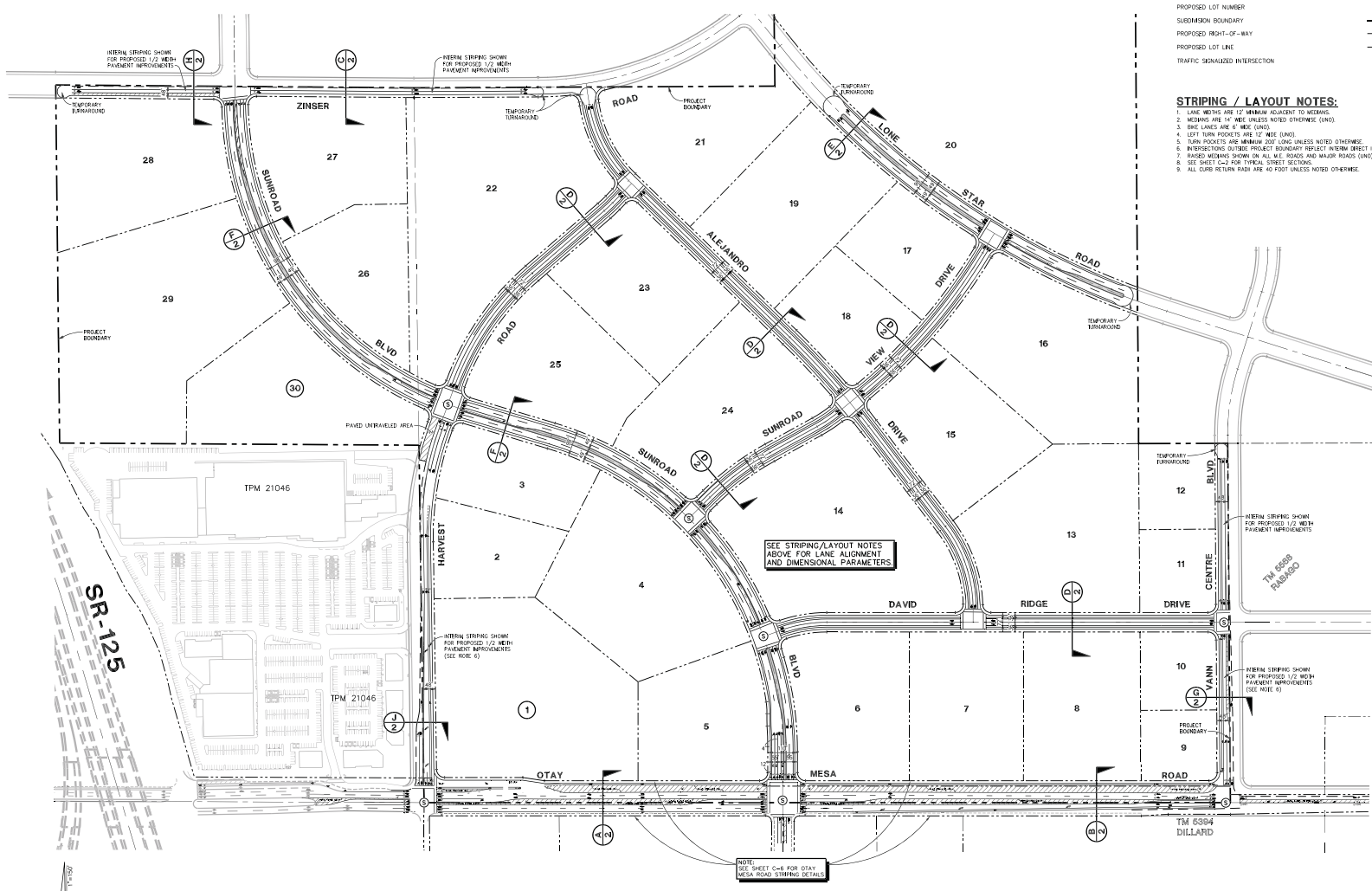
EXISTING MAPPING AND EASEMENT EXHIBIT

**COUNTY OF SAN DIEGO TRACT 5607
OTAY 250
COUNTY OF SAN DIEGO, CALIFORNIA**

Date: JULY 11, 2016
Scale: AS SHOWN
Job: 1408-01
Sheet: **C-4**
4 of 17 Sheets

STEVENS CRESTO ENGINEERING, INC.
CIVIL ENGINEER - PLANNING / LAND DEVELOPMENT
14080 SAN MARINO AVENUE, SUITE 100
SAN MARINO, CALIFORNIA 91766
TEL: 909.391.1000
WWW.STEVENS-CRESTO.COM

CONCEPTUAL ON-SITE STRIPING PLAN

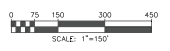


LEGEND

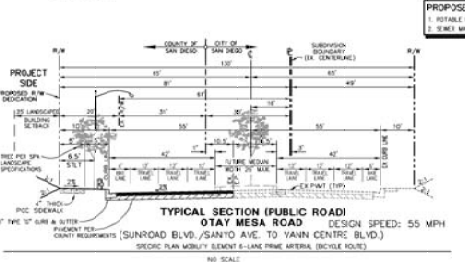
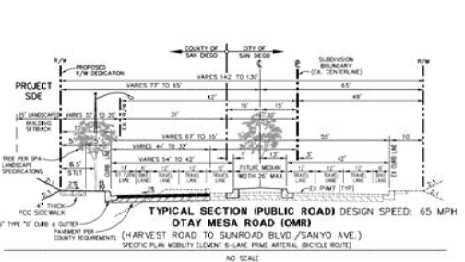
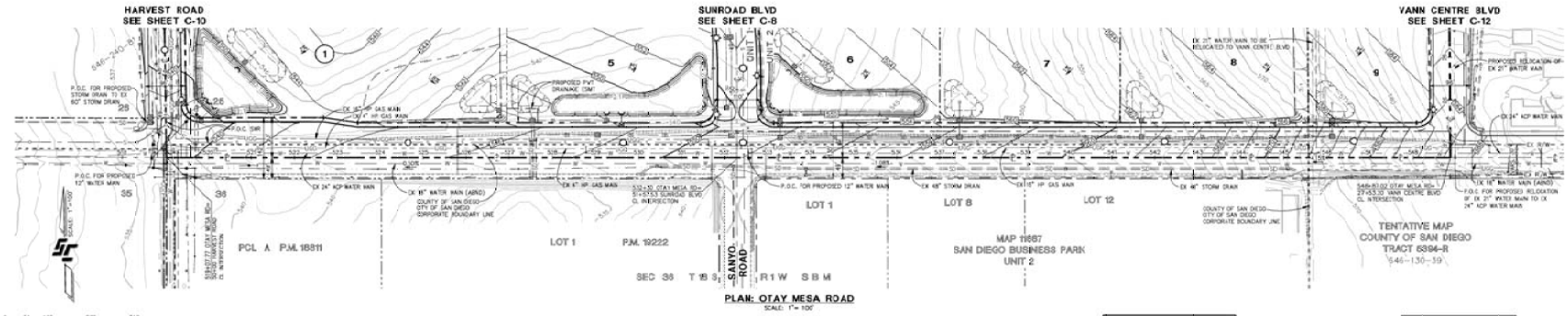
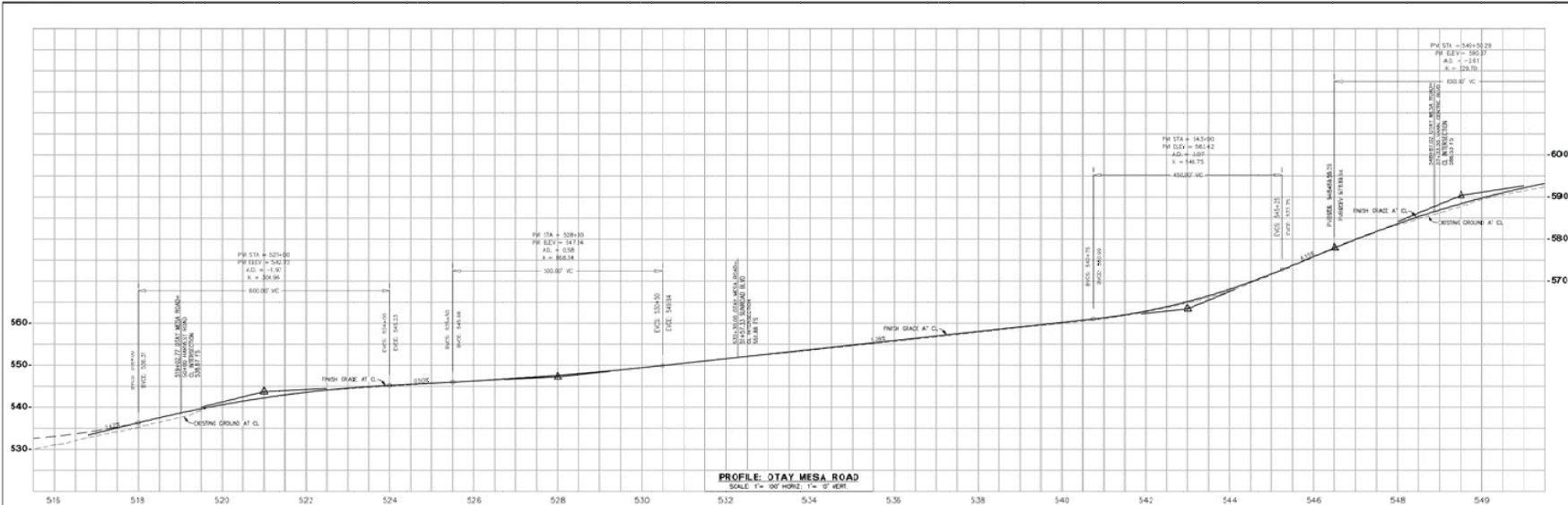
DESCRIPTION	SYMBOL
PROPOSED LOT NUMBER	1 thru 30
SUBDIVISION BOUNDARY	(Dashed line)
PROPOSED FRONT-OF-WAY	(Double line)
PROPOSED LOT LINE	(Single line)
TRAFFIC SIGNALIZED INTERSECTION	S

- STRIPING / LAYOUT NOTES:**
- LANE WIDTHS ARE 12' MINIMUM ADJACENT TO MEDIANS
 - MEDIANS ARE 14' WIDE UNLESS NOTED OTHERWISE (UND)
 - EDGE LANES ARE 4' WIDE (UND)
 - LEFT TURN POCKETS ARE 12' WIDE (UND)
 - TURN POCKETS ARE MINIMUM 200' LONG UNLESS NOTED OTHERWISE
 - INTERSECTIONS OUTSIDE PROJECT BOUNDARY REFLECT MINIMUM IMPACT TRAFFIC MITIGATION
 - RAISED MEDIANS SHOWN ON ALL M.E. ROADS AND MAJOR ROADS (UND), STRIPED FOR ALL OTHER ROADS
 - SEE SHEET C-2 FOR TYPICAL STREET SECTIONS
 - ALL CURB RETURN RADII ARE 40 FOOT UNLESS NOTED OTHERWISE

NOTE:
SEE SHEET C-6 FOR OTAY
MESA ROAD STRIPING DETAILS



<p>CONCEPTUAL ON-SITE STRIPING PLAN</p>	<p>3 - 44</p>
<p>COUNTY OF SAN DIEGO TRACT 5607 OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA</p>	
<p>DATE: JULY 13, 2018 SCALE: AS SHOWN JOB: 14009.01 SHEET: C-5 6 of 17 Sheets</p>	

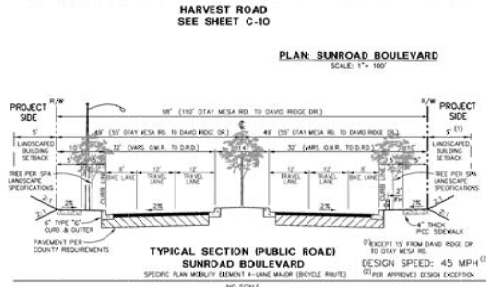
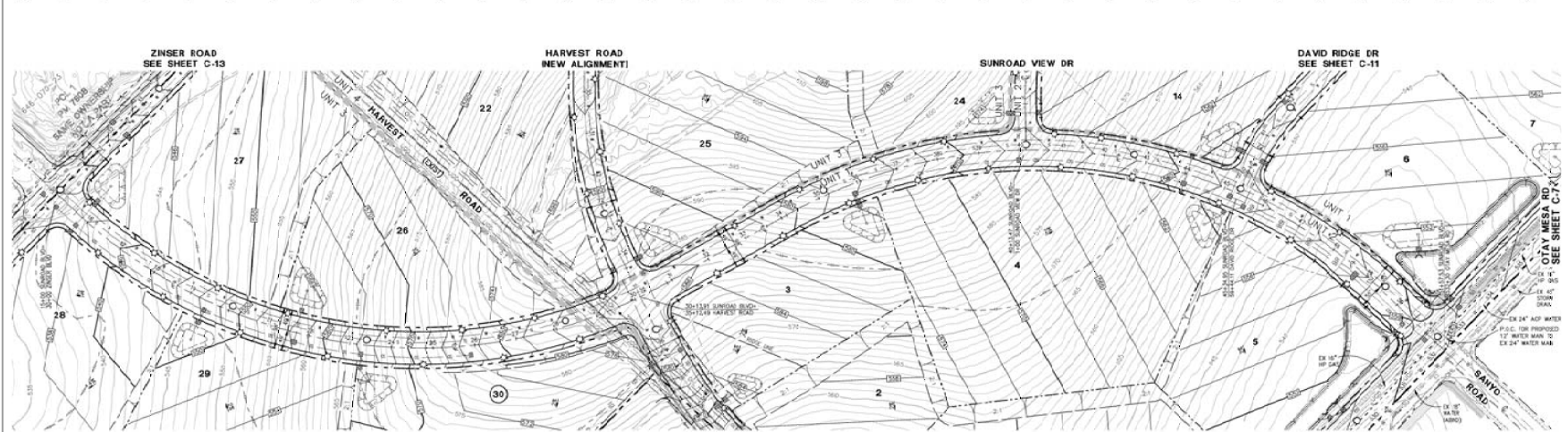
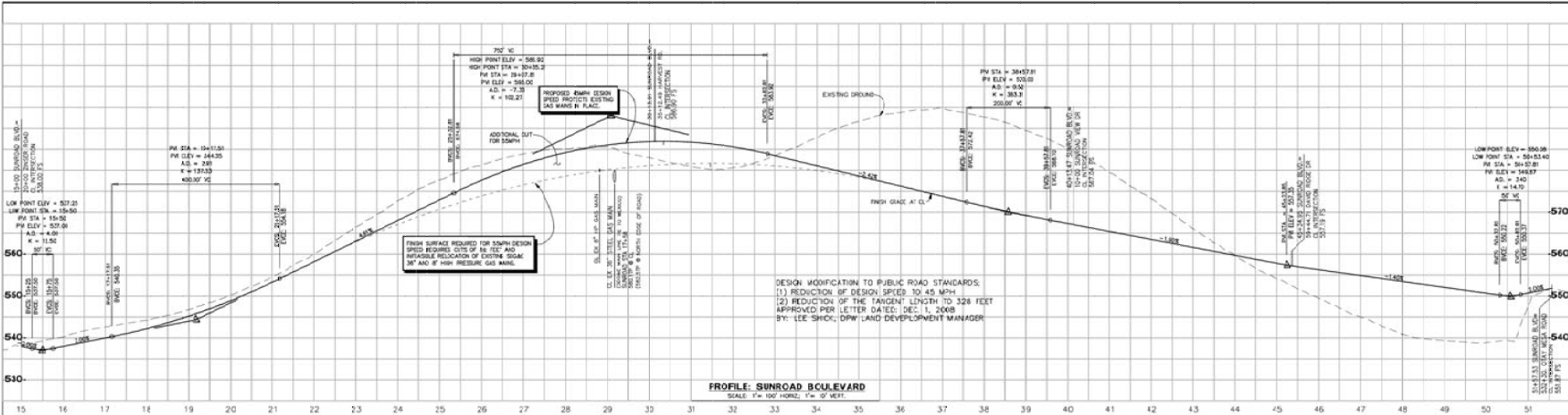


PROPOSED UTILITIES NOTES:
1. DETAIL WATER MAINS TO BE 12" (12" Ø 84.3)
2. SINK MAINS TO BE 12" (12" Ø 84.3)

NOTE:
POSSIBLE SECTION SHOWN FOR ROUTE STUDY ALIGNMENT AND GRADE ONLY.

**ROADWAY DESIGN CRITERIA:
OTAY MESA ROAD**
PROPOSED CLASSIFICATION: 5-LANE PRIME ARTERIAL
RIGHT OF WAY: VARIES 140' TO 150'
DESIGN SPEED: 65
SLOPE GRADIENT: 2:1 MAX
INTERM SLOPES: 2:1 MAX

<p>STEVENS CRESTO ENGINEERING INC. CIVIL ENGINEERING, PLANNING, LANDSCAPE ARCHITECTURE 10000 SAN DIEGO AVENUE, SUITE 100 SAN DIEGO, CALIFORNIA 92126 TEL: 619.594.8800 WWW.STEVENS-CRESTO.COM</p>	
<p>No. 2008 Exp. 9-30-17 Steven Cresto Civil Engineer</p>	
<p>PRELIMINARY ROUTE STUDY OTAY MESA ROAD</p>	
<p>COUNTY OF SAN DIEGO TRACT 5607 OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA</p>	
Date:	JULY 11, 2016
Scale:	AS SHOWN
Job:	14088-D1
Sheet:	C-7
7 of 12 Sheets	

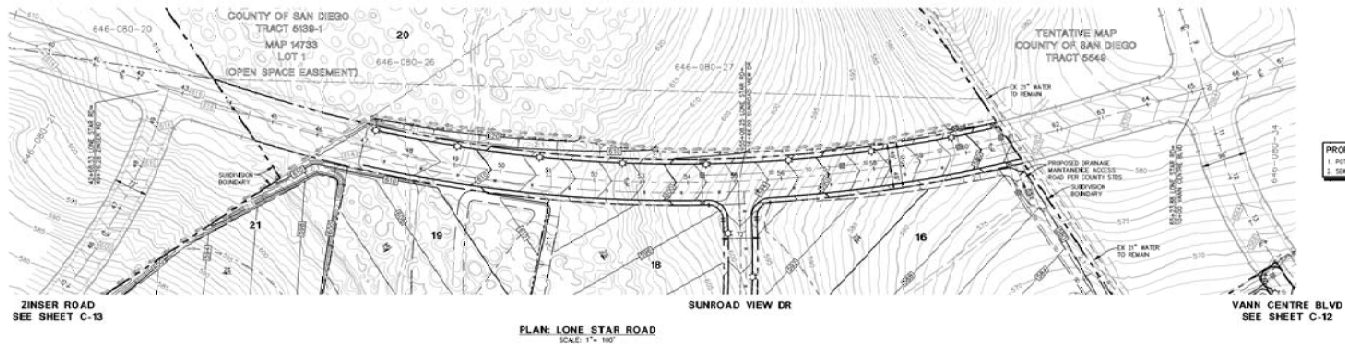
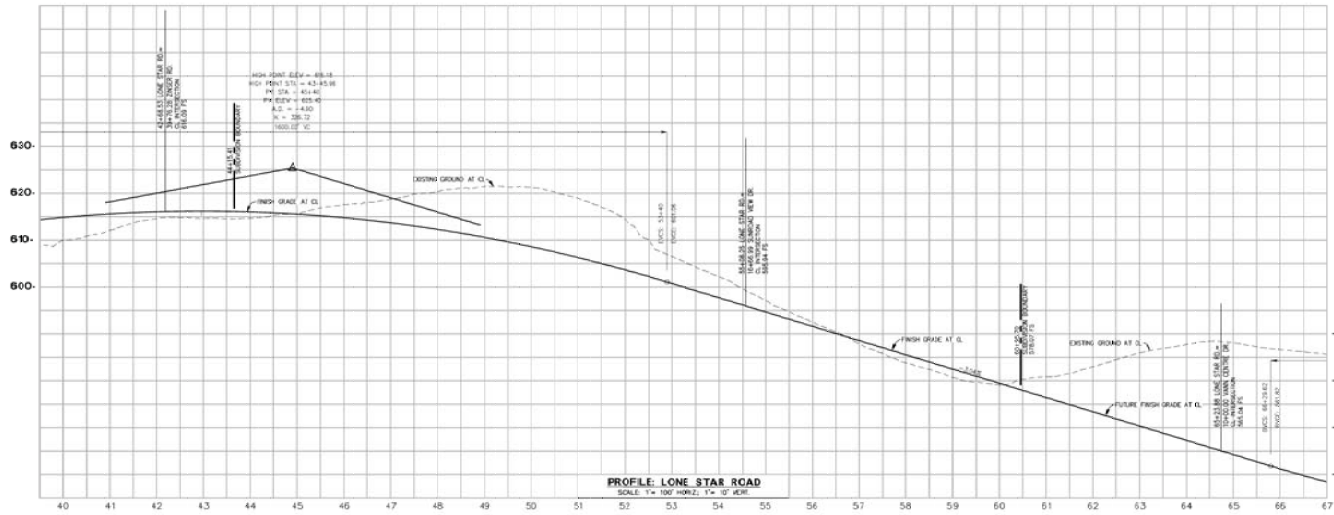


**ROADWAY DESIGN CRITERIA:
SUNROAD BOULEVARD**
 PROPOSED 150 MPH DESIGN - 45 MPH DESIGN
 RIGHT OF WAY: 96' (BIC ROUTE)
 DESIGN SPEED: 45 MPH (PER APPROVED DESIGN EXCEPTION)
 SLOPE DRAINAGE: 2% MAX
 INTER-SLOPE: 2:1 MAX

PROPOSED UTILITIES NOTES:
 1. POTABLE WATER MAIN: 36" (1" DIA.)
 2. SEWER MAIN: 36" (1" DIA.)

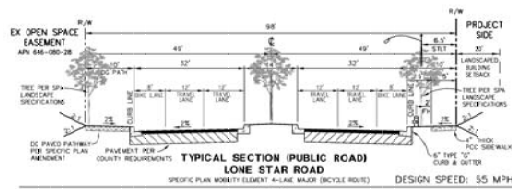
NOTE:
 ROAD SECTION SHOWN FOR ROUTE ALIGNMENT AND GRADE ONLY.

REVISION	BY
 PRELIMINARY ROUTE STUDY SUNROAD BOULEVARD	
 COUNTY OF SAN DIEGO TRACT 5607 OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA	
Date:	JULY 11, 2016
Scale:	AS SHOWN
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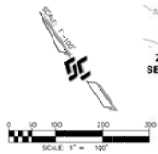
PROPOSED UTILITIES NOTES:
1. POTABLE WATER MAINS TO BE 12" (P.W.)
2. SEWER MAINS TO BE 12" (S.W.)

NOTE:
ROAD DESIGN SHOWN FOR ROUTE STUDY ALIGNMENT AND GRADE ONLY.

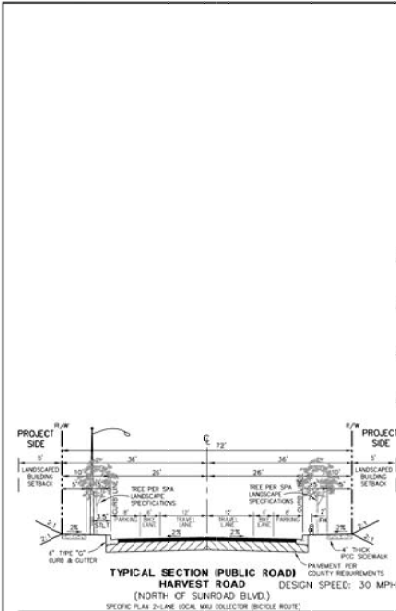


ROADWAY DESIGN CRITERIA:
LONE STAR ROAD

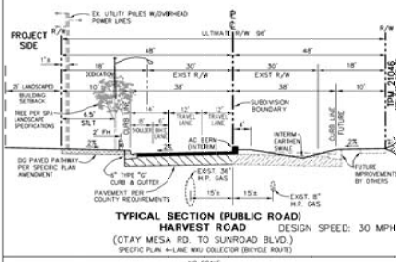
PROPOSED CLASSIFICATION: SPECIFIC PLAN 4-LANE MAJOR
RIGHT-OF-WAY: 95'
DESIGN SPEED: 55 MPH
SLOPE GRADIENTS: 2:1 MAX
INTERM SLOPES: 2:1 MAX



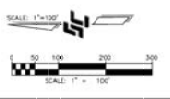
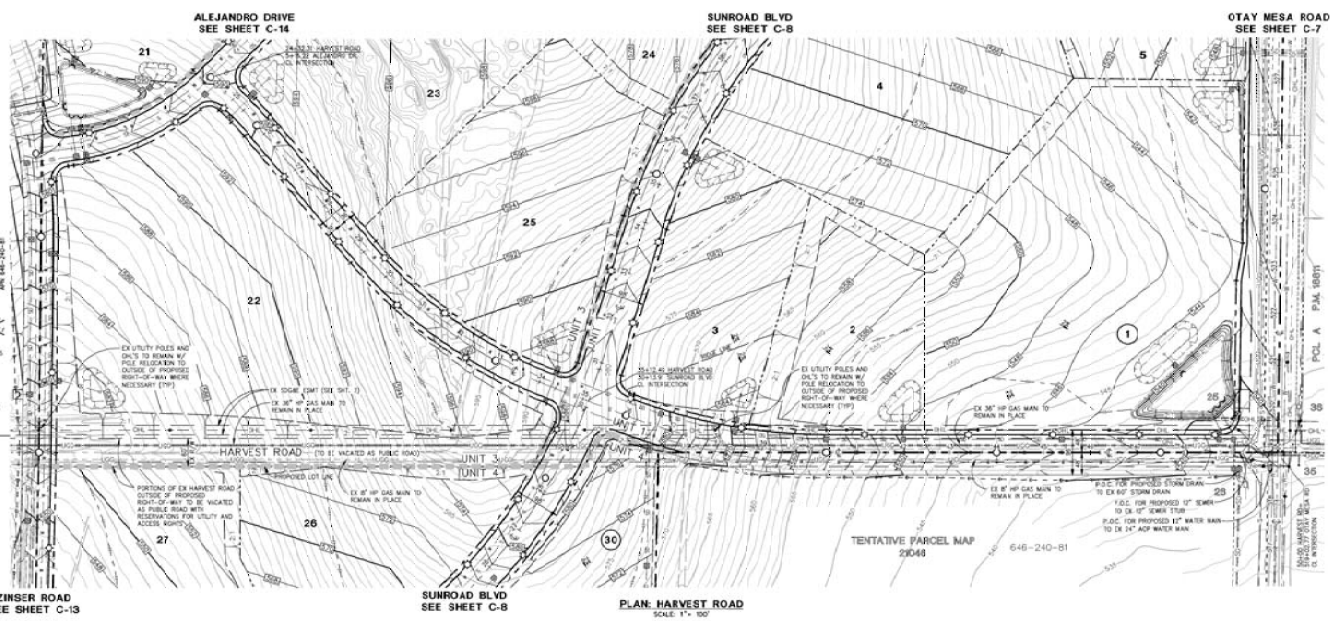
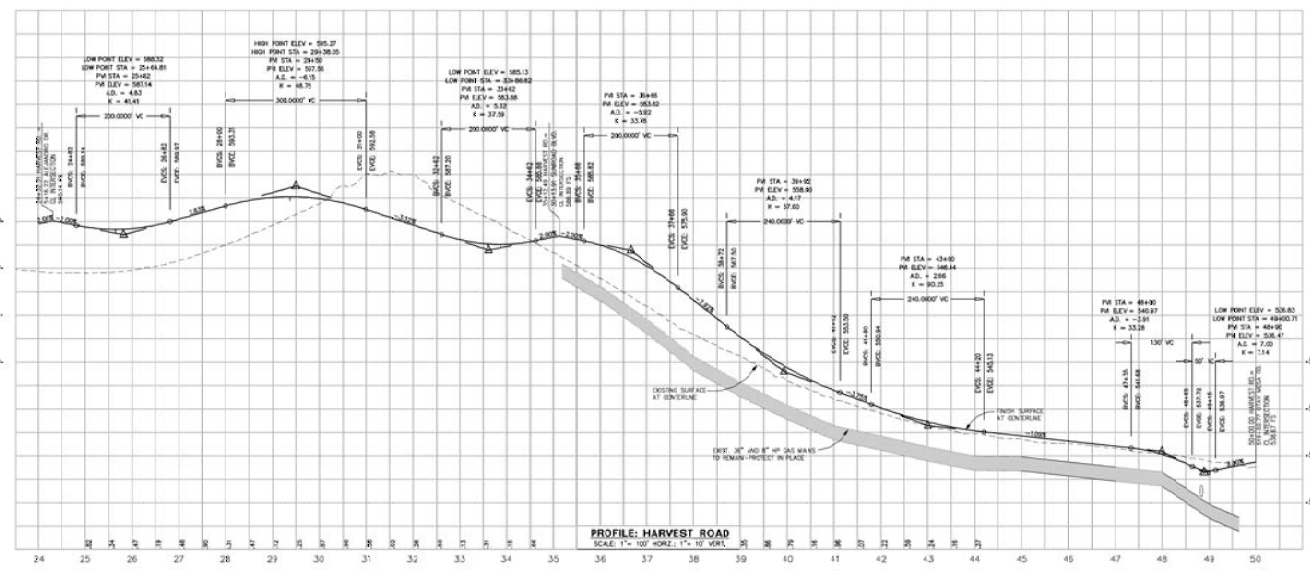
REVISIONS	BY
 STEVENS CRESTO ENGINEERING, INC. CIVIL ENGINEERS - PLANNING - LANDSCAPE ARCHITECTS 10000 SAN MARINO DRIVE SUITE 100 SAN MARINO, CA 91764 PHONE: 909.440.0000 FAX: 909.440.0001 WWW.STEVENS-CRESTO.COM	
PRELIMINARY ROUTE STUDY LONE STAR ROAD	
COUNTY OF SAN DIEGO TRACT 5607 OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA	
Date:	JULY 11, 2016
Scale:	AS SHOWN
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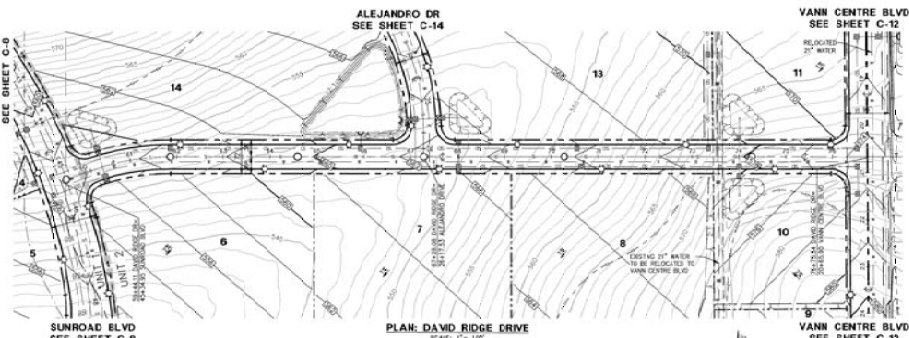
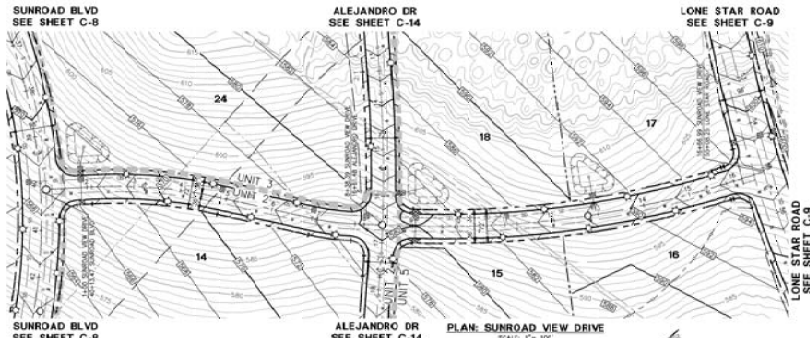
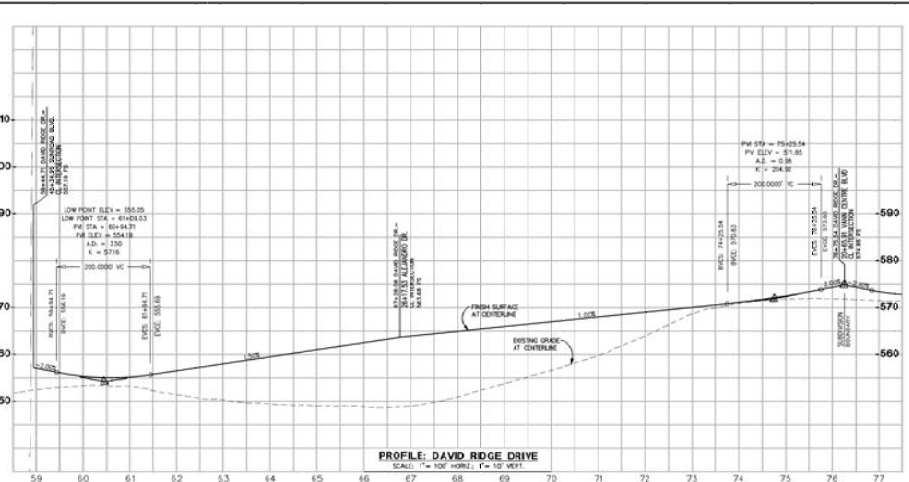
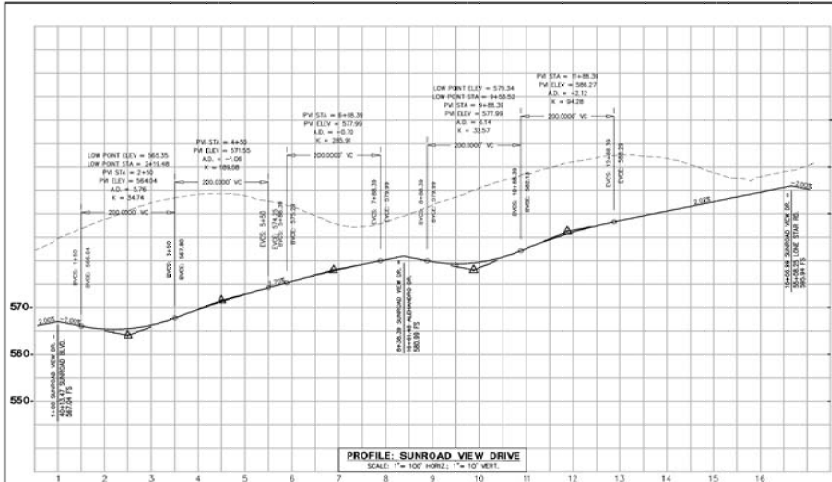
ROADWAY DESIGN CRITERIA:
HARVEST ROAD
(NORTH OF SUNROAD BLVD.)
PROPOSED CLASSIFICATION: SPECIFIC PLAN 4-LANE LOCAL W/O COLLECTOR
RIGHT OF WAY: 72'
DESIGN SPEED: 30 MPH
SLOPE GRADIENT: 2% MAX
INTERM SLOPES: 2% MAX



ROADWAY DESIGN CRITERIA:
HARVEST ROAD
(SOUTH OF SUNROAD BLVD.)
PROPOSED CLASSIFICATION: SPECIFIC PLAN 4-LANE W/O COLLECTOR
RIGHT OF WAY: 96'
DESIGN SPEED: 30 MPH
SLOPE GRADIENT: 2% MAX
INTERM SLOPES: 2% MAX

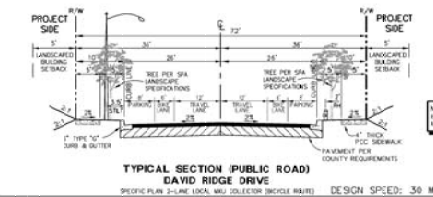
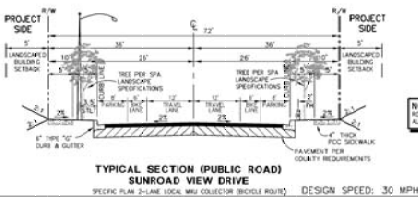


REVISION	BY
 PRELIMINARY ROUTE STUDY HARVEST ROAD	
COUNTY OF SAN DIEGO TRACT 5607 OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA	
Date:	JULY 11, 2018
Scale:	AS SHOWN
Job:	1408-01
Sheet:	C-10
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PROPOSED UTILITIES NOTES:
 1. POTABLE WATER MAINS TO BE 12" (D.M.C.)
 2. SEWER MAINS TO BE 12" (D.M.C.)

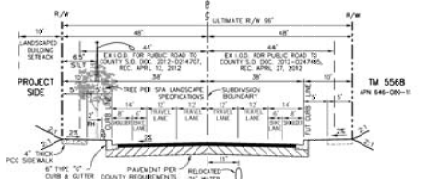
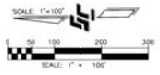
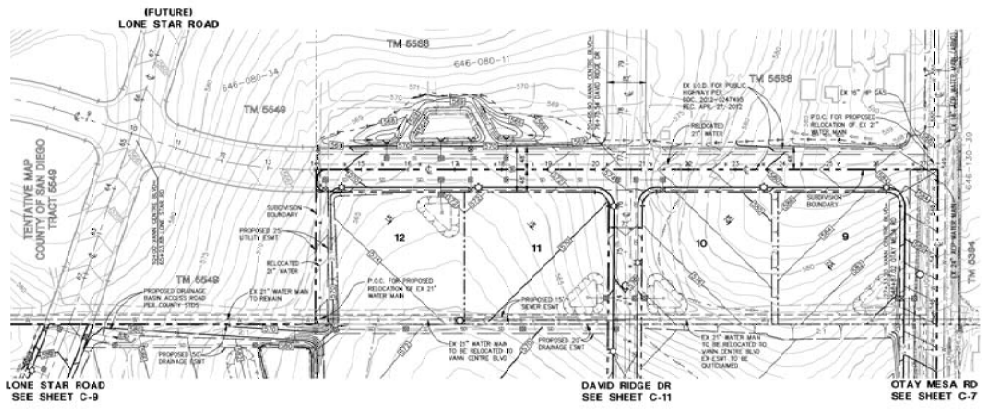
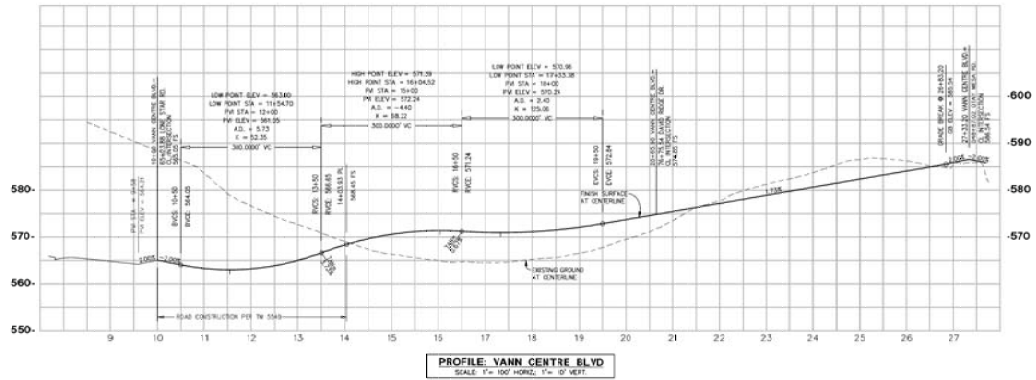
PROPOSED UTILITIES NOTES:
 1. POTABLE WATER MAINS TO BE 12" (D.M.C.)
 2. SEWER MAINS TO BE 12" (D.M.C.)



**ROADWAY DESIGN CRITERIA:
 SUNROAD VIEW DRIVE**
 PROPOSED CLASSIFICATION: SPECIFIC PLAN 2-LANE LOCAL MAJ COLLECTOR
 RIGHT OF WAY: 27'
 DESIGN SPEED: 35 MPH
 SLOPE GRADIENTS: 2:1 MAX
 INTERIOR SLOPES: 2:1 MAX

**ROADWAY DESIGN CRITERIA:
 DAVID RIDGE DRIVE**
 PROPOSED CLASSIFICATION: SPECIFIC PLAN 2-LANE MAJ LOCAL COLLECTOR
 RIGHT OF WAY: 27'
 DESIGN SPEED: 35 MPH
 SLOPE GRADIENTS: 2:1 MAX
 INTERIOR SLOPES: 2:1 MAX

REVISION	BY
 STEVENS CRESTO ENGINEERING INC. CIVIL ENGINEERING ARCHITECTURE LANDSCAPE ARCHITECTURE 10000 SAN DIEGO AVENUE SUITE 100 SAN DIEGO, CALIFORNIA 92121 TEL: 619-594-8800 FAX: 619-594-8801 WWW: STEVENSCRESTO.COM	
PRELIMINARY ROUTE STUDY DAVID RIDGE DRIVE & SUNROAD VIEW DRIVE	
COUNTY OF SAN DIEGO TRACT 5607 OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA	
Date:	JULY 11, 2016
Scale:	AS SHOWN
Job:	1408-D1
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ROADWAY DESIGN CRITERIA:
VANN CENTRE BLVD
PROPOSED CLASSIFICATION: SPECIFIC PLAN 4-LANE 1/2' COLLECTOR
RIGHT OF WAY: 96'
DESIGN SPEED: 30 MPH
SLOPE GRADIENT: 2:1 MAX
INTERM. SLOPES: 2:1 MAX

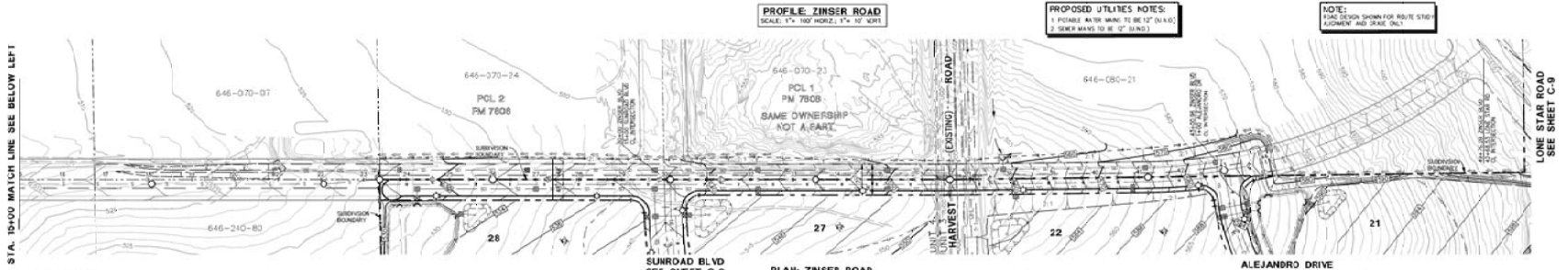
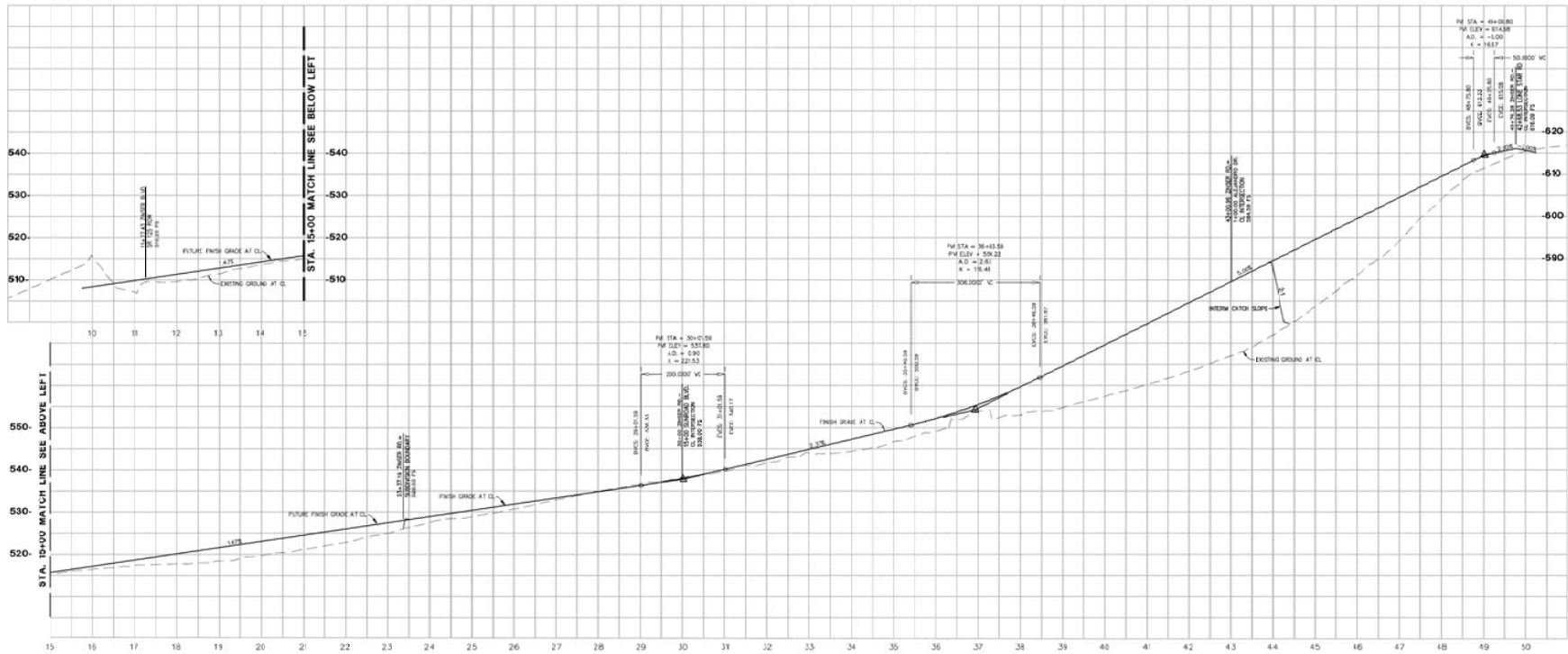
PROPOSED UTILITIES NOTES:
1. RIGID WATER MAINS TO BE 12" (S.A.C.)
2. SEWER MAINS TO BE 12" (S.A.C.)

NOTE:
ROAD DESIGN SHOWS FOR ROUTE 5/80
FLOWLINE AND GRADE ONLY.

REVISIONS	BY
 STEVENS CRESTO ENGINEERING, INC. CIVIL ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE 21123 VANN CENTRE BLVD SAN DIEGO, CA 92128 TEL: 619-594-8800 FAX: 619-594-8801 WWW.STEVENS-CRESTO.COM	
PRELIMINARY ROUTE STUDY VANN CENTRE BLVD	
COUNTY OF SAN DIEGO TRACT 5607 OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA	
Date:	JULY 11, 2016
Scale:	AS SHOWN
Job:	1408-D1
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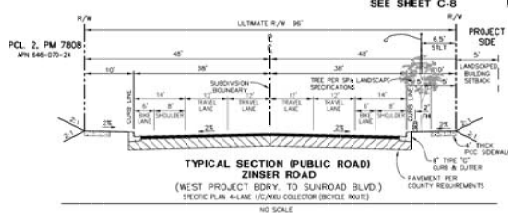
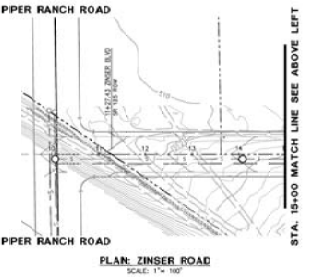
1. LOCAL ROADWAY DESIGN CRITERIA: VANN CENTRE BLVD (S.A.C.) DESIGN TO BE AS SHOWN.



PROFILE ZINSER ROAD
SCALE: 1" = 100' HORIZ., 1" = 10' VERT.

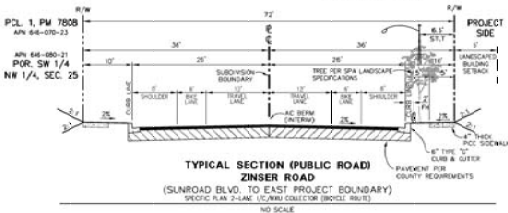
PROPOSED UTILITIES NOTES:
1. FIGURES IN THIS TABLE TO BE 10" DIA. 2. SEE MAINS TO BE 6" DIA.

NOTE:
1. THIS SECTION SHOWN FOR ROUTE STUDY JUDGMENT AND SCALE ONLY.



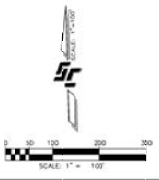
ROADWAY DESIGN CRITERIA: ZINSER ROAD

PROPOSED CLASSIFICATION: SPECIFIC PLAN 4-LANE 1/4/4U COLLECTOR
RIGHT OF WAY: 80'
DESIGN SPEED: 30 MPH
SLOPE GRADEWAY: 2:1 MAX
INTERM SLOPES: 2:1 MAX

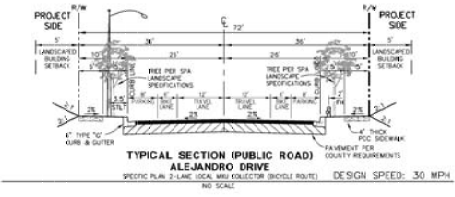
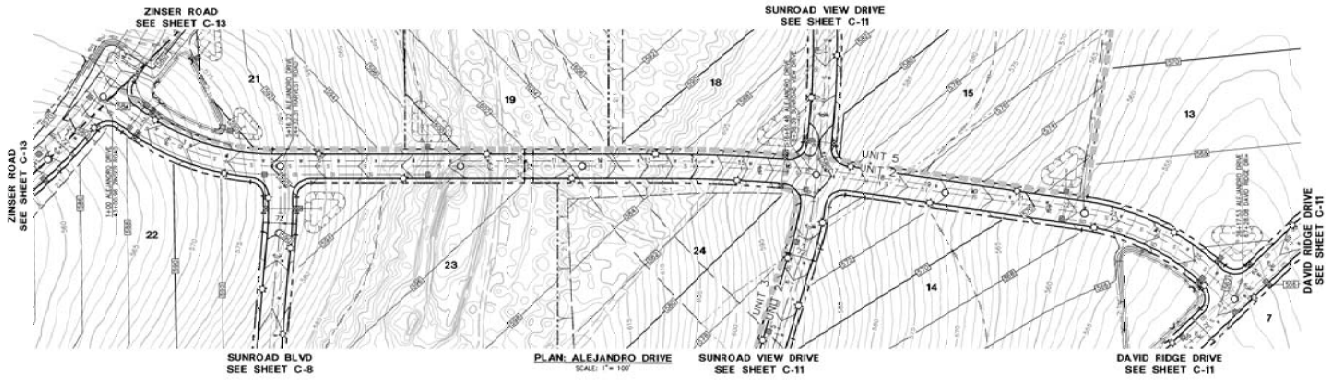
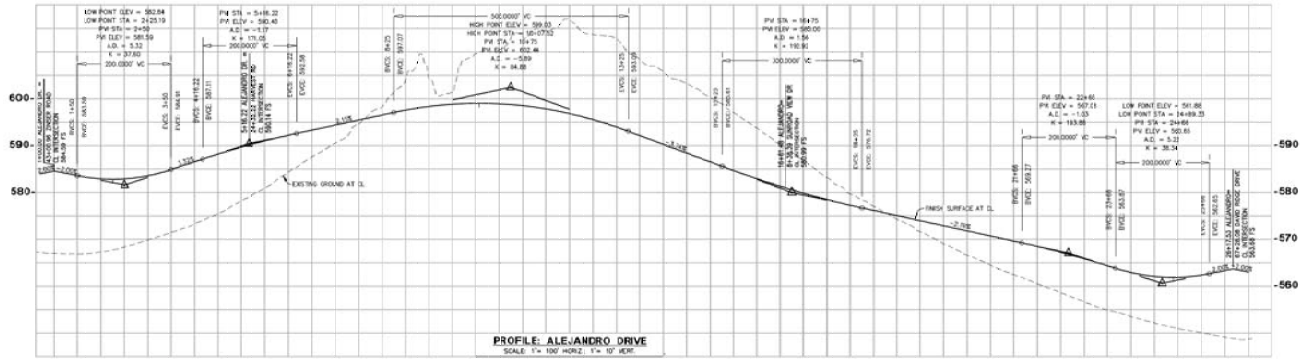


ROADWAY DESIGN CRITERIA: ZINSER ROAD

PROPOSED CLASSIFICATION: SPECIFIC PLAN 2-LANE 1/2/2UW COLLECTOR
RIGHT OF WAY: 72'
DESIGN SPEED: 30 MPH
SLOPE GRADEWAY: 2:1 MAX
INTERM SLOPES: 2:1 MAX

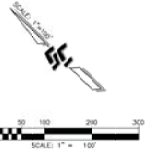


<p>STEVENS CRESTO ENGINEERING, INC. CIVIL ENGINEERING, PLANNING, LANDSCAPE ARCHITECTURE 10000 SAN DIEGO AVENUE, SUITE 100 SAN DIEGO, CALIFORNIA 92131 TEL: 619-594-8800 WWW.SCEI-INC.COM</p>	
<p>PRELIMINARY ROUTE STUDY ZINSER ROAD</p>	
<p>COUNTY OF SAN DIEGO TRACT 5607 OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA</p>	
Date:	JULY 11, 2016
Scale:	AS SHOWN
Job:	1408-01
Sheet:	C-13
<p>13 of 17 Sheets</p>	



ROADWAY DESIGN CRITERIA:
DAVID RIDGE DRIVE
 PROPOSED CLASSIFICATION: SPECIFIC PLAN 3-LANE LOCAL WAY COLLECTOR
 RIGHT OF WAY: 70'
 DESIGN SPEED: 30 MPH
 SLOPE GRADIENT: 2:1 MAX
 INTERIM SLOPE: 2:1 MAX

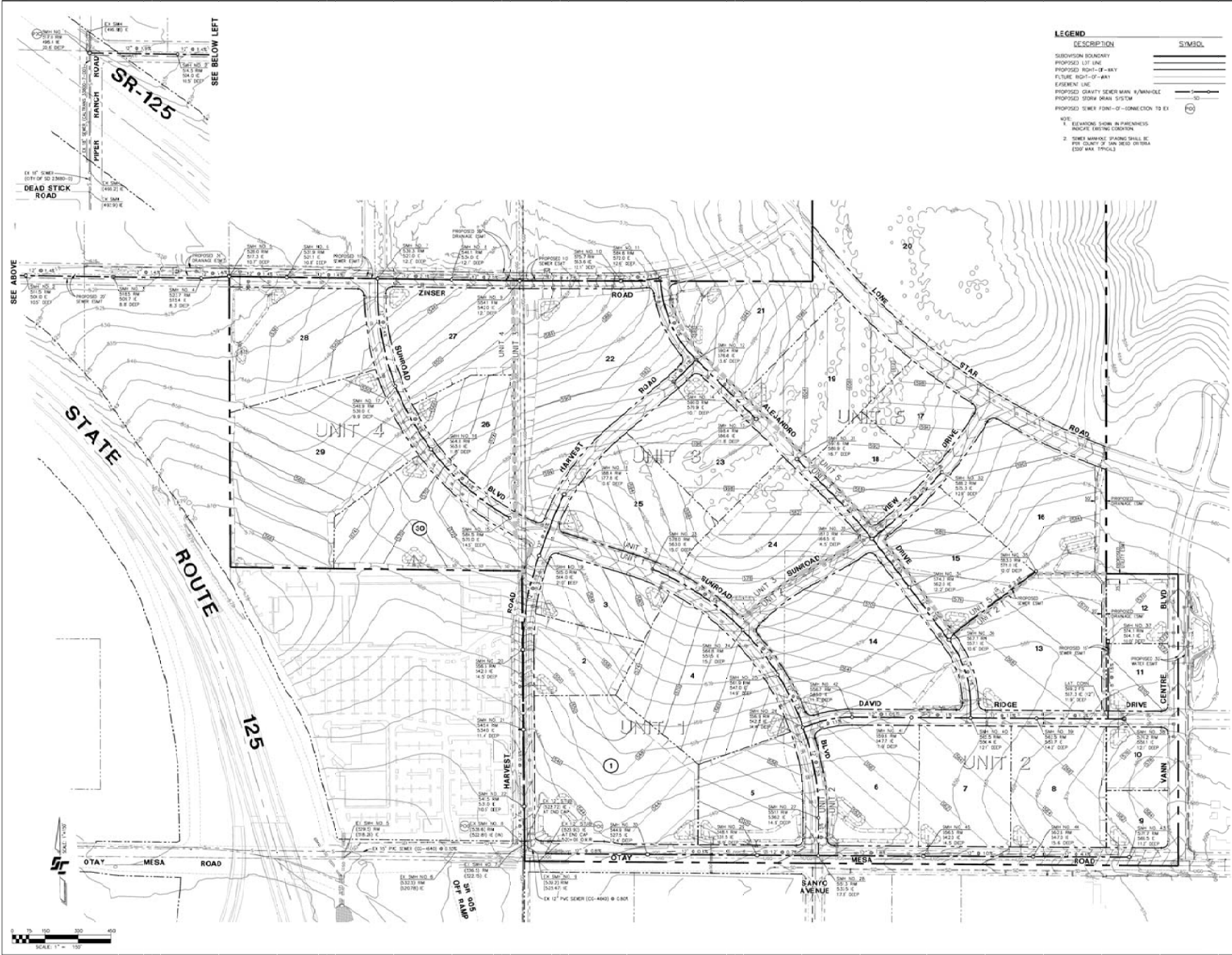
PROPOSED UTILITIES NOTES:
 1. PROBABLE WATER MAINS TO BE 12" (D=10")
 2. SINKER MAINS TO BE 12" (D=6")



NOTE:
 THIS DESIGN SHOWN FOR ROUTE STUDY
 ALIGNMENT AND GRADE ONLY.

REVISIONS		IV
		
		
PRELIMINARY ROUTE STUDY ALEJANDRO DRIVE		
COUNTY OF SAN DIEGO TRACT 5607 OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA		
Date:	JULY 11, 2016	
Scale:	AS SHOWN	
Job:	1408-D1	
Sheet:	C-14	
1 of 17 Sheets		

3-53



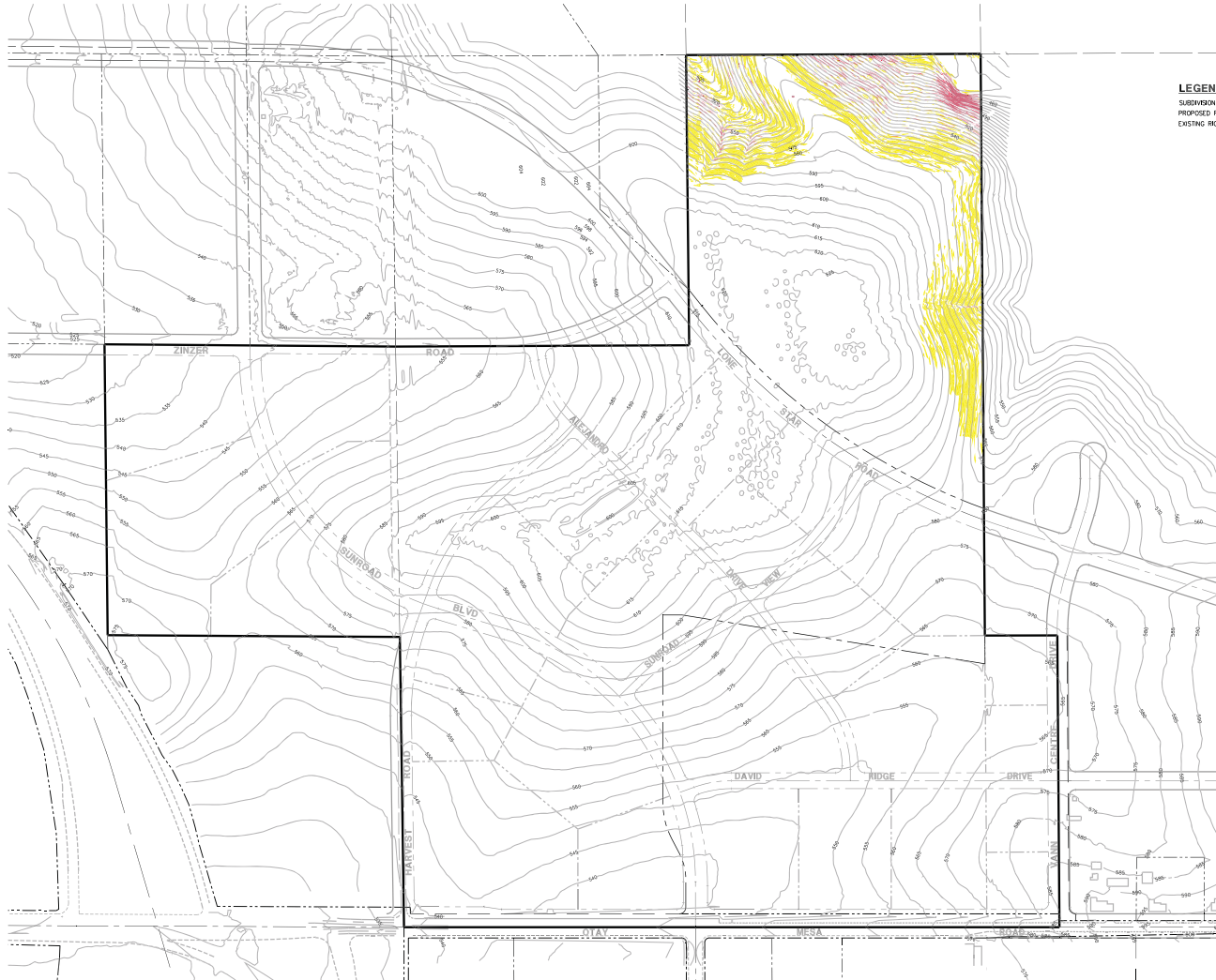
STEVENS CRESTO ENGINEERING, INC.
 CIVIL ENGINEERING, PLANNING, LANDSCAPE ARCHITECTURE
 10000 SAN DIEGO AVENUE, SUITE 100
 SAN DIEGO, CALIFORNIA 92131
 TEL: 619-594-8800
 FAX: 619-594-8801
 WWW.STEVENS-CRESTO.COM

PRELIMINARY SEWER ALIGNMENT EXHIBIT

**COUNTY OF SAN DIEGO TRACT 5607
 OTAY 250
 COUNTY OF SAN DIEGO, CALIFORNIA**

Date: JULY 11, 2016
 Scale: AS SHOWN
 Job: 1408-D1
 Sheet: **C-15**
 15 of 17 Sheets

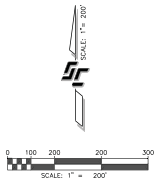
EXISTING SLOPE ANALYSIS EXHIBIT



LEGEND
 SUBDIVISION BOUNDARY
 PROPOSED RIGHT-OF-WAY
 EXISTING RIGHT OF WAY

SLOPE ANALYSIS DATA AND LEGEND			
COLOR	RANGE	% AREA	AREA
[White Box]	LESS THAN 15% SLOPE	91.5	231.8 AC.
[Yellow Box]	15% AND GREATER UP TO 25% SLOPE	4.7	11.8 AC.
[Orange Box]	25% AND GREATER UP TO 50% SLOPE	3.4	8.6 AC.
[Red Box]	50% AND GREATER SLOPE	0.4	0.9 AC.
TOTALS		100.0	253.1 AC.

NOTE:
 ENCROACHMENT/OPEN SPACE MAP NOT APPLICABLE TO THIS PROJECT. STEEP SLOPES ARE NOT PRESENT IN AREAS PROPOSED FOR PROJECT GRADING.



<p>EXISTING SLOPE ANALYSIS EXHIBIT</p>	<p>COUNTY OF SAN DIEGO TRACT 5607 OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA</p>
<p>Date: JULY 11, 2018 Scale: AS SHOWN Job: 14009.01 Sheet: C-17 17 of 17 Sheets</p>	<p>3 - 56</p>

LANDSCAPE CONCEPT PLAN FOR: COUNTY OF SAN DIEGO TRACT No. _____ ENVIRONMENTAL LOG NO. 98-19-013B OTAY 250 - TENTATIVE MAP

DESIGN STATEMENT:

THE PRIMARY GOAL OF THE LANDSCAPE DESIGN IS TO BLEND AND COMPLEMENT INTO THE EXISTING NATIVE PLANTING IN THE AREA. NATIVE LOW FUEL VOLUME SPECIES WILL BE USED TO REVEGETATE THE GRADED SLOPES. THE TREATMENT FOR THE INTERIOR SHALL PRIMARILY BE PARAWAY STREET TREES AND SPRINGFLOWER, ORNAMENTAL, IN NATIVE, FIRE-RESISTANT AND COMPLEMENT THE BUILDING ARCHITECTURE. THE RECREATION AREAS WILL BE A MIX OF ORNAMENTAL AND NATURALIZED MATERIALS, AND LOW MAINTENANCE.

LANDSCAPE DESIGN OBJECTIVES:

1. PLANT MATERIALS SPECIFIED FOR USE ON THIS PROJECT WILL BE FROM THE PALETTE OF PLANTS KNOWN TO PERFORM WELL IN THIS CLIMATIC ZONE AND AMENDED SOIL TYPE.
2. THE PALETTE OF LANDSCAPE PLANT MATERIALS WILL PROVIDE VARIATIONS OF FOLIAGE, BARK, AND FLOWER FORM, TEXTURE, AND COLOR. THESE VARIATIONS WILL BE USED TO BLEND IN WITH EXISTING SURROUNDING LANDSCAPE TREATMENTS ESPECIALLY AT PERIMETER SLOPES.
3. LANDSCAPE PLANTING AREAS WILL BE GRADED TO ASSURE POSITIVE SURFACE DRAINAGE.
4. ONSITE SOILS WILL BE AMENDED TO COMPLY WITH THE RECOMMENDATION OF A CERTIFIED SOILS TESTING LABORATORY.
5. ALL SLOPE ASPECTS 2:1 OR STEEPER MAY RECEIVE SITE MATTING (OR PER THE RECOMMENDATION BY THE GEO-TECHNICAL ENGINEER).

IRRIGATION:

ORNAMENTAL LANDSCAPE AREAS SHALL HAVE A PERMANENT AUTOMATIC CONTROLLER WITH A RAIN SENSING OVERRIDE DEVICE OPERATING A MULTIPLE-VALVE IRRIGATION SYSTEM. THIS SYSTEM WILL BE EFFICIENT AND USE LOW PRECIPITATION HEADS, SEGREGATED BASED ON PLANT MATERIAL TYPE AND ASPECT, AND BE DESIGNED TO MINIMIZE OVERSPRAY ONTO ANY NATIVE AREAS. HARDCAPE SURFACES, RECYCLED WATER MAY BE USED, IF AVAILABLE. PERMANENT IRRIGATION WILL BE PROVIDED FOR THE REQUIRED STREET TREES IN INTERIOR SLOPES FOR THE PLANT LEGEND ON SHEET 2. A TEMPORARY IRRIGATION WILL BE PROVIDED FOR THE PERIMETER SLOPES TO REVEGETATE AND STABILIZE THE SLOPES FOR EROSION CONTROL. THE PROPOSED IRRIGATION SYSTEMS WILL USE AN APPROVED RAIN SENSITIVE DEVICE.

GRADING & LANDSCAPE NOTES:

1. PERIMETER REVEGETATION - ALL GRADED, DISTURBED, OR ERODED AREAS THAT WILL NOT BE PERMANENTLY PAVED OR COVERED BY STRUCTURES SHALL BE REVEGETATED.
2. TEMPORARY REVEGETATION - GRADED, DISTURBED, OR ERODED AREAS THAT WILL NOT BE PERMANENTLY PAVED, COVERED BY STRUCTURE, OR PLANTED FOR A PERIOD OVER 90 CALENDAR DAYS SHALL BE TEMPORARILY REVEGETATED WITH A NON-BRIGATED HYDROSEED MIX GROUND COVER OF EQUAL INERT MATERIAL. TEMPORARY IRRIGATION SYSTEMS MAY BE USED TO ESTABLISH THE VEGETATION.
3. ALL REQUIRED REVEGETATION AND EROSION CONTROL SHALL BE COMPLETED WITHIN 90 CALENDAR DAYS OF THE COMPLETION OF GRADING OR DISTURBANCE.
4. ALL LANDSCAPE AREAS SHALL BE FINISH GRADED TO REMOVE ROCKS AND TO ENSURE SURFACE DRAINAGE AWAY FROM BUILDING.

MAINTENANCE NOTE:

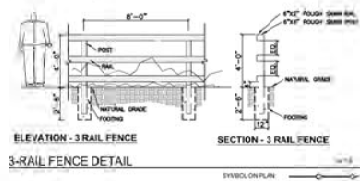
PLANTING AND IRRIGATION WITHIN THE PROJECT SHALL BE MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION. THE LANDSCAPE SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.

MINIMUM TREE SEPARATION DISTANCE:

TRAFFIC SIGNAL STOP SIGN	30 FEET
USE/GROUND UTILITY LINES	5 FEET
ABOVE GROUND UTILITY STRUCTURES	10 FEET
DRIVEWAYS	10 FEET
INTERSECTIONS	25 FEET
BARBERS	10 FEET

NOTES:

1. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE COUNTY OF SAN DIEGO LANDSCAPE REGULATORY ORDINANCE AND ALL REGIONAL STANDARDS FOR LANDSCAPE INSTALLATION AND MAINTENANCE.
2. NO IMPROVEMENTS INCLUDING ENHANCED PAVING, IRRIGATION AND LANDSCAPING SHALL BE INSTALLED IN OR OVER ANY PUBLIC EASEMENT PRIOR TO THE APPLICANT OBTAINING AN ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT.
3. PERMANENT MONUMENT SIGNAGE MAY BE PROPOSED BY THE DEVELOPER.
4. MINIMUM 24-INCH BOX SIZE STREET TREES SHALL BE INSTALLED ADJACENT TO THE PUBLIC RIGHT-OF-WAY. TREE PLANTING AREAS SHALL HAVE A MINIMUM 40 SQUARE FEET OF AREAS UNLESS OTHERWISE INDICATED.
5. INSTALL ALL APPROVED LANDSCAPE AND OBTAIN ALL REQUIRED LANDSCAPE INSPECTION FORMS. COPIES OF THESE APPROVED DOCUMENTS MUST BE SUBMITTED TO THE COUNTY.
6. IMPROVEMENTS SUCH AS DRAINWAYS, UTILITIES, DRAINS, AND WATERSEWER LATERALS SHALL BE DESIGNED SO AS NOT TO PROHIBIT THE PLACEMENT OF STREET TREES. ALL TO THE SATISFACTION OF THE COUNTY.
7. THE ROOF BARRIERS SHALL BE INSTALLED WHERE TREES ARE PLACED WITHIN FEET OF PUBLIC IMPROVEMENTS INCLUDING WALKS, CURBS, OR STREET PAVEMENT OR WHERE NEW PUBLIC IMPROVEMENTS ARE PLACED ADJACENT TO EXISTING TREES. ROOT BARRIERS WHICH WRAP AROUND THE ROOT BALL ARE NOT PERMITTED.
8. MULCH ALL REQUIRED PLANTING AREAS SHALL BE COVERED WITH MULCH TO A MINIMUM DEPTH OF 3 INCHES EXCLUDING SLOPES REQUIRING REVEGETATION AND AREAS PLANTED WITH GROUND COVER. ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHALL ALSO BE MULCHED TO THIS MINIMUM DEPTH.
9. NO TREES OR SHRUBS EXCEEDING THREE FEET IN HEIGHT AT MATURITY MAY BE LOCATED WITHIN TEN FEET OF ANY SEWER FACILITIES.
10. ALL REQUIRED STREET TREES ARE PLANTED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY ON PRIVATE PROPERTY. IF TREE PLANTING IS PROPOSED WITHIN THE PUBLIC RIGHT-OF-WAY, A COPY OF AN ENCROACHMENT MAINTENANCE & REMOVAL AGREEMENT WILL BE OBTAINED BY THE DEPARTMENT OF PUBLIC WORKS.
11. EROSION CONTROL PLANTING IS PROVIDED FOR ALL SLOPES OVER 3 FEET IN VERTICAL HEIGHT AND ADDITIONAL PLANTING (AS PER SECTION 11.4) OF THE GRADING ORDINANCE IS PROVIDED FOR SLOPES OVER 15 FEET IN VERTICAL HEIGHT.
12. ALL LANDSCAPE SHALL BE KEPT TO LESS THAN 24" IN VEHICULAR SIGHT VISIBILITY TRIANGLES.
13. LANDSCAPE PLANTING AS CONTAINER STOCK OR HYDROSEED SHALL BE PROVIDED TO THE EDGE OF PAVEMENTS OR SIDEWALKS AS NO BARRER SOIL WILL REMAIN.



I AM FAMILIAR WITH THE REQUIREMENTS FOR LANDSCAPE AND IRRIGATION PLANS CONTAINED IN THE COUNTY LANDSCAPE WATER CONSERVATION REGULATIONS, IN TITLE 8, DIVISION 6, CHAPTER 7. I HAVE PREPARED THIS PLAN IN COMPLIANCE WITH THOSE REGULATIONS. I CERTIFY THAT THE PLAN IMPLEMENTS THOSE REGULATIONS TO PROVIDE EFFICIENT USE OF WATER.

REFER TO SHEET 2 FOR PLANTING LEGEND, ROAD SECTIONS.

PROJECT DESIGN CONSULTANTS
 100 E. Street, Suite 200
 San Diego, CA 92101
 619.238.6471 fax 619.238.6488 fax

PROJECT DESIGN CONSULTANTS

EXPRES 07/31/17

TENTATIVE MAP

COUNTY OF SAN DIEGO TRACT OTAY 250 COUNTY OF SAN DIEGO, CALIFORNIA

REVISIONS

PHASE

PROJECT NO. 4100

REVIEWED BY BRCK

DRAWN BY JCR

DATE Jan 15, 2014

LANDSCAPE PLANS

SHEET TITLE

L-1

LANDSCAPE CONCEPT PLAN FOR: COUNTY OF SAN DIEGO TRACT No. _____ ENVIRONMENTAL LOG NO. 98-19-013B OTAY 250 - TENTATIVE MAP

PLANTING FOR PUBLIC STREETS PROPERTY OWNERS ASSOCIATION MAINTAINED (PERMANENTLY IRRIGATED)

THE TREE RIGHT OF WAY AND RECREATIONAL AREAS ARE TO BE PLANTED WITH A MIX OF EVERGREEN AND SEASONALLY CHANGING SHADE TREES. ACCENT TREES ARE LOCATED AT INTERSECTIONS AND RECREATIONAL AREAS WITH CALIFORNIA SHRUBS PROVIDING INTEREST AT A PROPORTIONATE SCALE. TRANSITION EDGES TO OPEN SPACE SHOULD HAVE DROUGHT TOLERANT, AND ORNAMENTAL MATERIALS OF TREES, SHRUBS, AND NATURALIZED DROUGHT TOLERANT GRASSES - MAINTAINED BY PROPERTY OWNERS ASSOCIATION. TREE ROOT BARRIERS SHALL BE PROVIDED FOR STREET TREES IN PARKWAYS. TREE ROOT BARRIERS SHALL EXTEND A MINIMUM OF 5' TO EITHER SIDE OF THE CENTER OF THE TRUCK ALONG SIDEWALKS AND/OR CURBS.

PLANT MATERIAL	MATURE HEIGHT & SPREAD	QTY.
TREES		
EVERGREEN ROUND HEAD SHADE TREE - 10% 24" BOX OR LARGER		2,295
(1) ARBUTUS MARINA	MARINA STRAWBERRY	35x 25'
(2) PIPERIS PUMPIPUREUS	CARROTWOOD	30x 15'
(3) ERIGONIA DEFLATA	BROWN LOCUST	20x 20'
(4) GELERA PARVIFLORA	ALSTRAUN WILLOW	30x 25'
(5) PODOCARPUS GRANULOSUS	FERN PINE	50x 20'
(6) RHUS LANCEA	AFRICAN LISIAC	30x 25'
(7) TRESTIANA COARCTATA	BRISBANE BOX	25x 25'
(8) QUERCUS AGRIFFOLIA	COAST LIVE OAK	50x 40'
STREET TREES (DECIDUOUS ROUND HEAD SHADE TREE - 10% 24" BOX OR LARGER)		
(1) ARBUTUS MARINA	MARINA STRAWBERRY	35x 25'
(2) PIPERIS PUMPIPUREUS	CARROTWOOD	30x 15'
(3) ERIGONIA DEFLATA	BROWN LOCUST	20x 20'
(4) GELERA PARVIFLORA	ALSTRAUN WILLOW	30x 25'
(5) PODOCARPUS GRANULOSUS	FERN PINE	50x 20'
(6) RHUS LANCEA	AFRICAN LISIAC	30x 25'
(7) TRESTIANA COARCTATA	BRISBANE BOX	25x 25'
(8) QUERCUS AGRIFFOLIA	COAST LIVE OAK	50x 40'
UPRIGHT VERTICAL ACCENT TREES - 10% 24" BOX		
(1) BRACHYCHITON AZERIFOLIUS	FLAME TREE	40 x 5'
(2) WINDYBROOKFLUM	SWEET SIKADEE	25 x 25'
(3) LIGULSTRUM STRACAPILUM	ROUND-LEAVED SWEETGUM	45 x 25'
(4) TOTTENHAM		
(5) PINUS CANARIENSIS	CANARY ISLAND PINE	70 x 20'
(6) PHOENIX CAENARIENSIS	CANARY ISLAND DATE PALM	50 x 20'
REGISTRATION SCALE ACCENT TREE - 10% 24" BOX		
(1) AGONIS FLUORIDA	PERFUMED WILLOW	20 x 15'
(2) ARBUTUS UNDO	STRAWBERRY TREE	25 x 15'
(3) CERDUS OCCIDENTALIS	WESTERN REDBUD	12 x 35'
(4) CLEA EUROPAEA SWAINSONII	SWINE CLOVER	25 x 15'
(5) PITTOSPORUM PHYLLOCAEDOS	DESERT WILLOW PITTOSPORUM	30 x 15'
(6) PINUS CALLEYANA	FLOWERING PEAR	20 x 15'
(7) RHAPHIDOLEPIS MAJESTIC BEAUTY	MAJESTIC BEAUTY INDIAN HAWTHORN	20 x 15'
(8) TABERNAEMONTANA	TABERNAEMONTANA	25 x 15'
LARGE SCALE PINK TREE - 10% 24" BOX		
(1) RHAPHIDOLEPIS MAJESTIC BEAUTY	MAJESTIC BEAUTY	20 x 15'
(2) PITTOSPORUM PHYLLOCAEDOS	DESERT WILLOW PITTOSPORUM	30 x 15'
(3) ARBUTUS UNDO	STRAWBERRY TREE	25 x 15'
SOCAE EXCEPTION TREE LIST - 10% 24" BOX		
(1) SHAMEL ASH	SHAMEL ASH	35 x 10'
(2) CHINESE FLAME TREE	CHINESE FLAME TREE	30 x 30'
(3) CHINESE RESTORATION	CHINESE RESTORATION	30 x 30'
(4) TRIPLANA TRU	TRIPLANA TRU	30 x 20'
(5) LEMUS PARVIFLORA	CHINESE EVERGREEN ELM	50 x 10'
(6) PLATANUS SACEDOSA	CALIFORNIA SYCAMORE	70 x 30'
NOTE: (1) GATEWAY STREET TREE PER SPECIFIC PLAN (2) GATEWAY SETBACK TREE PER SPECIFIC PLAN		

PLANT MATERIAL	MATURE HEIGHT & SPREAD	QTY.
SHRUBS		
LARGE (MEDIUM EVERGREEN SHRUB) - 10% 1 GALLON, 20% 5 GALLON, 70% 5 G.		
(1) CISTUS PURPUREUS	DECHD ROCKROSE	3 x 3
(2) DIETES VEALIA	FORTNIGHT LILY	2 x 3
(3) PHOENIX CAENARIENSIS	FERN PINE	3 x 3
(4) LIGULSTRUM STRACAPILUM	FLAX	5 x 4
(5) XYLISMA COARCTATA	SHINERY XYLISMA	6 x 6
(6) WESTRINGIA FRUTICOSA	COAST ROSEMARY	4 x 4
SMALL (MEDIUM EVERGREEN SHRUB) - 10% 1 GALLON, 20% 5 GALLON, 70% 5 G.		
(1) ABELIA GRANDIFLORA	GLOSSY ABELIA	4 x 4
(2) GEOMORPHIS	WILD LILAC	3 x 3
(3) HEMICALLIS HYBRIDA	DAILEY	1.5 x 1.5
(4) LUCOPHYLLUM FRUTICOSUM	TEXAS RANGER	3 x 3
(5) RHAPHIDOLEPIS MAJESTIC BEAUTY	BALLERINA INDIAN HAWTHORN	2 x 2
(6) VIGUERA LACINATA	SAN DIEGO SUNFLOWER	4 x 4
GROUNDCOVERS - 5% 1 GALLON, 20% 5 GALLON, 75% 5 G.		
(1) BACCHARIS PULCHRA	TWIN PEAKS BACCHARIS	3 x 1
(2) CANOTIA SP.	SPRINGING LILAC	1.5 x 1
(3) COTONASTER SP.	COTONASTER	2 x 3
(4) ERIGONIA DEFLATA	CALIFORNIA POPPY	3 x 3
(5) GREVILLEA SP.	GRIVILLEA	2 x 1
(6) HAZYRA SCARROSA	YELLOW SCARLET COVER	2 x 2
(7) LANTANA MONTEVIDENSIS	LANTANA	2 x 2
(8) LOTUS SCOPARIUS	DEERWEED	2 x 2
(9) NEMOPHILA MENZESII	BABY BLUE EYES	1.5 x 1.5
PUBLIC RIGHT OF WAY GROUNDCOVERS - 10% 1 GALLON, 70% 5 G.		
(1) LILAC	LILAC	3 x 3
(2) CISTUS PURPUREUS	ROCK ROSE	2.5 x 2.5
(3) LANTANA MONTEVIDENSIS	LANTANA	2 x 2
(4) RHAPHIDOLEPIS MAJESTIC BEAUTY	INDIAN HAWTHORN	5 x 5
(5) VIGUERA LACINATA	SAN DIEGO SUNFLOWER	4 x 4

PLANT MATERIAL	MATURE HEIGHT & SPREAD	QTY.
GRASSES		
NOTE: GRASSES & WILD FLOWERS (SEEDS) UNMANICURED GRASSES PERMANENTLY IRRIGATED TO BE WITHIN THERSH OF WAY, WITHIN OPEN SPACE AREAS		
(1) BROMUS CARINATUS	WILD FLOWERS (SEEDS)	
(2) ERIGONIA DEFLATA	CLARIA AMENSA	
(3) HORDEUM BRACHYANTHERUM	COLLINSIA HETEROPHYLLA	
(4) LATHRAEA CHRYSOSTOMA	LATHRAEA CHRYSOSTOMA	
(5) LUPINUS BICOLOR	UNKUNTA'S GRASS (ORNS)	
(6) LUPINUS NIPUS	LUPINUS NIPUS	
(7) NEMOPHILA MENZESII	ORCHIDOPHYLLUS PURPASCENS	
(8) SYRINCH JAMBELLUM	PHACELIA CALIFORNICA	
(9) NASSELLA PULCHRA		

INTERIOR SLOPES - PRIVATELY MAINTAINED (PERMANENT IRRIGATION)

THE INTERIOR SLOPE AREAS ARE TO BE PLANTED WITH COLORFUL CONTAINER MATERIAL WITH DEEP ROOTING CHARACTERISTICS IN CONFORMANCE WITH THE GRADING ORDINANCE. DROUGHT TOLERANT NATIVE AND NATURALIZED SPECIES ARE USED PLANTED IN AN INFORMAL PATTERN. SEASONAL MAINTENANCE BY OWNER ONCE ESTABLISHED.

PLANT MATERIAL	MATURE HEIGHT & SPREAD	QTY.
SLPTE TREES		
SMALL TREES (LARGE SHRUB) - 5% 1 GALLON, 20% 5 GALLON, 75% 5 G.		
(1) ARBUTUS MARINA	MARINA STRAWBERRY COAST	
(2) QUERCUS AGRIFFOLIA	LIVE OAK	10' x 30'
(3) PITTOSPORUM ANGUSTIFOLIUM	WESTERN PITTOSPORUM	10' x 50'
(4) PLATANUS SACEDOSA	CALIFORNIA SYCAMORE BLUE	20' x 15'
(5) MEXICANA	ELDERBERRY	10' x 40'
SHRUBS - GROUNDCOVERS		
(1) SMALL TREES (LARGE SHRUB) - 5% 1 GALLON, 20% 5 GALLON, 75% 5 G.		
(2) ARBUTUS UNDO	STRAWBERRY TREE	10' x 15'
(3) ERIGONIA DEFLATA	WESTERN REDBUD	10' x 15'
(4) COMAROSAPHYLUS DIVERSIFOLIA	SUMMER LEAF HOLLY	10' x 15'
(5) ERIGONIA DEFLATA	LOMIST	10' x 15'
(6) FLUJIA SELDOWIANA	QUINA	10' x 15'
(7) HETEROMELIS ARBUTIFOLIA	TOYON	10' x 15'
(8) LACRISTARIA INDICA	COARSE IVYLEAF	10' x 15'
(9) LYCOPHYLLUM FLORIBUNDUM	SANTA CRUZ IRONWOOD	10' x 15'
(10) ERIGONIA DEFLATA	CATLINA CHERRY	10' x 15'
(11) RHAMNUS CALIFORNICA	COFFEEBERRY	10' x 15'
(12) RHUS LANCEA	AFRICAN SUMAC	15' x 20'
(13) TECOMARIA COFFENSIS	CAPE HONDERWHEAT	10' x 15'
LARGE (MEDIUM SHRUBS) - 1 GALLON, 20% 5 GALLON, 75% 5 G.		
(1) ADONIS CALIFORNICA	SPINE SHRUB	
(2) ELAEOAGNUS PUNGENS	OLIVEBERRY	
(3) RHUS INTERMEDIA	LEMONADE BERRY	2 x 1.5'
(4) RHUS VILBURNIFOLIA	EVERGREEN CURRANT	2 x 1.5'
(5) RHUS SPECIOSA	FUCHSIA FLOWERING GOOSEBERRY	15' x 1'
(6) CISTUS PURPUREUS	ORCHID ROCKROSE	2 x 1'
(7) DIETES VEALIA	FORTNIGHT LILY	2 x 1'
(8) PHOENIX CAENARIENSIS	FLAX	2 x 1'
(9) LIGULSTRUM STRACAPILUM	PRIVET	2 x 1.5'
(10) ROMANIA GULTRUM	MANTILLA POPPY	2 x 1'
(11) VIGUERA LACINATA	SAN DIEGO SUNFLOWER	2 x 1'
SMALL (MEDIUM SHRUBS) - 1 GALLON, 20% 5 GALLON, 75% 5 G.		
(1) ALOE SP.	ALOES	2 x 1'
(2) ABELIA GRANDIFLORA	GLOSSY ABELIA	2 x 1'
(3) AGAVE SP.	AGAVE	2 x 1'
(4) GEOMORPHIS	WILD LILAC	2 x 1'
(5) CANTHUS SP.	MEXICAN GRASS TREE	2 x 1'
(6) DAULYRION LONGISSIMUM	DAVIL	2 x 1'
(7) HEMICALLIS HYBRIDA	TEXAS RANGER	10' x 15'
(8) LUCOPHYLLUM FRUTICOSUM	BALLERINA INDIAN HAWTHORN	15' x 1.5'
(9) RHAPHIDOLEPIS MAJESTIC BEAUTY	COAST SUNFLOWER	2 x 2'
(10) ENCLIA CALIFORNICA	DEERWEED	2 x 2'
(11) LOTUS SCOPARIUS	DEERWEED	20' x 20'
GROUND COVERERS - 75% 1 GALLON, 20% 5 GALLON, 5% 5 G.		
(1) BACCHARIS PULCHRA	TWIN PEAKS BACCHARIS	3 x 1
(2) CANOTIA SP.	SPRINGING LILAC	1.5 x 1
(3) COTONASTER SP.	COTONASTER	2 x 3
(4) ERIGONIA DEFLATA	CALIFORNIA POPPY	3 x 3
(5) GREVILLEA SP.	GRIVILLEA	2 x 1
(6) HAZYRA SCARROSA	YELLOW SCARLET COVER	2 x 2
(7) LANTANA MONTEVIDENSIS	LANTANA	2 x 2
(8) LOTUS SCOPARIUS	DEERWEED	2 x 2
(9) NEMOPHILA MENZESII	BABY BLUE EYES	1.5 x 1.5

DETENTION BASIN SLOPES (TEMPORARY IRRIGATION)

PLANT MATERIAL	COMMON NAME	FORM FUNCTION	MATURE HEIGHT & SPREAD
TREES - 20% 14" BOX, 75% 15 GALLON			
(1) LYONATHAMNUS FLORIBUNDUS	CATALINA IRONWOOD	EVERGREEN TREE, UPRIGHT FORM	20' HT. x 10' SP.
(2) PIPERIS PUMPIPUREUS	WESTERN REDBUD	DECIDUOUS, MOTILED WHITE BARK	20' HT. x 20' SP.
(3) PLATANUS SACEDOSA	CALIFORNIA SYCAMORE	DECIDUOUS, MOTILED WHITE BARK	20' HT. x 40' SP.
(4) SAMBUSCOUS MEXICANA	MEXICAN ELDERBERRY	DECIDUOUS SHRUB TO SMALL TREE, CHERRY FLOWERS	20' HT. x 20' SP.
SHRUBS - 75% 1 GALLON, 20% 5 GALLON			
(1) MALE FAT	MALE FAT	WIDE DECIDUOUS SHRUB, VEGETATION	4-10' HT. x 10' SP.
(2) SAN DIEGO SEDGE	SAN DIEGO SEDGE	CLIMBER, PERENNIAL, TENDRONS RESEMBLE CATTAILS	3-4' HT. x 3-5' SP.
(3) PERENNIAL	PERENNIAL	PERENNIAL, BROODING CONE, FAST GROWING	1-3' HT. x 1' SP.
(4) SPINY BUSH	SPINY BUSH	CLIMBER, PERENNIAL, SPICE DARK GREEN BUDS	2-7' HT. x 2' SP.
(5) MEXICAN RUSH	MEXICAN RUSH	ORCHID PERENNIAL, SLIM, DARK GREEN BUDS	2-4' HT. x 2' SP.
(6) CALIFORNIA WILD ROSE	CALIFORNIA WILD ROSE	CLIMBER, PERENNIAL, TENDRONS RESEMBLE CATTAILS	1-3' HT. x 1' SP.
(7) CALIFORNIA WILD ROSE	CALIFORNIA WILD ROSE	CLIMBER, PERENNIAL, TENDRONS RESEMBLE CATTAILS	1-3' HT. x 1' SP.
(8) CALIFORNIA WILD ROSE	CALIFORNIA WILD ROSE	CLIMBER, PERENNIAL, TENDRONS RESEMBLE CATTAILS	1-3' HT. x 1' SP.
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General Plan and Specific Plan Consistency Analysis

General Plan Vision and Guiding Principles		
Guiding Principle	Guiding Principle Text	Consistency Analysis
Guiding Principle-2	Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.	The Otay 250 project (Project) provides a mixture of residential, retail, personal service, and office/professional uses. The Project supports compact development, pedestrian activity, and greater connectivity between neighborhoods by providing a mix of uses including high density residential, commercial/retail, light industrial, and office/ business park development. The proposed development pattern and planned multi-modal facilities (including bicycle and pedestrian pathways) will allow residents to reduce their dependency on automobiles, engage in more physical activity, and enjoy a higher quality of life. The proposed development pattern will also help to support transit operations. In addition, this new mixed-use development is proposed in an area that has long been planned for a modern industrial/business park serving as a major employment center for southern San Diego County. Therefore, infrastructure and services are available or planned to support the Project. The introduction of housing to this area promotes public health and sustainability objectives by providing for a better jobs/housing balance, reducing long vehicular commutes, and facilitating pedestrian and bicycle circulation.
Guiding Principle-3	Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities.	The Project introduces mixed-use development, consisting of residential, retail, personal service, and office/professional uses that will serve as a catalyst for the employment center envisioned for East Otay Mesa. Employers are more likely to locate to the area if there are housing opportunities for the

General Plan and Specific Plan Consistency Analysis

General Plan Vision and Guiding Principles		
Guiding Principle	Guiding Principle Text	Consistency Analysis
		workforce close by. The Specific Plan Amendment essentially maintains or adapts the existing design guidelines to the mixed-use designations to ensure compatibility with other planned uses in the area. Future development will be required to submit site plan applications to ensure consistency with the design guidelines. Since the majority of the Specific Plan area is currently vacant, this project can help to establish new development in East Otay Mesa that supports pedestrian orientation, enhances livability, and promotes alternative modes of transportation.
Guiding Principle-6	Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation.	The Project provides a comprehensive, multimodal transportation network that builds upon the existing circulation system. Currently, San Diego Metropolitan Transit System (SDMTS) Bus Routes 905 and 905A provide service to the area. Route 905 provides express service generally along Otay Mesa Road/SR-905, between the Iris Avenue Transit Center and the Otay Mesa point of entry (POE). Route 905A generally runs along the same route, with additional local service within Otay Mesa. Existing bus stops are located at Piper Ranch Road and Otay Mesa Road, Sanyo Avenue and Otay Mesa Road, Niels Bohr Court and Heinrich Hertz Drive, Siempre Viva Road and Paseo De Las Americas, and Via De La Amistad and Paso Internacional. The Project will include the construction of a MTS Bus Stop for Bus Route 905 at the northeast corner of Otay Mesa Road and Harvest Road. In addition, the South Bay Rapid transit line will be running along SR-125, providing nearby rapid transit service to the

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General Plan Vision and Guiding Principles		
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		<p>proposed project; a Rapid station is planned at the Otay Mesa International Transit Center. The Project would improve roadways that traverse the project site, including: Sunroad Boulevard, Vann Centre Boulevard, Zinser Road, and Otay Mesa Boulevard. A comprehensive network of pedestrian trails and pathways as well as bikeways combined with a compact, mixed-use development pattern, will reduce the number and length of automobile trips, promote walking and biking, and increase access and safety for residents and employees. In addition, recreational trail connections will be provided linking the site to the nearby open space preserves.</p>
Guiding Principle-7	<p>Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change.</p>	<p>The Project is designed as a sustainable mixed-use development that will create a livable community that reduces vehicular trips (and associated greenhouse gas emissions) by offering places to live, work, and shop within a compact area. The Project would provide opportunities for existing employees to relocate closer to work to reduce their commutes and vehicular trips. In addition, as indicated in the response to Guiding Principle 6, there are on-site and nearby transit opportunities and the project would be designed to accommodate a comprehensive network of pedestrian pathways and bikeways. Such amenities will also serve to reduce vehicular trips.</p>
Guiding Principle-8	<p>Preserve agriculture as an integral component of the region’s economy, character, and open space network.</p>	<p>There are no existing agricultural operations on the site. Additionally, the property is planned for development in accordance with the approved East Otay Mesa Specific Plan.</p>

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General Plan Land Use Element		
Policy Number	Policy Text	Consistency Analysis
Goal LU-2	Maintenance of the County's Rural Character. Conservation and enhancement of the unincorporated County's varied communities, rural setting, and character.	
Policy LU-2.1	Community Plans. Maintain updated Community Plans, as part of the General Plan to guide development to reflect the character and vision for each individual unincorporated community, consistent with the General Plan.	A amendment to the Otay Subregional Plan has been included with this application to bring the Plan into alignment with the Village designation outlined in the County's General Plan. With the adoption of the 2011 General Plan, the County of San Diego has committed to a sustainable growth model that facilitates efficient development near infrastructure and services, while respecting sensitive natural resources and protecting existing community character. This model recognizes that mixed-use development, consisting of residential, retail, and office/professional uses, is an important component of creating livable communities. Currently, the East Otay Mesa Specific Plan does not accommodate residential uses (other than scattered rural residential uses along the outskirts of the plan). This means that when the future employment center is developed, employees may need to commute to East Otay Mesa from other areas, creating a development pattern that may not be consistent with the County's current sustainable growth goals and policies. The amendment to the Subarea Plan clarifies that a mix of residential, commercial, and office development is permitted in addition to the planned industrial center.
Policy LU-2.3	Development Densities and Lot Sizes. Assign densities and minimum lot sizes in a manner that is compatible with the character of each unincorporated community.	The Project complies with the development regulations outlined in the East Otay Mesa Specific Plan and Brown Field ALUCP. The East Otay Mesa Specific Plan is located within a Village Regional Category; therefore, village residential

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General Plan Vision and Guiding Principles		
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		densities are appropriate. Buildings will be appropriately sited on lots sized to complement the land use, intensity, and scale of the proposed development. Future site plan approval will be required to ensure consistency with the Specific Plan design guidelines.
Policy LU-2.4	Relationship of Land Uses to Community Character. Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles.	The Project takes into consideration the constraints on the property. An approximately 50 acre open space easement is being maintained in the northeastern portion of the site to preserve biological resources and a vernal pool in Planning Area C will be preserved. Additionally, a “C” designator has been applied to the property to ensure that future site plans are reviewed for consistency with the Brown Field ALUCP. The Project introduces a Mixed-Use Village Core that allows for a variety of residential uses to support the character and development objectives of the planned industrial and commercial development. The proposed development is complementary to the goals and policies of both the Otay Mesa Specific Plan and the Otay Subregional Plan because it introduces uses that will serve as a catalyst to facilitate development of East Otay Mesa as a major employment center. The Subarea Plan advocates for monitoring development of the Otay Mesa area and making changes in policies, plans, and regulations as necessary to maintain its development feasibility and market competitiveness. Additional housing will provide opportunities for existing employees to relocate closer to work and

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		reduce their commutes. Each new home creates demand for additional employment opportunities, shopping, services, dining establishments, and recreational amenities. There is a direct economic impact to a local area when new houses are added. In addition, residential uses are expected to diversify the employment base by attracting other types of industries, including biotech, information technology, and other high tech businesses.
Goal LU-3	Diversity of Residential Neighborhoods. A land use plan that accommodates a range of building and neighborhood types suitable for a variety of lifestyles, ages, affordability levels, and design options.	
Policy LU-3.1	Diversity of Residential Designations and Building Types. Maintain a mixture of residential land use designations and development regulations that accommodate various building types and styles.	The Project allows for a variety of attached and detached housing types and residential land uses to support and complement the planned industrial and commercial development. The Specific Plan Amendment will also permit various lot sizes and development densities.
Policy LU-3.2	Mix of Housing Units in Large Projects. Require new large residential developments (generally greater than 200 dwelling units) to integrate a range of housing types and lot and building sizes.	The Specific Plan Amendment will allow for a range of single family and multi-family housing types that will support the international industrial and business district in East Otay Mesa.
Policy LU-3.3	Complete Neighborhoods. Require new development sufficiently large to establish a complete neighborhood (typically more than 1,000 dwelling units) to include a neighborhood center within easy walking distance of surrounding residences.	The Project is intended to function as the Village Core of the East Otay Mesa Specific Plan. The Specific Plan Amendment will provide for a variety of housing opportunities that are currently unavailable in East Otay Mesa. Both vertical and horizontal mixed-use will be permitted, that will ultimately result in the placement of residential development and a mix of retail, personal service, and office/professional uses within close proximity to another. Future residents will

General Plan and Specific Plan Consistency Analysis

General Plan Vision and Guiding Principles		
Guiding Principle	Guiding Principle Text	Consistency Analysis
		be able to easily travel to everyday shopping and services as well as employment areas through a variety of multi-modal transportation options, including walking and bicycling.
Goal LU-4	Inter-jurisdictional Coordination. Coordination with the plans and activities of other agencies and tribal governments that relate to issues such as land use, community character, transportation, energy, other infrastructure, public safety, and resource conservation and management in the unincorporated County and the region.	
Policy LU-4.2	Review of Impacts of Projects in Adjoining Jurisdictions. Review, comment, and coordinate when appropriate on plans, projects, and proposals of overlapping or neighboring agencies to ensure compatibility with the County’s General Plan, and that adjacent communities are not adversely impacted.	A review of the planned land uses surrounding the site, such as the City of San Diego’s Otay Mesa Community Plan, have been conducted to ensure compatibility. This analysis is summarized in the Planning Analysis (under separate cover). Additionally, the Project has been analyzed to ensure that adjacent communities are not adversely impacted. The Project’s traffic analysis identifies direct and cumulative impacts at the following intersections within the City of San Diego: Otay Mesa Road & La Media Road (direct and cumulative); Airway Road & Sanyo Avenue (cumulative); and Siempre Viva Road & Paseo de las Americas (cumulative). Fair share payments towards the recommended improvements would reduce these impacts to less than significant; however, because the County has no authority to ensure that payments made to the City of San Diego will be utilized for these improvements, the impacts must be considered significant under the California Environmental Quality Act (CEQA). It should also be noted that other projects are also required to mitigate these same impacts and; therefore, it is possible that the required improvements

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		will be in place prior to development of the Project.
Policy LU-4.7	Airport Land Use Compatibility Plans (ALUCP). Coordinate with the Airport Land Use Commission (ALUC) and support review of Airport Land Use Compatibility Plans (ALUCP) for development within Airport Influence Areas.	The Project will comply with all requirements set forth in the Brown Field ALUCP. Airport safety and noise contour zones have been mapped over the Specific Plan Amendment area. A very small portion of the site falls within Zone 2 and, per the compatibility guidelines, residential uses will not be permitted in that area. The portion of the site within Zone 4 will be limited to a maximum of 20 dwelling units per acre consistent with the ALUCP. "D" and "C" Designators have been placed upon the tentative map to ensure that future site plans will be required to comply with the Otay Mesa Specific Plan and the Brown Field ALUCP.
Goal LU-5	Climate Change and Land Use. A land use plan and associated development techniques and patterns that reduce emissions of local greenhouse gases in accordance with state initiatives, while promoting public health.	
Policy LU-5.1	Reduction of Vehicle Trips within Communities. Incorporate a mixture of uses within Villages and Rural Villages and plan residential densities at a level that support multi-modal transportation, including walking, bicycling, and the use of public transit, when appropriate.	The Project has been designed to provide a mixture of residential, retail, personal service, and office/professional uses. Additional housing will provide opportunities for existing employees to relocate closer to work and reduce their commutes. Employers are also more likely to be attracted to the area if there is housing for employees close by. The addition of residential uses is expected to diversify the employment base by attracting other types of industries, including biotech, information technology, and other high tech businesses. Higher residential densities appropriate for a village core are proposed to support a variety of multi-modal transportation

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		options and reduce overall dependency on automobiles. The residential uses will help to support public transit services and the compact development pattern, which includes pedestrian and bicycle infrastructure, will encourage walking and bicycling. The site has an on-site transit stop and is a logical location to direct additional residential and mixed-use development. Currently, San Diego Metropolitan Transit System (SDMTS) Bus Routes 905 and 905A provide service to the area. Route 905 provides express service generally along Otay Mesa Road/SR-905, between the Iris Avenue Transit Center and the Otay Mesa POE. Route 905A generally runs along the same route, with additional local service within Otay Mesa. Existing bus stops are located at Piper Ranch Road and Otay Mesa Road, Sanyo Avenue and Otay Mesa Road, Niels Bohr Court and Heinrich Hertz Drive, Siempre Viva Road and Paseo De Las Americas, and Via De La Amistad and Paso Internacional. In addition, the South Bay Rapid transit line will be running along SR-125, providing nearby rapid transit service to the proposed project; a Rapid station is planned at the Otay Mesa International Transit Center.
Policy LU-5.2	Sustainable Planning and Design. Incorporate into new development sustainable planning and design.	The Project will offer mixed-use development, consisting of residential, retail, personal service, and office/professional uses, which will be designed in accordance with sustainable planning practices, such as compact development, pedestrian orientation, a variety of housing types, and efficient/green building design and low

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		<p>impact development techniques. The Project would create a livable community that would reduce vehicular trips (and associated greenhouse gas emissions) by offering places to live, work, and shop within a compact area. In addition, sustainable planning and building design guidelines for development within the mixed use designations have been incorporated into the Specific Plan Amendment, such as passive solar heating and cooling techniques, the use of sustainable resources and recycled materials, the incorporation of native and drought tolerant landscaping with efficient irrigation systems, and the use of renewable energy sources, where feasible.</p>
Goal LU-6	Development-Environmental Balance. A built environment in balance with the natural environment, scarce resources, natural hazards, and the unique local character of individual communities.	
Policy LU-6.7	<p>Open Space Network. Require projects with open space to design contiguous open space areas that protect wildlife habitat and corridors; preserve scenic vistas and areas; and connect with existing or planned recreational opportunities.</p>	<p>The Project takes into consideration the constraints on the property. An existing gas line/electric easement has been incorporated into the plan as an open space corridor with a trail easement connecting to the open space preserve to the north. Approximately 50 acres are set aside as biological open space and no development will occur in this area other than a recreational trail that will also connect to the open space preserve to the north. An existing vernal pool will also be preserved through sensitive and compact design. Pedestrian trails and bike routes will enhance recreational opportunities by providing connectivity to designated County trails and adjacent open space areas.</p>

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Goal LU-9	Distinct Villages and Community Cores. Well-defined, well-planned, and well-developed community cores, such as Villages and Town Centers that contribute to a community's identity and character.	
Policy LU-9.5	Village Uses. Encourage development of distinct areas within communities offering residents places to live, work, and shop, and neighborhoods that integrate a mix of uses and housing types.	The Project will offer a diverse mix of uses. The Specific Plan Amendment provides an important opportunity to introduce single-family and multi-family housing types to the area that will be linked together by a network of pedestrian and bicycle pathways. Residents will be located within close proximity to commercial and employment centers, which will provide job, retail, and service opportunities. The network of trails and pathways will encourage residents to walk and bike throughout the community.
Policy LU-9.8	Village Connectivity and Compatibility with Adjoining Areas. Require new development within Villages to include road networks, pedestrian routes, and amenities that create or maintain connectivity; and site, building, and landscape design that is compatible with surrounding areas.	The Project includes road networks, pedestrian routes, and amenities that are compatible with surrounding areas. Site, building, and landscape design guidelines addressing the mixed-use designations have been incorporated into the Specific Plan Amendment. These guidelines have been developed to be compatible with the existing Specific Plan guidelines, and future site plan review will ensure that proposed development complies with the guidelines.
Goal LU-11	Commercial, Office, and Industrial Development. Commercial, office, and industrial development that is appropriately sited and designed to enhance the unique character of each unincorporated community and to minimize vehicle trip lengths.	
Policy LU-11.3	Pedestrian-Oriented Commercial Centers. Encourage the development of commercial centers in compact, walkable configurations in Village centers that locate parking in the rear or on the side of the parcel, use transparent storefronts with active retail street-fronting uses, minimize setbacks, and discourage "strip"	The Specific Plan Amendment contains design guidelines that encourage pedestrian-oriented development within the mixed-use designations. For example, off street parking is prohibited between the front of buildings and the street right-of-way, primary and ground floor building entrances are required to be emphasized

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	commercial development. “Strip” commercial development consists of automobile-oriented commercial development with the buildings set back from the street to accommodate parking between the building and street.	and oriented towards pedestrian sidewalks or plazas, and ground floor retail with transparent storefronts are encouraged.
Policy LU-11.6	Office Development. Locate new office development complexes within Village areas where services are available, in proximity to housing, and along primary vehicular arterials (ideally with transit access) with internal vehicular and pedestrian linkages that integrate the new development into the multi-modal transportation network where feasible.	Within the proposed mixed-use designations, office/professional uses are permitted within proximity to housing (perhaps even integrated into the same building as residential uses). Residents can easily commute to these areas by way of a variety of multi-modal transportation options including pedestrian and bicycle linkages.
Policy LU-11.7	Office Development Compatibility with Adjoining Uses. Require new office development, including office parks, to be compatible to the scale, design, site layout, and circulation patterns of adjacent existing or planned commercial and residential development.	New office development will be required to obtain site plan approval to confirm consistency with the Specific Plan design guidelines, which are intended to ensure compatibility of scale, design, and site layout. In addition, a comprehensive multi-modal circulation network has been developed to provide connections between the Mixed Use Village Core, which permits office uses, and adjacent planned light industrial, office, commercial, and residential development.
Policy LU-11.9	Development Density and Scale Transitions. Locate transitions of medium-intensity land uses or provide buffers between lower intensity uses, such as low-density residential districts and higher intensity development, such as commercial or industrial uses. Buffering may be accomplished through increased setbacks or other techniques such as grade differentials, walls, and/or landscaping but must be consistent with community design	. The Specific Plan Amendment would establish a Mixed-Use Village Core where the highest intensity land uses would be located. This area would include higher density residential uses, commercial/ retail, and office/professional uses. Residential uses will be buffered from more intense industrial uses by lower intensity business park uses, open space and roadways. Retail, office, and technology business park uses are planned within the remaining

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General Plan Vision and Guiding Principles		
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	standards.	areas of the East Otay Mesa Specific Plan. Landscaped berms, fencing, setbacks, and/or roads are encouraged to provide a visual buffer between heavier industrial uses and residential uses
Policy LU-11.10	Integrity of Medium and High Impact Industrial Uses. Protect designated Medium and High Impact Industrial areas from encroachment of incompatible land uses, such as residences, schools, or other uses that are sensitive to industrial impacts. The intent of this policy is to retain the ability to utilize industrially designated locations by reducing future development conflicts.	The heavier industrial uses are generally located north and east of the intersection of Alta Road and Lone Star Road within the Specific Plan. The closest Heavy Industrial land use designation is approximately 4,000 feet from the eastern edge of the proposed Mixed-Use Village Core. The proposed amendment would not impact these areas. Residential uses are only proposed within the far northwest area of the Specific Plan and are surrounded by the lighter and cleaner technology business park designation.
Policy LU-11.11	Industrial Compatibility with Adjoining Uses. Require industrial land uses with outdoor activities or storage to provide a buffer from adjacent incompatible land uses.	Future site plan review would be required to ensure adequate buffers between potentially incompatible industrial uses and residential areas. Residential uses will be buffered from more intense industrial uses by lower intensity business park uses, open space, and roadways. The use of business park development also serves as a transitional use between the heavier industrial uses and residential uses.
Goal LU-12	Infrastructure and Services Supporting Development. Adequate and sustainable infrastructure, public facilities, and essential services that meet community needs and are provided concurrent with growth and development.	

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General Plan Vision and Guiding Principles		
Guiding Principle	Guiding Principle Text	Consistency Analysis
Policy LU-12.1	Concurrency of Infrastructure and Services with Development. Require the provision of infrastructure, facilities, and services needed by new development prior to that development, either directly or through fees. Where appropriate, the construction of infrastructure and facilities may be phased to coincide with project phasing.	The Project will connect to the utilities that currently exist within the roadways abutting the project site. Development impact fees would also be provided as needed for the provision of other infrastructure and service needs. The Project would be required to contribute funding to the planned fire and sheriff station and would be conditioned to meet the 5-minute travel time standard as set forth in the General Plan.
Goal LU-13	Adequate Water Quality, Supply, and Protection. A balanced and regionally integrated water management approach to ensure the long-term viability of San Diego County’s water quality and supply.	
Policy LU-13.1	Adequacy of Water Supply. Coordinate water infrastructure planning with land use planning to maintain an acceptable availability of a high quality sustainable water supply. Ensure that new development includes both indoor and outdoor water conservation measures to reduce demand.	A Project Facility Availability Form has been obtained from the Otay Water District, which indicates that services will be available. The Project will be required to incorporate water conservation measures – these will be established during site plan or building permit review.
Goal LU-17	Adequate Education. Quality schools that enhance our communities and mitigate for their impacts.	
Policy LU-17.1	Planning for Schools. Encourage school districts to consider the population distribution as shown on the Land Use Map when planning for new school facilities.	The project proponent has received Project Facility Availability forms from the San Ysidro Elementary and Sweetwater High school districts. School impact fees will be paid in accordance with state law.

General Plan Mobility Element		
Policy Number	Policy Text	Consistency Analysis
Goal M-11	Bicycle and Pedestrian Facilities. Bicycle and pedestrian networks and facilities that provide safe, efficient, and attractive mobility options as well as recreational opportunities for County residents.	

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General Plan Mobility Element		
Policy Number	Policy Text	Consistency Analysis
Policy M-11.4	Pedestrian and Bicycle Network Connectivity. Require development in Villages and Rural Villages to provide comprehensive internal pedestrian and bicycle networks that connect to existing or planned adjacent community and countywide networks.	The Specific Plan provides bicycle routes and pedestrian pathways throughout the development. These facilities enhance multi-modal connectivity between planning areas, existing and planned County trails, the Otay River Valley Regional Park, and adjacent open space areas.
Policy M-11.8	Coordination with the County Trails Program. Coordinate the proposed bicycle and pedestrian network and facilities with the Community Trails Master Plan’s proposed trails and pathways.	The Project is cohesively tied together by a comprehensive bicycle and pedestrian trail system that would provide connectivity to adjacent planning areas and the larger recreational trail system. The Project would be required to construct a 10’ DG pathway along the east side of Lone Star Road and a previously-dedicated recreational trail through the biological open space area in the northern portion of the site. In addition, the Project is proposing a north/south connection to an existing trail that leads to the Otay River Regional Park via a pathway along Harvest Road from Otay Mesa Road to Sunroad Boulevard that would continue as a trail through an SDG&E easement.

General Plan Conservation and Open Space Element		
Policy Number	Policy Text	Consistency Analysis
Goal COS-7	Protection and Preservation of Archaeological Resources. Protection and preservation of the County’s important archeological resources for their cultural importance to local communities, as well as their research and educational potential.	
Policy COS-7.1	Archaeological Protection. Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources.	The project will be required to comply with County standard development conditions that require the appropriate handling of disturbed archaeological resources.
Goal COS-10	Protection of Mineral Resources. The long-term production of mineral materials adequate to meet the local County average annual demand, while maintaining	

General Plan and Specific Plan Consistency Analysis

General Plan Conservation and Open Space Element		
Policy Number	Policy Text	Consistency Analysis
	permitted reserves equivalent to a 50-year supply, using operational techniques and site reclamation methods consistent with SMARA standards such that adverse effects on surrounding land uses, public health, and the environment are minimized.	
Policy COS-10.1	Siting of Development. Encourage the conservation (i.e., protection from incompatible land uses) of areas designated as having substantial potential for mineral extraction. Discourage development that would substantially preclude the future development of mining facilities in these areas. Design development or uses to minimize the potential conflict with existing or potential future mining facilities. For purposes of this policy, incompatible land uses are defined by SMARA Section 3675.	There are no mineral extraction opportunities on the site. The area has long been planned as a modern industrial and business center; therefore, extractive uses would not be appropriate for the site. Furthermore, the East Otay Mesa Specific Plan specifically prohibits mining and processing uses.
Policy COS-10.2	Protection of State-Classified or Designated Lands. Discourage development or the establishment of other incompatible land uses on or adjacent to areas classified or designated by the State of California as having important mineral resources (MRZ-2), as well as potential mineral lands identified by other government agencies. The potential for the extraction of substantial mineral resources from lands classified by the State of California as areas that contain mineral resources (MRZ-3) shall be considered by the County in making land use decisions.	The Project site is classified as MRZ-3. However, there are no mineral extraction opportunities on the site. The area has long been planned as a modern industrial and business center; therefore, extractive uses would not be appropriate for the site. Furthermore, the East Otay Mesa Specific Plan specifically prohibits mining and processing uses in this area.
Policy COS-10.3	Road Access. Prohibit development from restricting road access to existing mining facilities, areas classified MRZ-2 or MRZ-3 by the State Geologist, or areas identified in the County Zoning Ordinance for potential extractive use in	The project would not restrict access to any existing mining area, classified MRZ-2 or MRZ-3, or potential extractive use areas.

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General Plan Conservation and Open Space Element		
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	accordance with SMARA Section 2764a.	
Policy COS-10.4	Compatible Land Uses. Discourage the development of land uses that are not compatible with the retention of mining or recreational access to non-aggregate mineral deposits.	There are no existing mining facilities or mineral deposit attractions in the area.
Policy COS-10.9	Overlay Zones. Provide zoning overlays for MRZ-2 designated lands and a 1,300-foot-wide buffer area adjacent to such lands. Within these overlay zones, the potential effects of proposed land use actions on potential future extraction of mineral resources shall be considered by the decision- makers.	Mining and processing are specifically prohibited within the East Otay Mesa Specific Plan; however, other extractive uses are permitted with a Major Use Permit (MUP) within the mixed industrial and rural residential land use designations. The proposed Project is located a minimum of approximately 5,000 feet from these designations and would, therefore, be outside of the buffer zone.
Goal COS-14	Sustainable Land Development. Land use development techniques and patterns that reduce emissions of criteria pollutants and GHGs through minimized transportation and energy demands, while protecting public health and contributing to a more sustainable environment.	
Policy COS-14.1	Land Use Development Form. Require that development be located and designed to reduce vehicular trips (and associated air pollution) by utilizing compact regional and community-level development patterns while maintaining community character.	The Project introduces mixed-uses consisting of residential, retail, and office/professional uses that reduce vehicular trips (and associated air pollution) by reflecting a compact, pedestrian friendly environment. Pedestrian walkways and trails provide connections to destinations within the development and to adjacent neighborhoods as well as existing and planned recreational trail systems.
Policy COS-14.2	Villages and Rural Villages. Incorporate a mixture of uses within Villages and Rural Villages that encourage people to walk, bicycle, or use public transit to reduce air pollution and GHG emissions.	The area is envisioned to support a human-scaled, pedestrian oriented environment supported by pedestrian trails and bike routes. The mixed-use designations will offer commercial/retail, service, employment, dining, entertainment, and recreational uses. In addition, the Project provides multi-modal connections between

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		<p>planning areas, the Otay River Valley Regional Park, and adjacent open space areas. In addition, the site is close to public transit opportunities. Currently, San Diego Metropolitan Transit System (SDMTS) Bus Routes 905 and 905A provide service to the area. Route 905 provides express service generally along Otay Mesa Road/SR-905, between the Iris Avenue Transit Center and the Otay Mesa POE. Route 905A generally runs along the same route, with additional local service within Otay Mesa. Existing bus stops are located at Piper Ranch Road and Otay Mesa Road, Sanyo Avenue and Otay Mesa Road, Niels Bohr Court and Heinrich Hertz Drive, Siempre Viva Road and Paseo De Las Americas, and Via De La Amistad and Paso Internacional. The Project will include the construction for a bus stop for the Bus Route 905 at the northeast corner of Otay Mesa Road and Harvest Road. In addition, the South Bay Rapid transit line will be running along SR-125, providing nearby rapid transit service to the proposed project; a Rapid station is planned at the Otay Mesa International Transit Center.</p>
Policy COS-14.3	<p>Sustainable Development. Require design of residential subdivisions and nonresidential development through “green” and sustainable land development practices to conserve energy, water, open space, and natural resources.</p>	<p>“Green” and sustainable land development practices would be integrated into the development. Vegetated swales, detention basins, permeable pavement, “cool roofs,” drought tolerant and native landscaping, and open space corridors are a few of the low impact development techniques that may be explored. Sustainable planning and building design guidelines within mixed use designations are integrated in the Specific Plan Amendment.</p>

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Policy COS-14.4	Sustainable Technology and Projects. Require technologies and projects that contribute to the conservation of resources in a sustainable manner, that are compatible with community character, and that increase the self-sufficiency of individual communities, residents, and businesses.	Through guidelines in the Specific Plan Amendment, the Project encourages the use of sustainable technologies such as solar power, high efficiency (low energy/low water use) appliances and fixtures, highly efficient and effective irrigation systems that conserve water, etc.
Policy COS-14.5	Building Siting and Orientation in Subdivisions. Require that buildings be located and oriented in new subdivisions and multi-structure non-residential projects to maximize passive solar heating during cool seasons, minimize heat gains during hot periods, enhance natural ventilation, and promote the effective use of daylight.	Through guidelines in the Specific Plan Amendment, buildings will be designed and oriented to utilize passive solar heating and cooling opportunities, enhance natural ventilation, and effectively utilize daylight to minimize artificial lighting needs, where feasible.
Policy COS-14.6	Solar Access for Infill Development. Require that property setbacks and building massing of new construction located within existing developed areas maintain an envelope that maximizes solar access to the extent feasible.	The proposed Project is located in an area that is not heavily developed; therefore, solar access would not be affected. As the site develops in phases, future developments will be required to maintain the solar access of existing buildings, to the extent feasible. This design guideline has been included in the Specific Plan Amendment.
Policy COS-14.7	Alternative Energy Sources for Development Projects. Encourage development projects that use energy recovery, photovoltaic, and wind energy.	The Project will explore opportunities to utilize renewable energy sources, where feasible. Sustainable planning and building design guidelines have been incorporated into the Specific Plan Amendment to encourage the use of renewable energy sources.
Policy COS-14.8	Minimize Air Pollution. Minimize land use conflicts that expose people to significant amounts of air pollutants.	. The proposed residential uses would not create land use conflicts. The mixed-use development would be adequately separated (located more than 4,000 feet away) from the EOMSP heavy industrial land use designation and residential uses

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		would be additionally buffered from more intense industrial uses by lower intensity business park uses, open space, and roadways.
Policy COS-14.9	Significant Producers of Air Pollutants. Require projects that generate potentially significant levels of air pollutants and/or GHGs such as quarries, landfill operations, or large land development projects to incorporate renewable energy, and the best available control technologies and practices into the project design.	The proposed Project would not include any uses that generate potentially significant levels of air pollutants or GHGs. The use of renewable energy sources and other measures to reduce air pollutants are encouraged within the Specific Plan Amendment design guidelines.
Policy COS-14.10	Low-Emission Construction Vehicles and Equipment. Require County contractors and encourage other developers to use low-emission construction vehicles and equipment to improve air quality and reduce GHG emissions.	The use of low-emission construction vehicles and equipment is encouraged.
Policy COS-14.11	Native Vegetation. Require development to minimize the vegetation management of native vegetation while ensuring sufficient clearing is provided for fire control.	The Project would maintain the required brush management zones.
Policy COS-14.12	Heat Island Effect. Require that development be located and designed to minimize the “heat island” effect as appropriate to the location and density of development, incorporating such elements as cool roofs, cool pavements, and strategically placed shade trees.	The Specific Plan Amendment includes design guidelines that encourage features that minimize the “heat island” effect, such as the use of shade trees, cool pavements, and cool roofs.
Goal COS-15	Sustainable Architecture and Buildings. Building design and construction techniques that reduce emissions of criteria pollutants and GHGs, while protecting public health and contributing to a more sustainable environment.	
Policy COS-15.1	Design and Construction of New Buildings. Require that new buildings be designed and constructed in accordance	The Project will be required to comply with Title 24, which requires “green building” techniques. In addition the Specific Plan

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	with “green building” programs that incorporate techniques and materials that maximize energy efficiency, incorporate the use of sustainable resources and recycled materials, and reduce emissions of GHGs and toxic air contaminants.	Amendment includes sustainable planning and building design guidelines.
Policy COS-15.4	Title 24 Energy Standards. Require development to minimize energy impacts from new buildings in accordance with or exceeding Title 24 energy standards.	The Project will meet current Title 24 standards.
Policy COS-15.6	Design and Construction Methods. Require development design and construction methods to minimize impacts to air quality.	The Project will be required to comply with Title 24, which requires “green building” techniques that would minimize impacts to air quality. In addition, construction methods will need to comply with County requirements, as well as the Air Pollution Control District (APCD). Sustainable planning and building design guidelines are also included within the Specific Plan Amendment.
Goal COS-16	Sustainable Mobility. Transportation and mobility systems that contribute to environmental and human sustainability and minimize GHG and other air pollutant emissions.	
Policy COS-16.1	Alternative Transportation Modes. Work with SANDAG and local transportation agencies to expand opportunities for transit use. Support the development of alternative transportation modes, as provided by Mobility Element policies.	The introduction of residential uses to the area will help to support the expansion of transit services. Currently, Bus Routes 905 and 905A serve the Project site. Route 905 provides express service generally along Otay Mesa Road/SR-905, between the Iris Avenue Transit Center and the Otay Mesa Port of Entry (POE). Route 905A generally runs along the same route, with additional local service within Otay Mesa. Existing bus stops are located at Piper Ranch Road and Otay Mesa Road, Sanyo Avenue and Otay Mesa Road, Niels Bohr Court and Heinrich Hertz Drive, Siempre Viva Road and Paseo

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		De Las Americas, and Via De La Amistad and Paso Internacional. The Project will include the construction for a bus stop for the Bus Route 905 at the northeast corner of Otay Mesa Road and Harvest Road. In addition, the South Bay Rapid transit line will be running along SR-125, providing nearby rapid transit service to the proposed project; a Rapid station is planned at the Otay Mesa International Transit Center.
Policy COS-16.2	Single-Occupancy Vehicles. Support transportation management programs that reduce the use of single-occupancy vehicles.	The proposed Project, being a mixed-use development, by its nature would reduce single-occupancy vehicle use by providing opportunities for people to live within walking or bicycling distance of their jobs.
Policy COS-16.3	Low-Emissions Vehicles and Equipment. Require County operations and encourage private development to provide incentives (such as priority parking) for the use of low- and zero-emission vehicles and equipment to improve air quality and reduce GHG emissions.	The Project will explore options to provide priority parking for low-emissions vehicles. This is included in the sustainable planning and building design guidelines in the Specific Plan Amendment.
Policy COS-16.5	Transit-Center Development. Encourage compact development patterns along major transit routes.	. As discussed under Policy COS-16-1, the area is currently served by transit. The introduction of higher density residential uses to the area could provide an opportunity to expand these operations. The proposed Project would consist of compact, mixed-use development that would facilitate and encourage transit use.
Goal COS-21	Park and Recreational Facilities. Park and recreation facilities that enhance the quality of life and meet the diverse active and passive recreational needs of County residents and visitors, protect natural resources, and foster an awareness of local history, with approximately ten acres of local parks and 15 acres of regional parks provided for every 1,000 persons in the unincorporated County.	
Policy COS-21.1	Diversity of Users and Services. Provide parks and recreation facilities that create	If the site were to develop with the maximum number of units, a minimum of

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	opportunities for a broad range of recreational experiences to serve user interests.	27 acres of park land would be required per the Park Land Dedication Ordinance (PLDO). The master developer will be constructing an 8.6 acre park, which will serve up to 1,000 dwelling units. Once subsequent site plan applications result in a total of more than 1,000 units, each applicant will be required to satisfy the PLDO requirements of the individual project. Park locations, sizes, and amenities will be established during site plan review and will be located to provide connectivity among neighborhoods and offer diverse recreational opportunities.
Policy COS-21.2	Location of Parks. Locate new local parks and recreation facilities near other community-oriented public facilities such as schools, libraries, and recreation centers where feasible, so that they may function as the “heart” of a community.	Where possible, parks will be located near planned community-oriented public facilities to instill a sense of place and increase community interaction.
Policy COS-21.3	Park Design. Design parks that reflect community character and identity, incorporate local natural and cultural landscapes and features, and consider the surrounding land uses and urban form and cultural and historic resources.	Parks will be sited and sized to reflect the character and local landscape features of the community.
Policy COS-21.4	Regional Parks. Require new regional parks to allow for a broad range of recreational activities and preserve special or unique natural or cultural features when present.	No regional parks are proposed as part of this Project. However, planned pedestrian trails and bike routes will provide connectivity to the Otay River Valley Regional Park.
Policy COS-21.5	Connections to Trails and Networks. Connect public parks to trails and pathways and other pedestrian or bicycle networks where feasible to provide linkages and connectivity between recreational uses.	A well connected system of pedestrian trails and bike routes are planned throughout the site to enhance multi-modal connectivity between planning areas, designated County trails, the Otay River Valley Regional Park, and adjacent open space areas. If required, additional trail connections to planned parks will be

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		established during site plan review.
Goal COS-24	Park and Recreation Funding. Adequate funding for acquisition, development, maintenance, management, and operation of parks, recreation facilities, and preserves.	
Policy COS-24.1	Park and Recreation Contributions. Require development to provide fair-share contributions toward parks and recreation facilities and trails consistent with local, state, and federal law.	Fair share contributions to park and recreational facilities will be provided as appropriate. This may include the dedication of public parkland, establishment of private parks, and payment of fees. On-site parks will be identified during site plan review.
Policy COS-24.2	Funding Opportunities. Maximize funding opportunities for the following: <ul style="list-style-type: none"> • The acquisition, expansion, and development of parks, recreation facilities, preserves, and trails. • The operation, maintenance, and management of parks, recreation facilities, preserves, and trails. 	See Policy COS-24.1.

General Plan Housing Element		
Policy Number	Policy Text	Consistency Analysis
Goal H-1	Housing Development and Variety. A housing stock comprising a variety of housing and tenancy types at a range of prices, which meets the varied needs of existing and future unincorporated County residents, who represent a full spectrum of age, income, and other demographic characteristics.	
Policy H 1.3	Housing near Public Services. Maximize housing in areas served by transportation networks, within close proximity to job centers, and where public services and infrastructure are available.	The Specific Plan Amendment allows for a diverse mix of residential, retail, technology business park, and office/ professional uses. East Otay Mesa has long been envisioned as a major job center and introducing residential uses to the area will help to promote jobs/housing balance. The area is currently served by public transit and higher density residential uses will help to support those operations. Public services

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		and infrastructure are available in the area.
Goal H-2	Neighborhoods That Respect Local Character. Well-designed residential neighborhoods that respect unique local character and the natural environment while expanding opportunities for affordable housing.	
Policy H 2.2	Projects with Open Space Amenities in Villages. Require new multi-family projects in Villages to be well-designed and include amenities and common open space areas that enhance overall quality of life.	The Project would be designed to incorporate common usable open space and outdoor passive or recreational areas for multi-family residential development as required by the Specific Plan Amendment design guidelines. These areas, which will be established during site plan review, are intended to facilitate social interaction and establish a unique sense of place.

General Plan Safety Element		
Policy Number	Policy Text	Consistency Analysis
Goal S-1	Public Safety. Enhanced public safety and the protection of public and private property.	
Policy S-1.2	Public Facilities Location. Advise, and where appropriate require, new development to locate future public facilities, including new essential and sensitive facilities, with respect to the County’s hazardous areas and State law.	The Project would provide fair share funding for a new fire station which would be centrally located within the East Otay Mesa Specific Plan area. If public facilities are required within the proposed amendment area, they will be located consistent with County requirements and State law.
Goal S-3	Minimized Fire Hazards. Minimize injury, loss of life, and damage to property resulting from structural or wildland fire hazards.	
Policy S-3.3	Minimize Flammable Vegetation. Site and design development to minimize the likelihood of a wildfire spreading to structures by minimizing pockets or peninsulas, or islands of flammable vegetation within a development.	The proposed development is a Mixed-Use Village Core that would not contain any pockets or islands of flammable/native vegetation.

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General Plan Safety Element		
Policy Number	Policy Text	Consistency Analysis
Policy S-3.4	Service Availability. Plan for development where fire and emergency services are available or planned.	The Project has obtained a service availability form from the San Diego Rural Fire Protection District (RFPD) which indicates that the project is eligible for service. The Project would be required to contribute funding to the planned fire and sheriff station and would be conditioned to meet the 5-minute travel time standard as set forth in the General Plan. A new CFD is being prepared in coordination with the County to address fire and other public services.
Goal S-6	Adequate Fire and Medical Services. Adequate levels of fire and emergency medical services (EMS) in the unincorporated County.	
Policy S-6.3	Funding Fire Protection Services. Require development to contribute its fair share towards funding the provision of appropriate fire and emergency medical services as determined necessary to adequately serve the project.	The Project would be required to contribute funding to the planned fire and sheriff station and would be conditioned to meet the 5-minute travel time standard as set forth in the General Plan.
Policy S-6.4	Fire Protection Services for Development. Require that new development demonstrate that fire services can be provided that meets the minimum travel times identified in Table S-1 (Travel Time Standards from Closest Fire Station), which is 5 minutes for Village development.	The Project will be conditioned such that it will need to be eligible for fire service within the 5 minute travel time prior to permitting.
Policy S-6.5	Concurrency of Fire Protection Services. Ensure that fire protection staffing, facilities and equipment required to serve development are operating prior to, or in conjunction with, the development. Allow incremental growth to occur until a new facility can be supported by development.	The Project would be required to contribute funding to the planned fire and sheriff station and would be conditioned to meet the 5-minute travel time standard as set forth in the General Plan.
Goal S-12	Adequate Law Enforcement Facilities. Timely development of law enforcement facilities in locations that serve the unincorporated areas of the County.	

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General Plan Safety Element		
Policy Number	Policy Text	Consistency Analysis
Policy S-12.1	New Law Enforcement Facilities. Coordinate new law enforcement facilities and services with new development in ways that sustain the provision of comprehensive services at levels consistent with substantially similar areas of the County.	The Sheriff's department will be reviewing this Project as it moves through the process, and comments provided by the agency will be addressed.
Goal S-15	Airport Zone Hazards. Development within airport hazard zones that minimize the risk of personal injury to both flight occupants and people and property damage on the ground as well as protect airport operations from incompatible land uses.	
Policy S-15.1	Land Use Compatibility. Require land uses surrounding airports to be compatible with the operation of each airport.	The Project is compatible with the requirements set forth in the Brown Field ALUCP. Airport safety and noise contour zones have been mapped over the proposed Specific Plan Amendment area and the proposed land uses reflect the restrictions of these zones. Future site plans will comply with the requirements of the Brown Field ALUCP and the East Otay Mesa Specific Plan.
Policy S-15.3	Hazardous Obstructions within Airport Approach and Departure. Restrict development of potentially hazardous obstructions or other hazards to flight located within airport approach and departure areas or known flight patterns and discourage uses that may impact airport operations or do not meet Federal or State aviation standards.	The Specific Plan Amendment has been designed to be compatible with the requirements set forth in the Brown Field ALUCP. Airport safety and noise contour zones have been mapped over the Mixed Use Village Core area. A very small portion of the site falls within Zone 2 and residential uses will not be permitted in that area. Consistent with the plan, the portion of the site within Zone 4 will be limited to a maximum of 20 dwelling units per acre. The FAA will review the proposed height of structures to ensure that they do not pose a threat to air navigation.

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General Plan Noise Element		
Policy Number	Policy Text	Consistency Analysis
Goal N-1	Land Use Compatibility. A noise environment throughout the unincorporated County that is compatible with the land uses.	
Policy N-1.1	Noise Compatibility Guidelines. Use the Noise Compatibility Guidelines (Table N-1) and the Noise Standards (Table N-2) as a guide in determining the acceptability of exterior and interior noise for proposed land uses.	The Noise Compatibility Guidelines were used in preparation of the Project Acoustical Site Assessment Report.
Goal N-2	Protection of Noise Sensitive Uses. A noise environment that minimizes exposure of noise sensitive land uses to excessive, unsafe, or otherwise disruptive noise levels.	
Policy N-2.1	Development Impacts to Noise Sensitive Land Uses. Require an acoustical study to identify inappropriate noise level where development may directly result in any existing or future noise sensitive land uses being subject to noise levels equal to or greater than 60 CNEL and require mitigation for sensitive uses in compliance with the noise standards listed in Table N-2.	An Acoustical Site Assessment has been prepared.

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Otay Mesa Subregional Plan Public Services and Facilities		
Goal/Policy	Goal/Policy Text	Consistency Analysis
Goal A	<p>Provide a land use pattern sensitive to the opportunities and the constraints of the Subregion.</p> <p>Because</p> <ol style="list-style-type: none"> 1) the second international border crossing, the State Correctional Facility, and the increased industrial development immediately cross the Mexican Border have increased development pressures on the Subregion, in general, and on Otay Mesa in particular, and 2) Otay Mesa contains large, level, undeveloped and relatively inexpensive parcels of land, and is located near a large labor pool, moderately priced housing, and a general aviation airport, which makes it highly suitable for large scale industrial development, and 3) the anticipated development of Otay Mesa represents potentially significant economic benefits to the Subregion, and 4) the Subregion contains valuable agricultural land, which, although adversely affected by high water and labor costs, should be encouraged during the 	<p>The East Otay Mesa Specific Plan (EOMSP) area was originally envisioned as a major employment center in southern San Diego County. The objectives of the plan are to encourage regional technology manufacturing uses, provide adequate land area for light industrial uses, provide appropriate areas for heavy industrial uses, allow for commercial uses to serve employees and visitors, and preserve environmental resources. The plan was originally developed in 1994; however, limited development has occurred since that time. Most of the Specific Plan area remains vacant.</p> <p>The economy has changed since the original East Otay Mesa Specific Plan was adopted. New technologies have reduced the demand for industrial uses and distribution-oriented uses have been locating closer to railroads and other areas that minimize trucking expenses. Additionally, the industrial market in San Diego is over supplied. According to a Meyers Research market analysis, based on historical industrial absorption rates, it would take approximately 100 years to build out Otay Mesa’s industrial land. The San Diego business community also considers the Otay Mesa area to be a distribution-oriented location, so high tech businesses have established in other areas of the County.</p> <p>With the adoption of the 2011 General Plan, the County of San Diego has committed to a sustainable growth model that facilitates efficient development near infrastructure and services, while</p>

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	<p>extended build out period of Otay Mesa.</p> <p>It is the goal of the County of San Diego to work with the private sector in capitalizing on the unique development opportunities existing near the Mexican border while concurrently encouraging interim agricultural production as much as economically feasible.</p>	<p>respecting sensitive natural resources and protecting existing community character. This model recognizes that mixed-use development, consisting of residential, retail, and office/professional uses, is an important component of creating livable communities that reduce vehicular trips (and associated greenhouse gas emissions) by providing places to live, work, and shop within a compact area. Currently, the EOMSP does not accommodate residential uses (other than scattered rural residential uses along the outskirts of the plan). This means that when the future employment center is developed, employees may need to commute to East Otay Mesa from other areas, creating a development pattern that may not be consistent with the County’s current sustainable growth goals and policies.</p> <p>The Project proposes to amend the EOMSP to include a Mixed-Use Village Core that would contain a variety of housing, services, shopping, and office/professional uses. East Otay Mesa would benefit from the introduction of new households. Additional housing will provide opportunities for existing employees to relocate closer to work and reduce their commutes. Each new home creates demand for additional employment opportunities, shopping, services, dining establishments, and recreational amenities. In addition, residential uses are expected to diversify the employment base by attracting other types of industries, including biotech, information technology, and other high tech businesses.</p> <p>A minor amendment to the Otay Subregional Plan has been included with this application to bring the Plan into alignment with the Village designation outlined in the County’s General Plan and</p>
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General Plan and Specific Plan Consistency Analysis

		<p>clarify that mixed-use development consisting of residential, commercial, and office uses is permitted in addition to the planned industrial center.</p>
<p>Goal B</p>	<p>Provide adequate and equitable financed public services and facilities because</p> <ol style="list-style-type: none"> 1) most of the Subregion is presently undeveloped with only very limited services and facilities, and 2) the orderly and cost effective development of Otay Mesa requires that public services and facilities be provided in a planned manner involving cooperation and coordination on the part of all affected agencies with the private sector, and 3) local government cannot be expected to have the fiscal resources required to finance most needed services; property owners and developers will, therefore, be expected to bear these costs, and 4) the economic feasibility of Otay Mesa is largely dependent upon maintaining land costs, which will attract developers and investors in competition with other industrial areas along the International Border with Mexico. <p>It is the goal of the County of San Diego that public services and facilities be provided in a planned, orderly fashion and that they will be phased in response to evolving and changing market demands, as well as the service capacities of provider agencies, and financed through the equitable</p>	<p>The Project would provide the necessary public services and facilities consistent with County requirements and State laws. Service providers have completed Project Facility Availability forms verifying that they can accommodate the appropriate services. The delivery of adequate public services and facilities will be determined as part of the discretionary entitlement process.</p>

General Plan and Specific Plan Consistency Analysis

	<p>participation of all affected property owners and developers.</p>	
<p>Policy B-1</p>	<p>Formulate Public Facilities Program and Financing Plan because</p> <ul style="list-style-type: none"> A) a full range of facilities and services will be required for the orderly and cost-effective development of Otay Mesa, and B) the equitable financing of such facilities and services will directly influence the development feasibility and marketability of Otay Mesa, and C) there is a need to determine which agencies will be responsible for providing various facilities and services during the stages of development of the Otay Mesa, and D) the private sector will have primary responsibility for financing needed facilities and services, and appropriate studies should be undertaken to determine service and facilities requirements and costs, alternative methods of financing, and the most efficient manner in which affected agencies can provide such services and facilities. <p>The County will encourage and support public service and facility planning and programming for the Otay Mesa, and will work with all affected property owners and developers to assure equitable financing of such services and facilities.</p>	<p>The Project will be conditioned to provide financing mechanisms to address impacts and to ensure that adequate funding for public facilities and services will be available. A new CFD is being prepared in coordination with the County concurrently with this entitlement application to address fire and other public services. Service providers have completed Project Facility Availability forms verifying that they can provide the necessary services. The Project would be required to contribute funding to the planned fire and sheriff station and would be conditioned to meet the 5-minute travel time standard as set forth in the General Plan.</p>
<p>Policy B-2</p>	<p>Study and select long term sewage disposal methods because</p> <ul style="list-style-type: none"> A) Public sewers are practically non- 	<p>The Project has obtained a Project Facility Availability Form from the County Sanitation District for sewer service. The</p>

General Plan and Specific Plan Consistency Analysis

	<p>existent throughout the entire Subregion, and</p> <p>B) the Metropolitan Sewer System has limited capacity for the foreseeable future, pending the approval, funding, and construction of a major sewage treatment and disposal facility to serve the South Bay Area and possibly Tijuana, and</p> <p>C) interim wastewater treatment and disposal to serve the Otay Mesa may be considered; provided such a system satisfies project planning and environmental review requirements; provides for wastewater recycling and reuse; and does not disrupt orderly and cost effective development of the area.</p> <p>The County will encourage and support studies and planning that create the most comprehensive and reasonable sewage disposal system for the entire region, including the South Bay cities and the Tijuana area; and the County will encourage and support studies that lead to the efficient use of wastewater by onsite treatment and recycling.</p>	<p>sewer system has been studied and a sewer report is a component of the Specific Plan Amendment application.</p>
<p>Policy B-3</p>	<p>Resolve water demand and supply because</p> <p>A) high water costs have acted as a deterrent to future agricultural use, and</p> <p>B) high water costs may also affect proposed industrial development on Otay Mesa, and</p> <p>C) reclaimed water may supplement future supplies, and</p> <p>D) services are generally most efficient when provided by one single water agency.</p>	<p>A Project Facility Availability Form has been obtained from the Otay Water District, which indicates that services will be available. A water study will be submitted with the Specific Plan Amendment application and a future water supply assessment will be developed. Furthermore, the Project will be required to incorporate water conservation measures within the design, which will be determined during site plan and building permit review. The Specific Plan design guidelines encourage the use of high</p>

General Plan and Specific Plan Consistency Analysis

	<p>The County will encourage and support studies to determine ultimate water need, the most logical service provider, cooperation between agencies and the use of reclaimed water.</p>	<p>efficiency/low water use appliances and fixtures, native and drought tolerant landscaping, and efficient irrigation systems.</p>
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<p>Otay Mesa Subregional Plan Mobility</p>		
<p>Goal/Policy</p>	<p>Goal/Policy Text</p>	<p>Consistency Analysis</p>
<p>Goal C</p>	<p>Provide a Mobility network capable of handling subregional traffic because</p> <ol style="list-style-type: none"> 1) transportation facilities have an important effect on community character in terms of design, location, and environmental impacts, and 2) the Otay Mesa area, in particular, will at ultimate build out generate substantial traffic volumes, and 3) the second international border crossing also impacts the local and regional road and highway networks, and 4) the industrial character of expected development of the Otay Mesa will require rail freight access at some time in the future, and 5) there is an increasing need for public and non-motorized modes of travel. <p>It is the goal of the County of San Diego to plan for the orderly development of an ultimate highway, street and rail transportation network adequate to handle subregional traffic at acceptable service levels and capable of accommodating automobile and truck as</p>	<p>The Project is designed to provide roadways that support a balanced, comprehensive multi-modal transportation network. The Project would improve EOMSP roadways that traverse the project site, including: Sunroad Boulevard, Vann Centre Boulevard, Zinser Road, David Ridge Drive, and Otay Mesa Boulevard. The proposed uses within the Project allow for shorter routes between trip origin and destination by bringing housing closer to jobs and retail, personal service, and office/professional opportunities. Roadways are designed to accommodate vehicular and non-vehicular modes of transportation and a comprehensive network of multi-use trails, pathways, and bike routes has been developed.</p>

General Plan and Specific Plan Consistency Analysis

	<p>well as public and non-motorized modes of travel with the subregion.</p>	
<p>Policy C-1</p>	<p>Encourage route adoption and financing for State Route 11 and a new international border crossing</p> <ul style="list-style-type: none"> A) ultimate development of the Otay Mesa will require a major freeway to connect to the regional freeway system and transportation network, and B) State Route 11 and a new international border crossing are essential elements of the Mobility Network proposed on the Otay Mesa, in particular, and the Subregion, in general, and C) there is a need to provide assistance to and to work cooperatively with CALTRANS and the California Transportation Commission in the design of State Route 11 and a new international border crossing. <p>The County will encourage and participate in studies for State Route 11 and a new international border crossing to achieve their early inclusion in the state transportation improvement program.</p>	<p>State Route 11 is fully funded and currently under construction.</p>
<p>Policy C-3</p>	<p>Design local roads with the natural landscape because</p> <ul style="list-style-type: none"> A) the design and construction of roads have an important visual effect on the surrounding landscape, and may cause significant environmental impacts in areas of rugged terrain and/or sensitive soils. <p>The County will require that local roads be designed with emphasis on scenic</p>	<p>Roads will be designed and sited to blend with the existing contours and reduce overall grading to the extent possible. They will also be appropriately landscaped with street trees consistent with the landscaping standards within the East Otay Mesa Specific Plan.</p>

General Plan and Specific Plan Consistency Analysis

	beauty by following natural contours and avoiding inappropriate grading to the extent possible.	
Policy C-4	<p>Provide a bicycle and pedestrian network because</p> <p>A) non-motorized travel is an integral part of the Subregional Transportation System.</p> <p>The County will promote a bicycle network that services the subregion for safe cycling and also conforms to the overall regional network. Public pedestrian trails systems shall be encouraged throughout the subregion.</p>	<p>The Plan provides bicycle routes and pedestrian pathways throughout the development. These facilities enhance multi-modal connectivity between planning areas, existing and planned County trails, the Otay River Valley Regional Park, and adjacent open space areas. This will allow residents to select their transportation mode from a menu of choices and this will provide the opportunity to reduce their dependency on automobiles, engage in more physical activity, and enjoy a higher quality of life.</p>

Otay Mesa Subregional Plan Conservation		
Goal/Policy	Goal/Policy Text	Consistency Analysis
Goal D	<p>Protect environmental resources because</p> <ol style="list-style-type: none"> 1) the Subregion contains vernal pools, endangered plants, and wildlife habitats that are not suitable for urbanization, and 2) Resource Conservation Areas have been identified to help protect valuable environmental resources throughout the area. <p>It is the goal of the County of San Diego to protect the environmental resources designed as “resource conservation areas” in this subregional plan.</p>	<p>The Project takes into consideration the constraints on the property. Approximately 50 acres are set aside as biological open space and no development will occur in this area other than a previously dedicated recreational trail easement. An existing vernal pool preserve also occurs within the project site and will be preserved.</p>
Policy D-1	<p>Protect resource conservation areas because</p> <p>A) the U.S. Fish and Wildlife Service, the Army Corps of Engineers, and the California Department of Fish and Game have identified vernal</p>	<p>The proposed Mixed-Use Village Core is not located within a Resource Conservation Area. However, the Project has been designed to minimize impacts to sensitive biological resources. Approximately 50 acres are set aside as biological open space</p>

General Plan and Specific Plan Consistency Analysis

	<p>pools as critically sensitive habitats on Otay Mesa, and</p> <p>B) there are additional areas within the Subregion that contain endangered plants and golden eagle habitats.</p> <p>The County will protect the sensitive biological resources within the resource conservation areas identified in this subregional plan (see Appendix A).</p>	<p>and no development will occur in this area other than a previously dedicated recreational trail easement. An existing vernal pool preserve also occurs within the project site and will be preserved. The Project will be subject to CEQA review; this review will include updated technical studies and reports to ensure that sensitive biological resources will be protected.</p>
<p>Policy D-2</p>	<p>Develop adequate preservation methods because</p> <p>A) the County already has adopted a plan to protect the high priority vernal pools on Otay Mesa by "V" (Vernal Pool) and "P" (Planned Development) special area designation, and</p> <p>B) similar special area designations will be applied to the other RCAs, which will require CEQA review and Major Use Permits.</p> <p>The County will carefully review any proposed development in the RCAs through the environmental review process and major use permit process required by the "V" and "P" special area designations.</p>	<p>The Project takes into consideration the constraints on the property. Approximately 50 acres are set aside as biological open space and no development will occur in this area other than a previously dedicated recreational trail easement. An existing vernal pool preserve also occurs within the project site and will be preserved.</p>

General Plan and Specific Plan Consistency Analysis

Specific Plan Goals and Policies

<p>Goal 1: Promote a well-organized international industrial and business district in East Otay Mesa to attract and accommodate forecasted growth.</p>	<p>The project will attract many commercial/retail and industrial businesses to the area, by providing attractive shop fronts and business parks. In addition the development will provide dwelling units, the residents of which will become customers at commercial and retail uses and employees at industrial/office uses.</p>
<p>Goal 2: Promote the conservation of open space to preserve environmental resources and provide recreational opportunities for the industrial workforce and community residents.</p>	<p>The project will preserve 51.3 acres of open space in the northern portion of the project. In addition, PA B will include designated open space for the preservation of a vernal pool. Bicycle lanes will be provided on all public roads and trails will be provided within the 51.3 open space lot and along Harvest Road and Lone Star Road.</p>
<p>Policy LU-1: Accommodate the forecasted mixed industrial uses in East Otay Mesa.</p>	<p>The economy has changed since the original East Otay Mesa Specific Plan was adopted. New technologies have reduced the demand for industrial uses and distribution-oriented uses have been locating closer to railroads and other areas that minimize trucking expenses. Additionally, the industrial market in San Diego is over supplied. According to a Meyers Research market</p>

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	<p>analysis, based on historical industrial absorption rates, it would take 143 years to build out Otay Mesa’s industrial land. The San Diego business community also considers the Otay Mesa area to be a distribution-oriented location, so high tech businesses have established in other areas of the County.</p> <p>The project proposed fewer industrial uses than were originally proposed in the EOMSP, however this scaling down of industrial is in line with current forecasting. In addition, the project focuses on preserving employment with employment-emphasis mixed use districts, which require at least 50% of the district development be commercial or industrial.</p>
<p>Policy LU-2: Provide land uses that allow for a range of commercial uses in optimum locations to serve the retail needs of the future industrial and highway users in East Otay Mesa.</p>	<p>The project will provide commercial uses that will serve the employment community, highway users, and residents of the area. Smaller retail shops will most likely be provided in the residential-emphasis mixed use districts, in which 10% of the ground floor development must be commercial/retail development. Larger commercial uses and industrial uses will most likely be provided in the employment-emphasis mixed-use districts, in which at least 50% of all development must be</p>

General Plan and Specific Plan Consistency Analysis

	commercial/retail or industrial development.
Policy LU-3: The Commercial Center (commercial overlay) shall allow for transit-oriented land uses, encouraging pedestrian circulation.	The majority of the previously designated Commercial Center is now designated as employment-emphasis mixed-use. Within this district all public roads will have pedestrian walkways and the area will be close to a new transit stop for Bus Route 905 at the northeast corner of Otay Mesa Road and Harvest Road. Route 905 connects with the trolley, which provides service to downtown San Diego.
Policy LU-4: Avoid strip commercial development in the industrial area.	All commercial development proposed by the project will provide attractive commercial and retail storefronts that are integrated with residential and industrial uses either as vertical mixed-use or horizontal mixed-use or as a part of a technology business park.
Policy LU-5: Should industrial development be located in an area planned for commercial use, commercial use cannot be re-established within that area without bringing the development into conformance with commercial use regulations in the Specific Plan.	All commercial uses proposed as part of the project will be designed and constructed to be compliant with the EOMSPA and any other applicable design guidelines and regulations.
Policy LU-6: Coordinate vehicular and pedestrian circulation between adjacent commercial properties.	To create safe and attractive pedestrian travel, the EOMSP requires that sidewalk areas be kept free of obstructions and allow for the flow of

General Plan and Specific Plan Consistency Analysis

	<p>pedestrians. All proposed roads would include sidewalks within the project and along the project frontage. These sidewalks are proposed to be a minimum of five-feet wide and separated from the vehicle travel lanes by a 4.5-foot landscaped parkway (five-feet as measured from face of curb). All sidewalks would meet the Americans with Disabilities Act (ADA) standards. Class II bicycle lanes (striped lane for one-way bicycle travel on a street) will be provided on public roads.</p>
<p>Policy LU-7: Designate very low density Rural Residential development as the appropriate land use in sensitive hillside areas in the East Otay Mesa Specific Plan Area.</p>	<p>The project is proposed for land that is relatively flat. Any sensitive hillside areas or sensitive habitat areas have been designated as open space, either as part of the open space within PA B where the vernal pool is located or as part of the 51.3-acre open space area located in the northern portion of the project site. Residential uses will be developed as part of a compact design that will mix residential uses with commercial/retail uses to provide for an equally intensive development as was intended as part of the original EOMSP while preserving sensitive lands in and around the project site.</p>
<p>Policy LU-10: Protect and conserve steep slopes and biologically sensitive areas in the Specific Plan Area (previous policy COS-1).</p>	<p>Biologically sensitive areas within the project area have been preserved either as part of the open space within PA B where the vernal pool is located or as part of the 51.3-acre open space area located in the</p>

General Plan and Specific Plan Consistency Analysis

	<p>northern portion of the project site. The open space in the northern portion of the project site will include a 10-foot wide trail that will provide access to the Otay River Regional Park.</p>
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**Attachment B – Resolution Approving General
Plan Amendment PDS2015-GPA-15-008**

A RESOLUTION OF THE SAN DIEGO COUNTY)
BOARD OF SUPERVISORS ADOPTING)
GENERAL PLAN AMENDMENT (GPA) PDS2015-GPA-15-008)

WHEREAS, pursuant to Government Code Sections 65350 et seq, GPA PDS2015-GPA-15-008 has been prepared, being the second amendment to the Land Use Element, of the Otay Subregional Plan in the Calendar Year 2018; and

WHEREAS, GPA PDS2015-GPA-15-008 has been filed by the Sunroad Enterprises LLC consisting of an amendment to the Land Use Element Otay Subregional Plan; and

WHEREAS, pursuant to Government Code Sections 65860 et seq., associated zoning reclassifications (PDS2015-REZ-15-007) have been prepared together with a Specific Plan Amendment (PDS2015-SPA-15-001) to the East Otay Mesa Business Park Specific Plan and Tentative Map (PDS2015-TM-5607); and

WHEREAS, on April 13, 2018 , the Planning Commission, pursuant to Government Code Sections 65351 and 65353 held a duly advertised public hearing on GPA PDS2015-GPA-15-008; and

WHEREAS, the Planning Commission reviewed and considered the information contained in the Supplemental Environmental Impact Report (SEIR) dated March 2018, on file with Planning & Development Services as SEIR PDS2015-ER-15-98-190-13G prior to making its recommendation on the project; and

WHEREAS, the Planning Commission recommends that the proposed project GPA (PDS2015-GPA-15-008), will have a significant impact on the environment but that there are specific economic, legal, social, technological or other benefits which will result from approval and implementation of the project; and

WHEREAS, on , the Board of Supervisors, pursuant to Government Code Section 65355 held a duly advertised public hearing on GPA PDS2014-GPA-14-005; and

WHEREAS, on , the Board of Supervisors, has made findings pursuant to Attachment , Environmental Findings, of the Board of Supervisors Planning Report for the project.

NOW THEREFORE BE IT RESOLVED that the Planning Commission recommends that the Board of Supervisors take the following actions:

1. Find that the Board of Supervisors reviewed and considered the Supplemental Environmental Impact Report for the proposed project dated on file with Planning & Development Services and Environmental Review

Number (ER) PDS2015-ER-15-98-190-13G before making its recommendation on the project.

2. Certify that the Supplemental Environmental Impact Report (EIR) dated _____, on file with Planning & Development Services as Environmental Review Number (ER) PDS2015-ER-15-98-190-13G has been completed in compliance with the California Environmental Quality Act and the State CEQA Guidelines, that the EIR was presented to the Board of Supervisors and the Board of Supervisors reviewed and considered the information contained therein before approving the project, and that the EIR reflects the independent judgement and analysis of the Board of Supervisors.
3. Adopt the findings concerning mitigation of significant environmental effects pursuant to CEQA guidelines section 15091(a).
4. Adopt the Mitigation and Monitoring Program as incorporated into the project conditions of approval pursuant to CEQA Guidelines section 15091(d).
5. Adopt the Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093.
6. Adopt the Decision and Explanation Regarding Recirculation of the Draft Environmental Impact Report pursuant to CEQA Guidelines Section 15088.5(e).
7. Find that the proposed project is consistent with the Resource Protection Ordinance (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. Approve GPA PDS2015-GPA-15-008, which consists of an amendment to the Otay Subregional Plan as identified in the exhibit below.

Exhibit A: change to the Otay Subregional Plan

BE IT FURTHER RESOLVED that the amended documents shall be endorsed in the manner provided by the Board of Supervisors.

BE IT FURTHER RESOLVED that the Board of Supervisors finds that the GPA PDS2015-GPA-15-008 is consistent with the San Diego County General Plan and the

Otay Subregional Plan in that the goals, objectives, and policies of all the element of the plans have been or will be met.

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

Otay Subregional Plan

San Diego County General Plan Volume 1

Adopted
May 18, 1983
GPA 83-01
Amended
July 27, 1994
GPA 94-02

Adopted
August 3, 2011
Amended
Date
GPA XX-XXX

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CERTIFICATE OF ADOPTION

I hereby certify that this Plan, consisting of text and exhibits, is the Otay Subregional Plan and is a part of the San Diego County General Plan, and that it was considered by the San Diego County Planning Commission during nine hearings that occurred from November 6, 2009 through the 20th day of August 2010, and adopted by the San Diego County Board of Supervisors on the 3rd day of August 2011.

Attest:

ERIC GIBSON, Director
Department of Planning and Land Use

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INTRODUCTION

The Otay Subregional Plan consists of two volumes of text, and an appendix to Volume 2. The plan is intended to promote orderly development, protect environmental and manmade resources, and implement the County's objectives for growth management and the structure of government for the Subregion.

This text (Volume 1) was adopted concurrently with an amendment (GPA 83-01, Item 4) to incorporate a community plan prepared by the City of San Diego for the Otay Mesa portion of the Subregional Plan Area (Otay Mesa Community Plan). While the text focuses on the Otay Mesa and contains specific provisions for development of that area, it does have general applicability to the entire Otay Subregion (Refer to Figure 1 below).

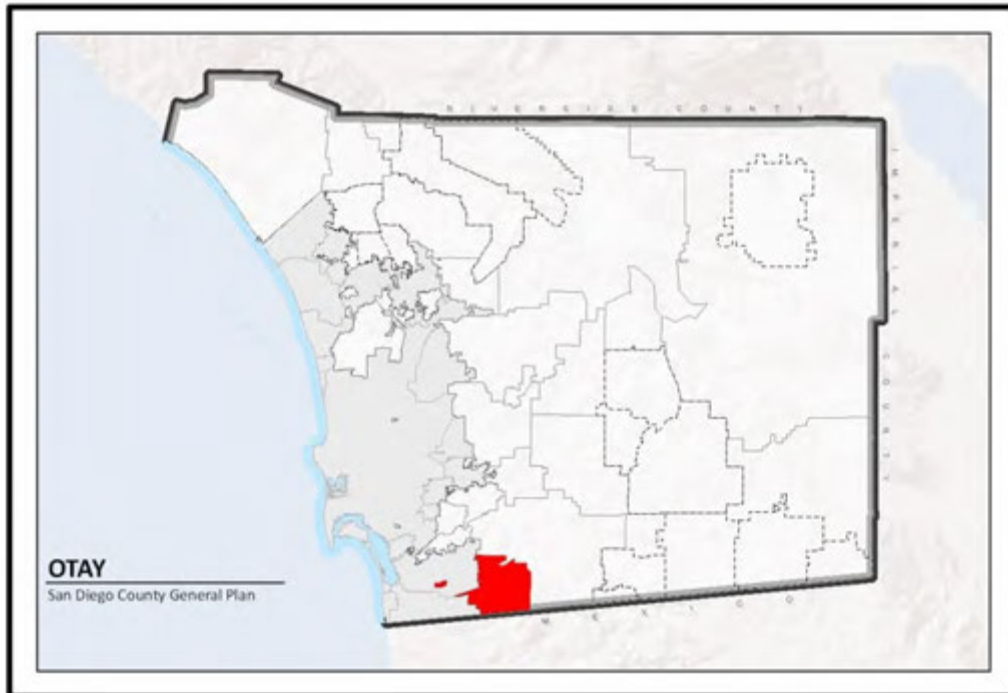


Figure 1: Otay Subregion

The Land Use Plan Map provides a basis for the specific zoning regulations of unincorporated land within the Subregion. The text provides planning goals and related policies for implementing the Plan through a variety of project planning measures.

This Subregional Plan supplements all existing elements of the San Diego County General Plan. It was prepared by County Staff in cooperation with involved citizens, businesses, and governmental agencies. In June of 2009, the Plan was reviewed by County staff and revised for consistency with the General Plan Update.

On October 28, 1993, the Board of Supervisors adopted the Otay Ranch privately-initiated Plan Amendment, GPA 92-04. The Otay Ranch project covers approximately 23,000 acres and is located in the Otay Subregional Area and the Jamul/Dulzura Subregional Area. Due to the size and complexity of the project, the policies governing the development of Otay Ranch have been placed in Volume 2 of the Otay Subregional Plan Text. GPA 92-04 also amended the boundaries between the Jamul/Dulzura and Otay Subregions by transferring

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approximately 4,000 acres from the Otay Subregion to the Jamul/Dulzura Subregion in the Proctor Valley area, and by transferring approximately 1,280 acres from the Otay Subregion to the Jamul/Dulzura Subregion in the San Ysidro Mountains area.

CHAPTER I GOALS

The Subregional Plan goals form the basic framework upon which the subsequent and more specific policies have been developed.

A. LAND USE GOAL

Provide a land use pattern sensitive to the opportunities and the constraints of the Subregion.

Because

- 1) the second international border crossing, the State Correctional Facility, and the increased industrial development immediately cross the Mexican Border have increased development pressures on the Subregion, in general, and on Otay Mesa in particular, and
- 2) Otay Mesa contains large, level, undeveloped and relatively inexpensive parcels of land, and is located near a large labor pool, moderately priced housing, and a general aviation airport, which makes it highly suitable for large scale industrial development, [supported by a mix of residential, commercial, and office uses](#) and
- 3) the anticipated development of Otay Mesa represents potentially significant economic benefits to the Subregion, and
- 4) the Subregion contains valuable agricultural land, which, although adversely affected by high water and labor costs, should be encouraged during the extended build out period of Otay Mesa.

IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO WORK WITH THE PRIVATE SECTOR IN CAPITALIZING ON THE UNIQUE DEVELOPMENT OPPORTUNITIES EXISTING NEAR THE MEXICAN BORDER WHILE CONCURRENTLY ENCOURAGING INTERIM AGRICULTURAL PRODUCTION AS MUCH AS ECONOMICALLY FEASIBLE.

B. PUBLIC SERVICES AND FACILITIES GOAL

Provide adequate and equitably financed public services and facilities.

Because

- 1) most of the Subregion is presently undeveloped with only very limited services and facilities, and
- 2) the orderly and cost effective development of the Otay Mesa requires that public services and facilities be provided in a planned manner involving cooperation and coordination on the part of all affected agencies with the private sector, and
- 3) local government cannot be expected to have the fiscal resources required to finance most needed services; property owners and developers will, therefore, be expected to bear these costs, and

- 4) the economic feasibility of the Otay Mesa is largely dependent upon maintaining land costs, which will attract developers and investors in competition with other industrial-development areas along the International Border with Mexico.

IT IS THE GOAL OF THE COUNTY OF SAN DIEGO THAT PUBLIC SERVICES AND FACILITIES BE PROVIDED IN A PLANNED, ORDERLY FASHION AND THAT THEY WILL BE PHASED IN RESPONSE TO EVOLVING AND CHANGING MARKET DEMANDS, AS WELL AS THE SERVICE CAPACITIES OF PROVIDER AGENCIES, AND FINANCED THROUGH THE EQUITABLE PARTICIPATION OF ALL AFFECTED PROPERTY OWNERS AND DEVELOPERS.

C. MOBILITY GOAL

Provide a Mobility network capable of handling subregional traffic.

Because

- 1) transportation facilities have an important effect on community character in terms of design, location, and environmental impacts, and
- 2) the Otay Mesa area, in particular, will at ultimate build out generate substantial traffic volumes, and
- 3) the second international border crossing also impacts the local and regional road and highway networks, and
- 4) the predominantly industrial character of expected development of the Otay Mesa will require rail freight access at some time in the future, and
- 5) with the introduction of mixed-use development, consisting of residential, commercial, and office uses, in addition to the industrial uses, there is an increasing need for public and non-motorized modes of travel,

IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO PLAN FOR THE ORDERLY DEVELOPMENT OF AN ULTIMATE HIGHWAY, STREET AND RAIL TRANSPORTATION NETWORK ADEQUATE TO HANDLE SUBREGIONAL TRAFFIC AT ACCEPTABLE SERVICE LEVELS AND CAPABLE OF ACCOMMODATING AUTOMOBILE AND TRUCK AS WELL AS PUBLIC AND NON-MOTORIZED MODES OF TRAVEL WITH THE SUBREGION.

D. CONSERVATION GOAL

Protect environmental resources.

Because

- 1) the Subregion contains vernal pools, endangered plants, and wildlife habitats that are not suitable for urbanization, and
- 2) Resource Conservation Areas have been identified to help protect valuable environmental resources throughout the area,

IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO PROTECT THE ENVIRONMENTAL RESOURCES DESIGNATED AS "RESOURCE CONSERVATION AREAS" IN THIS SUBREGIONAL PLAN.

E. COORDINATION GOAL

Coordinate planning and development efforts with Mexican agencies and private interests.

Because

- 1) the subarea is part of a larger region with similar natural characteristics, constraints and opportunities arbitrarily divided by the International Border, and
- 2) past planning and development on both sides of the border have ignored the efforts of the other country, and
- 3) coordination of public and private interests between the two countries will enhance regional development and improve the bi-national relationship,

IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO COORDINATE PLANNING AND DEVELOPMENT PROPOSALS, PARTICULARLY FOR THE OTAY MESA AREA, WITH MEXICAN AGENCIES AND PRIVATE INTERESTS INVOLVED IN SIMILAR ACTIVITIES FOR THE AREA IMMEDIATELY SOUTH OF THE BORDER.

F. IMPLEMENTATION GOAL

Provide effective and efficient implementation methods

Because

- 1) the adoption or amendment of a land use plan does not ensure its ultimate realization, and
- 2) there are a number of methods that will facilitate plan implementation, and provide for ongoing plan review and adjustment, and
- 3) proper implementation will serve the best interest of governmental agencies, property owners, and developers, and will contribute to the economic improvement of the region,

IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO PROVIDE METHODS THAT WILL ENSURE THE ORDERLY AND EFFICIENT IMPLEMENTATION OF THE SUBREGIONAL PLAN - TO THE BENEFIT OF LOCAL GOVERNMENT, PROPERTY OWNERS, AND THE REGIONAL ECONOMY.

CHAPTER II
POLICIES

A. LAND USE

1. ADOPT GENERAL PLAN CATEGORIES

Because

- A) the Otay Subregional Plan must conform to the County General Plan, and
- B) the General Plan contains a full description of the land use designations that will be used to implement each of the County's Community and Subregional Plans,

THE LAND USE CATEGORIES AND DESIGNATIONS CONTAINED IN THE COUNTY GENERAL PLAN LAND USE ELEMENT ARE HEREBY ADOPTED BY REFERENCE AND WILL BE USED TO IMPLEMENT THIS SUBREGIONAL PLAN.

2. TREAT THE OTAY MESA AS A SINGLE PLANNING AND DEVELOPMENT UNIT

Because

- A) the Otay Mesa represents an unusual opportunity to plan a major regional and international industrial center along with a mix of residential, commercial, and office uses in a comprehensive manner, and
- B) the cost-effective development of the Otay Mesa requires that land use and facility programming and financing be done in a comprehensive manner,

THE COUNTY WILL WORK WITH ALL AFFECTED PARTIES IN BOTH THE PUBLIC AND PRIVATE SECTORS TO MONITOR THE DEVELOPMENT OF THE OTAY MESA ON A CONTINUING BASIS AND TO MAKE SUCH CHANGES IN POLICIES, PLANS, AND REGULATIONS AS ARE NECESSARY TO MAINTAIN ITS DEVELOPMENT FEASIBILITY AND MARKET COMPETITIVENESS.

3. DEVELOP INDUSTRIAL DESIGN CRITERIA

Because

- A) the area proposed for industrial development is located near the international border, and
- B) maintaining a certain quality and cohesiveness of development will make the area more attractive and marketable, and
- C) efforts will be made to achieve acceptable design standards without unreasonable cost,

ALL PROPOSED INDUSTRIAL DEVELOPMENT SHOULD COMPLY WITH THE DESIGN CRITERIA IN THE M56, MIXED INDUSTRIAL USE REGULATIONS.

4. DISCOURAGE POLLUTING INDUSTRIES

Because

- A) keeping the industry along the border, pollution and nuisance free, will make the area more attractive and marketable, and
- B) consideration should be given to residential areas-uses within East Otay Mesa as well as immediately across the border,

THE COUNTY WILL DISCOURAGE INDUSTRIES THAT DISPLAY POLLUTION OR OTHER NUISANCE CHARACTERISTICS FROM LOCATING NEAR RESIDENTIAL USES AND THE MEXICAN BORDER.

5. ENCOURAGE INTERIM AGRICULTURE

Because

- A) the long term development of Otay Mesa will provide opportunities for continued agricultural production as an interim use, and
- B) such interim uses are compatible with industrial uses as has been demonstrated in many other areas in California and throughout the United States,

THE COUNTY RECOGNIZES THE OPPORTUNITIES FOR INTERIM AGRICULTURAL USES ON THE OTAY MESA AND WILL, IN COOPERATION WITH AFFECTED PROPERTY OWNERS, ENCOURAGE SUCH USES TO THE GREATEST EXTENT POSSIBLE.

6. ENCOURAGE OTHER INTERIM USES

Because

- A) the development of Otay Mesa is expected to occur over an extended period of time, and
- B) portions of Otay Mesa are highly suitable for interim uses, including sports related activities,

THE COUNTY WILL ENCOURAGE INTERIM USES ON PORTIONS OF OTAY MESA INCLUDING OPPORTUNITIES FOR PUBLIC RECREATION AND SPECTATOR EVENTS.

7. INCREASE CITY-COUNTY PLANNING COOPERATION

Because

Cities of the Subregion are closely related to the surrounding area in terms of public services, travel patterns, and community identity,

THE COUNTY WILL COOPERATE IN PLANNING AND REGULATING GROWTH OF UNINCORPORATED TERRITORY WITHIN EACH CITY'S SPHERE OF INFLUENCE. FUTURE COUNTY DECISIONS ON PROPOSED

PROJECTS IN THE SPHERE AREAS WILL TAKE EACH CITY'S PLANNING OBJECTIVES INTO CONSIDERATION.

8. PHASE DEVELOPMENT ACCORDING TO AVAILABLE PUBLIC SERVICES AND FACILITIES

Because

- A) development coordinated with the planned expansion of public services and facilities is not economical, and
- B) adequate services and facilities will not become available throughout the entire plan area for a considerable period of time, and
- C) premature development regardless of plan designation, is not only uneconomical, but may also disrupt carefully prepared capital improvement plans.

THE COUNTY WILL SUPPORT WELL COORDINATED DEVELOPMENT, IN ACCORDANCE WITH AN ADOPTED FACILITIES FINANCING PLAN.

9. IMPLEMENT SAFETY AND NOISE BARRIERS AROUND BROWN FIELD

Because

- A) Brown Field is a general aviation airport, which is expected to experience significant growth and increased activity as a result of the planned development of Otay Mesa, and
- B) noise and safety restrictions associated with airports must be recognized during plan development and implementation,

THE COUNTY WILL RECOGNIZE EXISTING AND PLANNED SAFETY ZONES AND ENFORCE ADEQUATE NOISE PROTECTION NEAR BROWN FIELD IN ACCORDANCE WITH THE CITY OF SAN DIEGO'S ADOPTED BROWN FIELD MASTER DEVELOPMENT PLAN AND AIRPORT LAND USE COMPATIBILITY PLAN.

10. SPECIFIC PLAN AREAS

East Otay Mesa Specific Plan Area (0.34)

I. Description

The East Otay Mesa Specific Plan Area (SPA) encompasses an area of approximately 3,374 acres, extending generally from the Otay River Valley southerly to the international border. The area is bordered on the west by the City of San Diego and on the east by the San Ysidro Mountains. The ~~focus-intent~~ of this Specific Plan is to allow for a variety of residential, commercial, and professional office uses to support and complement the planned industrial development. The purpose of the Specific Plan is to establish a planning framework for a comprehensive approach to the development of the East Otay Mesa area. Development of this area shall be in accordance with all County goals, objectives, and policies.

A majority of the SPA area is comprised of the generally level terrain of Otay Mesa. This mesa is one of a series of marine wave-cut terraces, typical of the San Diego region. Two major canyons, O'Neal and Johnson, have been deeply cut into the northern most edge of the mesa and drain into the Otay River located within the Otay Valley. The Otay Valley, comprising the northerly portion of the area, contains at its center the relatively flat Otay River floodplain. The topography to the east of the mesa is characterized by low, gently rolling hills that gradually evolve into the deep slopes of the San Ysidro Mountains. Most of the land is either vacant or under cultivation.

B. PUBLIC SERVICES AND FACILITIES

1. FORMULATE PUBLIC FACILITIES PROGRAM AND FINANCING PLAN

Because

- A) a full range of facilities and services will be required for the orderly and cost-effective development of the Otay Mesa, and
- B) the equitable financing of such facilities and services will directly influence the development feasibility and marketability of Otay Mesa, and
- C) there is a need to determine which agencies will be responsible for providing various facilities and services during the stages of development of the Otay Mesa, and
- D) the private sector will have primary responsibility for financing needed facilities and services, and
- E) appropriate studies should be undertaken to determine service and facilities requirements and costs, alternative methods of financing, and the most efficient manner in which affected agencies can provide such services and facilities,

THE COUNTY WILL ENCOURAGE AND SUPPORT PUBLIC SERVICE AND FACILITY PLANNING AND PROGRAMMING FOR THE OTAY MESA, AND WILL WORK WITH ALL AFFECTED PROPERTY OWNERS AND DEVELOPERS TO ASSURE EQUITABLE FINANCING OF SUCH SERVICES AND FACILITIES.

2. STUDY AND SELECT LONG TERM SEWAGE DISPOSAL METHODS.

Because

- A) Public sewers are practically non-existent throughout the entire Subregion, and
- B) the Metropolitan Sewer System has limited capacity for the foreseeable future, pending the approval, funding, and construction of a major sewage treatment and disposal facility to serve the South Bay Area and possibly Tijuana, and

- C) interim wastewater treatment and disposal to serve the Otay Mesa may be considered; provided such a system satisfies project planning and environmental review requirements; provides for wastewater recycling and reuse; and does not disrupt orderly and cost effective development of the area.

THE COUNTY WILL ENCOURAGE AND SUPPORT STUDIES AND PLANNING THAT CREATE THE MOST COMPREHENSIVE AND REASONABLE SEWAGE DISPOSAL SYSTEM FOR THE ENTIRE REGION, INCLUDING THE SOUTH BAY CITIES AND THE TIJUANA AREA; AND THE COUNTY WILL ENCOURAGE AND SUPPORT STUDIES THAT LEAD TO THE EFFICIENT USE OF WASTEWATER BY ONSITE TREATMENT AND RECYCLING.

3. RESOLVE WATER DEMAND AND SUPPLY

Because

- A) high water costs have acted as a deterrent to future agricultural use, and
- B) high water costs may also affect proposed mixed-use and industrial development on Otay Mesa, and
- C) reclaimed water may supplement future supplies, and
- D) services are generally most efficient when provided by one single water agency,

THE COUNTY WILL ENCOURAGE AND SUPPORT STUDIES TO DETERMINE ULTIMATE WATER NEED, THE MOST LOGICAL SERVICE PROVIDER, COOPERATION BETWEEN AGENCIES AND THE USE OF RECLAIMED WATER.

C. MOBILITY

1. ENCOURAGE ROUTE ADOPTION AND FINANCING FOR STATE ROUTE 11 AND A NEW INTERNATIONAL BORDER CROSSING

- A) ultimate development of the Otay Mesa will require a major freeway to connect to the regional freeway system and transportation network, and
- B) State Route 11 and a new international border crossing are essential elements of the Mobility Network proposed on the Otay Mesa, in particular, and the Subregion, in general, and
- C) there is a need to provide assistance to and to work cooperatively with CALTRANS and the California Transportation Commission in the design of State Route 11 and a new international border crossing,

THE COUNTY WILL ENCOURAGE AND PARTICIPATE IN STUDIES FOR STATE ROUTE 11 AND A NEW INTERNATIONAL BORDER CROSSING TO ACHIEVE THEIR EARLY INCLUSION IN THE STATE TRANSPORTATION IMPROVEMENT PROGRAM.

2. ENCOURAGE RAIL SERVICE

Because

- A) the successful development of the Otay Mesa as a major industrial center will be enhanced by the provision of rail freight service, and
- B) the undeveloped nature of the Otay Mesa, coupled with a land use plan that permits a mix of residential, commercial, office, and industrial development, provides the opportunity to encourage the provision of light rail transit service to lessen freeway and street traffic,

THE COUNTY WILL ENCOURAGE THE METROPOLITAN TRANSIT SYSTEM TO COOPERATE IN THE PLANNING FOR HEAVY AND LIGHT RAIL SERVICE TO THE OTAY MESA.

3. DESIGN LOCAL ROADS WITH THE NATURAL LANDSCAPE

Because

- A) the design and construction of roads have an important visual effect on the surrounding landscape, and may cause significant environmental impacts in areas of rugged terrain and/or sensitive soils,

THE COUNTY WILL REQUIRE THAT LOCAL ROADS BE DESIGNED WITH EMPHASIS ON SCENIC BEAUTY BY FOLLOWING NATURAL CONTOURS AND AVOIDING INAPPROPRIATE GRADING TO THE EXTENT POSSIBLE.

4. PROVIDE BICYCLE AND PEDESTRIAN NETWORK

Because

- A) non-motorized travel is an integral part of the Subregional Transportation System,

THE COUNTY WILL PROMOTE A BICYCLE NETWORK THAT SERVES THE SUBREGION FOR SAFE CYCLING AND ALSO CONFORMS TO THE OVERALL REGIONAL NETWORK. PUBLIC PEDESTRIAN TRAILS SYSTEMS SHALL BE ENCOURAGED THROUGHOUT THE SUBREGION.

D. CONSERVATION

1. PROTECT RESOURCE CONSERVATION AREAS

Because

- A) the U.S. Fish and Wildlife Service, the Army Corps of Engineers, and the California Department of Fish and Game have identified vernal pools as critically sensitive habitats on Otay Mesa, and
- B) there are additional areas within the Subregion that contain endangered plants and golden eagle habitats,

THE COUNTY WILL PROTECT THE SENSITIVE BIOLOGICAL RESOURCES WITHIN THE RESOURCE CONSERVATION AREAS IDENTIFIED IN THIS SUBREGIONAL PLAN (SEE APPENDIX A).

2. DEVELOP ADEQUATE PRESERVATION METHODS

Because

- A) the County already has adopted a plan to protect the high priority vernal pools on Otay Mesa by "V" (Vernal Pool) and "P" (Planned Development) special area designation, and
- B) similar special area designations will be applied to the other RCAs, which will require CEQA review and Major Use Permits,

THE COUNTY WILL CAREFULLY REVIEW ANY PROPOSED DEVELOPMENT IN THE RCAs THROUGH THE ENVIRONMENTAL REVIEW PROCESS AND MAJOR USE PERMIT PROCESS REQUIRED BY THE "V" AND "P" SPECIAL AREA DESIGNATIONS.

E. COORDINATION

1. COORDINATE OTAY MESA - MESA DE OTAY PLANNING AND DEVELOPMENT

Because

- A) there is a particular interdependency between the Otay Mesa area and the Mesa de Otay area immediately across the international border, and
- B) efforts are being made to coordinate the planning for Otay Mesa with the Mexican plan, and
- C) future plan amendments and development proposals for the Otay Mesa area in particular, should include review and comment by appropriate Mexican officials,

THE COUNTY WILL ENCOURAGE THAT ANY FUTURE PLAN AMENDMENTS OR DEVELOPMENT PROPOSALS FOR THE OTAY MESA AREA CONSIDER THE CONSEQUENCES OF SUCH PROPOSALS ON DEVELOPMENT ACROSS THE BORDER, AND THAT SUCH PROPOSALS BE DISTRIBUTED TO APPROPRIATE MEXICAN OFFICIALS FOR REVIEW AND COMMENT.

APPENDICES

APPENDIX A: OTAY SUBREGIONAL RESOURCES CONSERVATION AREAS

APPENDIX B: OTAY VILLAGE BOUNDARY FIGURE 3

APPENDIX A

OTAY SUBREGIONAL RESOURCES CONSERVATION AREAS

118. Otay Mountain - Lower Otay Lake -- This major area is of statewide significance. It includes Lower Otay Reservoir, rare and endangered plants on the lower mesa areas, and Otay Mountain. Otay Mountain contains the world's largest population of the rare Tecate cypress (Cupressus forbesii) and numerous other rare and endangered plants such as, Gander's pitcher sage, Otay manzanita, Orcutt's brodiaea (Brodiaea orcuttii), Dunn's mariposa lily (Calochortus dunnii), and dense reed grass (Calamagrostis densa). The Mexican fremontia (Fremontodendron mexicanum) may occur on the slopes of Otay Mountain in areas adjacent to the Otay Ranch/San Ysidro Planning Area #17 where the only known U.S. population of this species is located. Otay Mountain is predominantly under Bureau of Land Management ownership and portions of it are under consideration for wilderness. California Natural Area Coordinating Council lists it as a Significant Natural Area. Vernal pools and their attendant rare species occur on the mesas around the Lower Otay Reservoir. Otay Mountain is also a major scenic landmark for the region.
120. Old Bombing Range

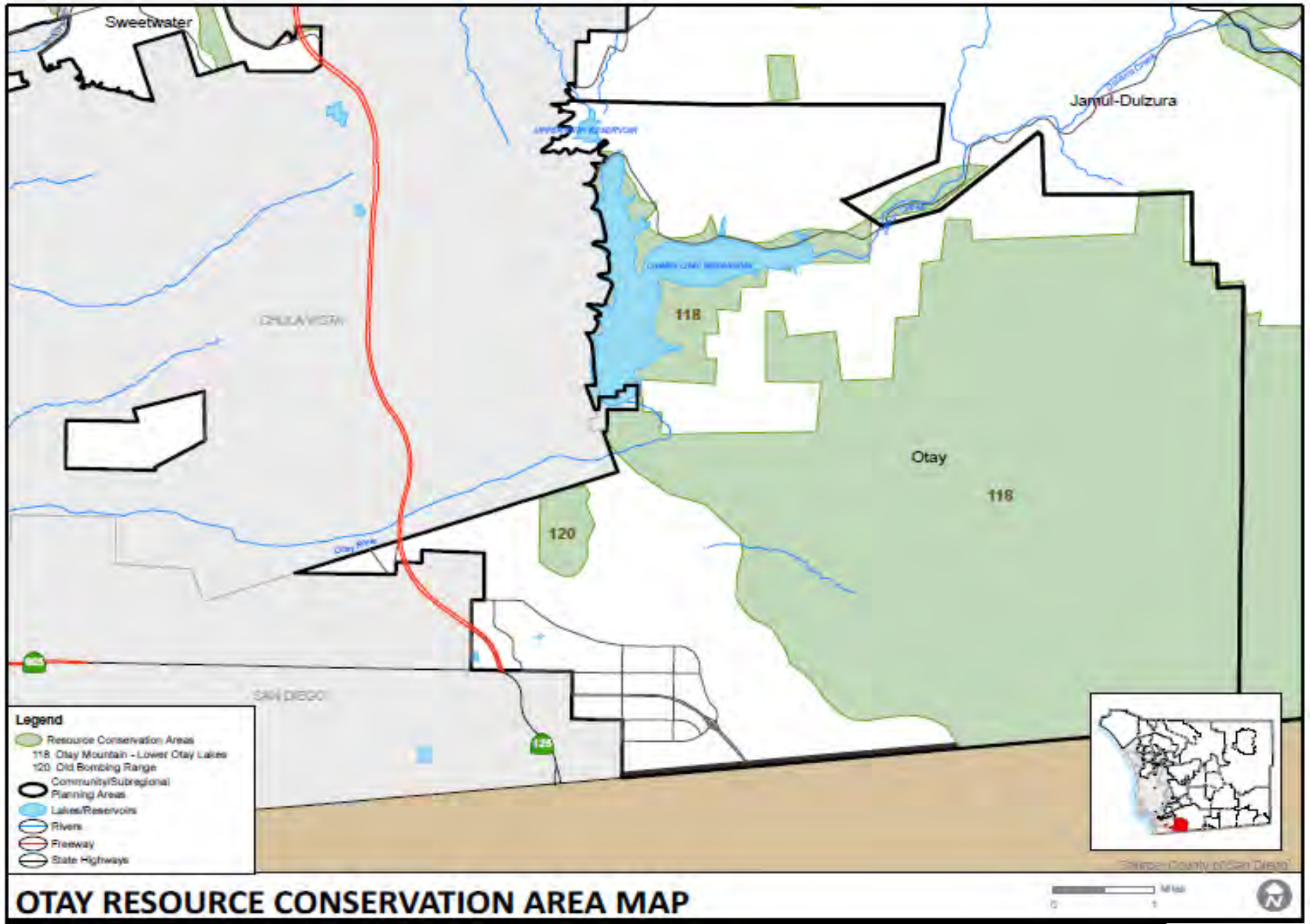
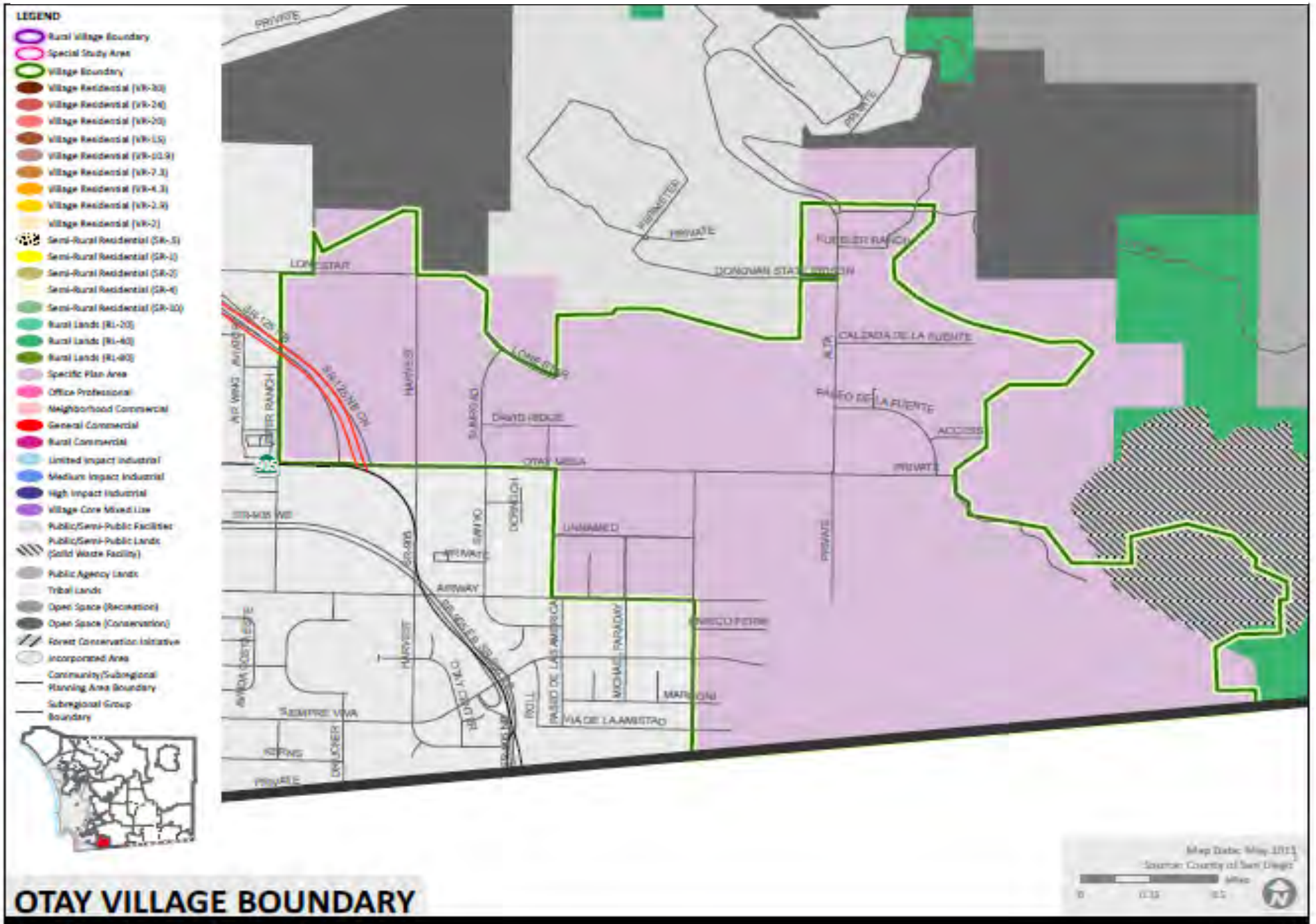


Figure 2

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APPENDIX B: Otay Village Boundary



3 - 125

Figure 3

Attachment C – Resolution Approving Specific
Plan Amendment PDS2015-SPA-15-001

RESOLUTION OF THE SAN DIEGO COUNTY)
BOARD OF SUPERVISORS APPROVING)
SPECIFIC PLAN AMENDMENT SPA PDS2015-SPA-15-001)
(Name of 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 (PDS2015-SPA-15-001), having been prepared by the Department of Planning and Land Use 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, Sunroad Enterprises LLC (hereinafter referred to as "applicant"), submitted an amendment to the East Otay Mesa Business Park Specific Plan (PDS2015-SPA-15-001) on August 10, 2015, pursuant to Section 65450 et seq. of the Government Code, for an area comprising a total of 253 acres located north of Otay Mesa Road, west Of Zinser Road; and east of SR-125 in the Otay Subregional Plan Area; and

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

1. Reclassify approximately 253 acres of land from Technology Business Park and District Commercial to a master planned community with specific site design, architectural design, density, zoning, and implementation requirements.

WHEREAS, implementation of said Specific Plan Amendment will occur in concurrent applications General Plan Amendment (PDS2015-GPA-15-008); Zone Reclassification (PDS2015-REZ-15-007); and Tentative Map (PDS2015-TM-5607); and

WHEREAS, pursuant to Section 65090, et seq. 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 Mesa Subregional Plan; and

WHEREAS, Pursuant to Section 65355 of the Government Code, the Board of Supervisors on , 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

PDS2015-SPA-15-001

- 2 -

WHEREAS, on _____, 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 (PDS2015-SPA-15-001) is consistent with the San Diego County General Plan and the Otay Mesa Subregional 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 PDS2015-SPA-15-001 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 (PDS2015-SPA-15-001) and all development applications filed in order to implement said Specific Plan:

1. Unless specifically waived, the requirements of the San Diego County Subdivision Ordinance, The Zoning Ordinance, and the San Diego County road standards 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. Specific mitigation measures and required conditions for development of the project are contained in the Resolution of Approval for Tentative Map PDS2015-TM-5607.
4. At the time of Site Plan review, all buildings proposed in the Mixed Use zones shall be required to mitigate greenhouse gas emissions through the provisions specified in the East Otay Mesa Specific Plan, which require measures related to energy efficiency, installation of electric vehicle charging stations, solar, and either net zero or no net increase emissions.

BE IT FURTHER RESOLVED that all references within this Resolution to "applicant", "developer", or "subdivider" shall be equally applicable to the current

PDS2015-SPA-15-001

- 3 -

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 (PDS2015-SPA-15-001) 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.

Exhibit A

The proposed Specific Plan Amendment can be found through the following link:

[https://www.sandiegocounty.gov/content/sdc/pds/Current Projects/Otay-250-Sunroad.html](https://www.sandiegocounty.gov/content/sdc/pds/Current%20Projects/Otay-250-Sunroad.html)

Attachment D – PDS2015-REZ-15-007 titled AN
ORDINANCE CHANGING THE ZONING
CLASSIFICATION OF CERTAIN PROPERTY
WITHIN THE OTAY SUBREGION

ORDINANCE NO. _____(NEW SERIES)

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY

On MOTION of Supervisor _____, Seconded by Supervisor _____, the Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The zoning classification of certain real property is hereby changed as set forth herein, and more precisely delineated on the Rezone Exhibit, as illustrated in Exhibit "A" of this ordinance. All Documents are on file with the Clerk of the Board of Supervisors of the County of San Diego.

Section 2. The zoning classification of the real property described below is hereby changed as follows:

The existing zoning classification is as follows:

OLD ZONE: Use Regulations S88, Animal Designator z, Density z, Lot Size 30000, Building Type W, Maximum Floor Area z, Floor Area Ratio .40, Height R, Lot Coverage .40, Setbacks V, Open Space z, Special Area Regulations B, C.

OLD ZONE: Use Regulations S88, Animal Designator z, Density z, Lot Size 30000, Building Type W, Maximum Floor Area z, Floor Area Ratio .40, Height R, Lot Coverage .40, Setbacks V, Open Space z, Special Area Regulations B, C, Portion G.

The zoning classification is changed to read as follows:

NEW ZONE: Use Regulations S88, Animal Designator A, Density z, Lot Size 3000, Building Type L, Maximum Floor Area z, Floor Area Ratio z, Height R, Lot Coverage z, Setbacks V, Open Space z, Special Area Regulations D, C.

The "D" Designator is hereby adopted for the property shown on the Rezone Exhibit to require all development to submit and receive approval of a Site Plan permit to ensure conformance with the East Otay Mesa Business Park Specific Plan.

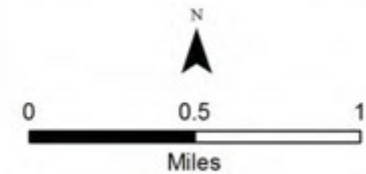
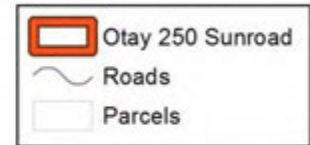
Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

Otay 250 Sunroad Rezone Exhibit

Otay
Community Plan Area



1:3,500,000



Date: 3/7/2018
Path: P:\reg\otay250_030718\vicinity.mxd



Attachment E – Resolution of Approval for
Tentative Map PDS2015-TM-5607

RESOLUTION OF SAN DIEGO COUNTY)
BOARD OF SUPERVISORS)
CONDITIONALLY APPROVING)
TENTATIVE MAP NO. PDS2015-TM-5607)

WHEREAS, Tentative Map No. PDS2015-TM-5607 proposing the division of property located at the northwestern corner of the intersection of Otay Mesa Road and Vann Centre Road and generally described as:

The northeast quarter of the southeast quarter of Section 26, Township 18 south, Range 1 west, San Bernardino Meridian, in the County of San Diego, State of California, according to the official plat thereof.

Together with the southwest quarter, and the west 330 feet of the southwest quarter of the southeast quarter of the southeast quarter and the southeast quarter of the northwest quarter, all in Section 25 Township 18 south, Range 1 west, San Bernardino Meridian, in the County of San Diego, State of California, according to the official plat thereof.

Excepting therefrom the following: The westerly 30 feet of the northwest quarter of the southwest quarter.

was filed with the County of San Diego pursuant to the Subdivision Map Act and San Diego County Subdivision Ordinance on August 10, 2015; and

WHEREAS, on April 13, 2018, the Planning Commission of the County of San Diego pursuant to [Section 81.306 of the San Diego County Subdivision Ordinance](#) held a duly advertised public hearing on said Tentative Map and received for its consideration, documentation, written and oral testimony, recommendations from all affected public agencies, and heard from all interested parties present at said hearing; and

WHEREAS, on _____, 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 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.

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

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

The approval of this Tentative Map shall become effective 30 days after the adoption of this Resolution, provided that on the effective date General Plan Amendment Resolution (PDS2015-GPA-15-008); Specific Plan Amendment Resolution (PDS2015-SPA-15-001); and Rezone Ordinance PDS2015-REZ-15-007 has also become effective. This approval Expires Thirty-Six (36) Months from 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](#).

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.
- (3) Standard Condition 22: Said condition pertains to construction of private subsurface sewage disposal system. The project is serviced by public sewer system. Please note the project is responsible to install sewer systems both onsite as well as offsite along Zinser Road from the westerly project boundary to provide connection to the existing sewer line on Piper Ranch Road.
- (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.

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):

PRIOR TO APPROVAL OF FINAL MAP

The Final Map for this Tentative Map is to be filed in units. The first Final Map to be filed shall be Unit #1 followed by Units 2 and 3 in order. The remaining units 4 and 5 can be filed in any order. In addition, conditions that apply to all units (Units 1, 2, 3, 4 and 5) are listed in a separate section at the end, following the conditions for Unit 5.

PRIOR TO THE RECORDATION OF THE FINAL MAP FOR UNIT 1, THE FOLLOWING CONDITIONS SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PLANNING & DEVELOPMENT SERVICES (PDS) AND PUBLIC WORK (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 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 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-five (65') with fifty-five feet (55') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') detached sidewalk. Face of curb shall be at fifty-five feet (55') 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. If the proposed development creates impacts that triggers the levels identified in table 11-4 of the approved Traffic Impact Study (TIS), additional pavement widening will be required at the intersections to accommodate the lane configurations described below:
 - a. Otay Mesa Road/Harvest Road:
 - Southbound: One dedicated right turn lane with overlap phasing and shared thru/left turn lane.
 - Westbound: One shared thru/right turn land, one dedicated thru lane and one dedicated left turn lane.
 - Northbound: One shared thru/right turn/left turn lane.

- Eastbound: One shared thru/right turn lane, one dedicated thru lane and two dedicated left turn lanes.
 - Install a traffic signal at the intersection, if one is warranted.
- b. Otay Mesa Road/Sunroad Boulevard:
- Southbound: Two dedicated right turn lanes with overlap phasing, one thru lane and one dedicated left turn lane
 - Westbound: One shared thru/right turn lane, one dedicated thru lane and one dedicated left turn lane.
 - Northbound: One shared thru/right turn lane and one dedicated left turn lane.
 - Eastbound: One shared thru/right turn lane, one dedicated thru lane and two dedicated left turn lanes.
 - Install a traffic signal at the intersection, if one is warranted.
- c. Otay Mesa Road/ Vann Centre Boulevard:
- Southbound: one dedicated right turn lane with overlap phasing and one dedicated left turn lane.
 - Westbound: One shared thru/right turn lane.
 - Eastbound: One thru lane and one dedicated left turn lane.
 - Install a traffic signal at the intersection, if one is warranted.
2. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
3. Install traffic signals at the intersections of **Otay Mesa Road** with **Sunroad Boulevard**, **Harvest Road** and **Vann Center Boulevard** to the satisfaction of Director of Public Works and Caltrans.

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

- b. **Harvest Road**, on the project side, from Otay Mesa Road northerly 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-MXU 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 10' pathway. 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** on 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 an AC berm to the west of the ultimate centerline location of **Harvest Road**.

- c. **Sunroad Boulevard** from Otay Mesa Road to northwesterly corner of lot 26 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, 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') detached sidewalk. Face of curb shall be at thirty-nine feet (39') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.

1. Sunroad Boulevard 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 a fourteen feet (14') raised median to an improved width of seventy-eight feet (78') with asphalt concrete pavement over approved base.

- 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, 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.

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

2. ROADS#2–SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance along **Otay Mesa Road** from the proposed roadway, 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.”
- 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 **Otay Mesa Road** from the proposed roadway, Sunroad Boulevard, 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 along **Sunroad Boulevard** from the proposed roadway, 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."
- d. 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 2 the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

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 fifty-one feet (51') from the County/City boundary line for **Otay Mesa Road** from Harvest Road easterly to Van 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 Harvest Road, 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 one-half right-of-way width of forty-eight feet (48') from the centerline of **Harvest Road**, from Otay Mesa Road to Sunroad Boulevard; 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-MXU Collector with bike lane plus slope rights and drainage easements.

Please note relinquishment of access along **Harvest Road** along the project frontage will be processed during the Site Plan Review to the satisfaction of the Director of the PDS.

- 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-eight feet (98') for **Sunroad Boulevard** from Otay Mesa Road to northwesterly corner of Lot 26 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 Sunroad Boulevard/Otay Mesa Road, and Sunroad Boulevard/Harvest Road intersections, plus slope rights and drainage easements.

Please note relinquishment of access along **Sunroad Boulevard** along the project frontage will be processed during the Site Plan Review to the satisfaction of the Director of the PDS.

- 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.
- e. With the approval of each Final Map, dedicate a two-foot (2') wide landscape easement along Circulation Element and Specific Plan public roads outside of the right-of-way and within the landscaped setback in order to provide adequate space for street trees in accordance with the East Otay Mesa Business Park Specific Plan.

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 for unit 1, the on-site dedication 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–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 Vann Center Boulevard to the satisfaction of the Director of the PDS.

- 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 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 UNIT 2, THE FOLLOWING CONDITIONS SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PDS AND DPW.

5. 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. **David Ridge Drive** 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 2-Lane Road-Local MXU Collector with bike lane, to a graded width of seventy-two feet (72') with fifty-two feet (52') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') detached sidewalk. Face of curb shall be at twenty-six feet (26') 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, two six-foot (6') bike lanes and two eight-foot (8') shoulders within the improved width of 52'.
- b. **Sunroad View Drive** from Sunroad Boulevard northeasterly to Alejandro Drive in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-Local MXU Collector with bike lane, to a graded width of seventy-two feet (72') with fifty-two feet (52') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') detached sidewalk. Face of curb shall be at twenty-six feet (26') 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, two six-foot (6') bike lanes and two eight-foot (8') shoulders within the improved width of 52'.
- c. **Alejandro Drive** from David Ridge Drive northerly to Sunroad View Drive in accordance with Public Road Standards and the East Otay Mesa Business

Park Specific Plan for a Specific Plan 2-Lane Road-Local MXU Collector with bike lane, to a graded width of seventy-two feet (72') with fifty-two feet (52') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') detached sidewalk. Face of curb shall be at twenty-six feet (26') 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, two six-foot (6') bike lanes and two eight-foot (8') shoulders within the improved width of 52'.
- d. **Vann Centre Boulevard** on the project side and 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-I/C Collector with bike lane to a minimum one-half graded width of forty-eight (48') with thirty-eight feet (38') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') detached 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** on the west side shall have interim improvements in accordance with Public Road Standards to provide for two (12') southbound lanes, a six foot (6') bike lane and eight foot (8') shoulder with asphalt concrete pavement over approved base with an AC berm within the thirty-eight (38') of improved width.
- 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 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.

6. ROADS#2–SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance along **David Ridge Drive** from the proposed roadway, Alejandro Drive 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 along **Alejandro Drive** from the proposed roadway, Sunroad View Drive 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 along **Vann Centre Boulevard** from the proposed roadway, David Ridge Drive, 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 along **Sunroad Boulevard** from the proposed roadway, Sunroad View Drive, 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. 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 roadway, David Ridge Drive, 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.”
- f. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance along **Otay Mesa Road** from the proposed roadway, Vann Centre Boulevard, 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.”

- g. 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 2 the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

7. 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 right-of-way width of seventy-two feet (72') for **David Ridge Drive**, 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 2-Lane Road-Local MXU Collector with bike lane; with thirty-foot (30') radius corner rounding at David Ridge Drive/Sunroad Boulevard and David Ridge Drive/Vann Centre Boulevard's intersections, plus slope rights and drainage easements.

Please note relinquishment of access along **David Ridge Drive** along the project frontage will be processed during the Site Plan Review to the satisfaction of the Director of the PDS.

- 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 seventy-two feet (72') for **Sunroad View Drive**, from Sunroad Boulevard northeasterly to Alejandro Drive, in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-Local MXU Collector with bike lane; with thirty-foot (30') radius corner rounding at Sunroad View Drive/Sunroad Boulevard and Sunroad View Drive/ Alejandro Drive's intersections, 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 seventy-two feet (72') for

Alejandro Drive, from David Ridge Drive northerly to Sunroad View Drive, in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-Local MXU Collector with bike lane; with thirty-foot (30') radius corner rounding at Sunroad View Drive/Alejandro Drive and David Ridge Drive/Alejandro Drive's intersections, 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 one-half right-of-way width of forty-eight feet (48') from the centerline of **Vann Centre Boulevard**, 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-I/C Collector with bike lane; with thirty-foot (30') radius corner rounding at Vann Centre Boulevard/Otay Mesa Road's intersections, plus slope rights and drainage easements.

Please note relinquishment of access along **Vann Centre Boulevard** along the project frontage will be processed during the Site Plan Review to the satisfaction of the Director of the PDS.

- e. 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.
- f. With the approval of each Final Map, dedicate a two-foot (2') wide landscape easement along Circulation Element and Specific Plan public roads outside of the right-of-way and within the landscaped setback in order to provide adequate space for street trees in accordance with the East Otay Mesa Business Park Specific Plan.

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 for unit 2. The on-site dedication and the off-site granting 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.

PRIOR TO THE RECORDATION OF THE FINAL MAP FOR UNIT 3, THE FOLLOWING CONDITIONS SHALL BE COMPLETED TO THE SATISFACTION OF DIRECTOR OF PDS AND DPW.

8. 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. **Harvest Road**, from Sunroad Boulevard northeasterly to Alejandro Drive in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-Local MXU Collector with bike lane, to a graded width of seventy-two feet (72') with fifty-two feet (52') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') detached sidewalk. Face of curb shall be at twenty-six feet (26') from the centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
- b. **Alejandro Drive**, from Sunroad View Drive northerly to Zinser Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-Local MXU Collector with bike lane, to a graded width of seventy-two feet (72') with fifty-two feet (52') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') detached sidewalk. Face of curb shall be at twenty-six feet (26') from the centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
- c. **Zinser Road** on the project side, from easterly property line of lot 27 to Alejandro Drive in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-I/C MXU Collector with bike lane to a minimum one-half graded width of thirty-six feet (36') with twenty-six feet (26') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') detached sidewalk. Face of curb shall be at twenty-six feet (26') from the 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 for the specific unit as indicated above, the plans, agreements, and securities 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.

9. ROADS#2–SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____ feet of unobstructed intersectional sight distance along **Alejandro Drive** 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.”

- 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 **Zinser Road** from the proposed road, Alejandro Drive, 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 for unit 3, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

10. 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 right-of-way width of seventy-two feet (72') for **Harvest Road** from Sunroad Boulevard northeasterly to Alejandro Drive in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-Local MXU Collector with bike lane; with thirty-foot (30') radius corner rounding at Harvest Road/Sunroad Boulevard and Harvest Road/ Alejandro Drive's intersections, 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 seventy-two feet (72') for **Alejandro Drive**, from Sunroad View Drive northerly to Zinser Road in accordance with Public Road Standards and the East Otay Mesa Business

Park Specific Plan for a Specific Plan 2-Lane Road-Local MXU Collector with bike lane; with thirty-foot (30') radius corner rounding at Alejandro Drive/Sunroad View Drive and Alejandro Drive/ Zinser Road's intersections, 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 one-half right-of-way width of thirty-six feet (36') from the centerline of **Zinser Road** on the project side, from the easterly property line of lot 27 to Alejandro Drive, in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-I/C MXU Collector with bike lane; plus slope rights and drainage easements.

Please note relinquishment of access along **Zinser Road** along the project frontage will be processed during the Site Plan Review to the satisfaction of the Director of the PDS.

- 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.
- e. With the approval of each Final Map, dedicate a two-foot (2') wide landscape easement along Circulation Element and Specific Plan public roads outside of the right-of-way and within the landscaped setback in order to provide adequate space for street trees in accordance with the East Otay Mesa Business Park Specific Plan.

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 for unit 3, the on-site dedication granting 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.

11. ROADS#4–PUBLIC SEWER IMPROVEMENTS

INTENT: In order 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]. As needed, a graded access road and easement to maintain the public sewer, shall be required to be constructed within easements or right-of-way.

Please note the required sewer improvements for Unit 3, includes offsite improvements along Zinser Road from the westerly project boundary to the existing sewer line in Piper Ranch Road. NOTE: The above shall be to the satisfaction of the Director of Public Works. **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 and approval. **TIMING:** Prior to approval of the Final Map for the applicable unit, the offsite sewer and the sewer for the applicable unit shall be dedicated and installed. Prior to approval of the Final Map for each subsequent unit, the sewer shall be dedicated and installed. **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.

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

12. 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. **Sunroad Boulevard** from northwest corner of lot 26 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, 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') detached sidewalk. Face of curb shall be at thirty-nine feet (39') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement.
 1. **Sunroad Boulevard** 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 a fourteen feet (14') raised median to an improved width of seventy-eight feet (78') with asphalt concrete pavement over approved base.
- b. **Zinser Road** on the project side, from westerly project boundary 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-I/C MXU Collector with bike lane to a minimum 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') detached 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. In the interim conditions, Zinser Road shall terminate with a temporary 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 project side, from Sunroad Boulevard to easterly lot 27 boundary in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-I/C MXU Collector with bike lane to a minimum one-half graded width of thirty-six feet (36') with twenty-six feet (26') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') detached sidewalk. Face of curb shall be at twenty-six feet (26') 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 for the specific unit as indicated above, the plans, agreements, and securities 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.

13. ROADS#2–SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance along **Zinser Road** from the proposed road, Sunroad Boulevard 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 for unit 4, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

14. 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 right-of-way width of ninety-eight feet (98') for **Sunroad Boulevard** from Northwest corner of lot 26 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 Sunroad Boulevard/Otay Mesa Road, and Sunroad Boulevard/Harvest Road intersections, plus slope rights and drainage easements.

Please note relinquishment of access along **Sunroad Boulevard** along the project frontage will be processed during the Site Plan Review to the satisfaction of the Director of the PDS.

- b. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a one-half right-of-way width of forty-eight feet (48') from the centerline of **Zinser Road** on the project side, from westerly project boundary 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-I/C MXU Collector with bike lane; plus slope rights and drainage easements.

Please note relinquishment of access along **Zinser Road** along the project frontage will be processed during the Site Plan Review to the satisfaction of the Director of the PDS.

- c. Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides a one-half right-of-way width of thirty-six feet (36') from the centerline of **Zinser Road** on the project side, from Sunroad Boulevard to easterly boundary of lot 27 in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-I/C MXU Collector with bike lane; plus slope rights and drainage easements.

Please note relinquishment of access along **Zinser Road** along the project frontage will be processed during the Site Plan Review to the satisfaction of the Director of the PDS.

- 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.
- e. With the approval of each Final Map, dedicate a two-foot (2') wide landscape easement along Circulation Element and Specific Plan public roads outside of the right-of-way and within the landscaped setback in order to provide adequate space for street trees in accordance with the East Otay Mesa Business Park Specific Plan.

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 for unit 4, the on-site dedication and the offsite granting 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.

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

15. 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. **Sunroad View Drive**, from Alejandro Drive to Lone Star Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-Local MXU Collector with bike lane, to a graded width of seventy-two feet (72') with fifty-two feet (52') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and five-foot (5') detached sidewalk. Face of curb shall be at twenty-six feet (26') 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, two six-foot (6') bike lanes and two eight-foot (8') shoulders within the improved width of 52'.
- b. **Lone Star Road** in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a 4-Lane Major Road with raised median (4.1A) and bike lane, 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') detached sidewalk. Face of curb shall be at thirty nine feet (39') from centerline. Provide transition for all widenings, dike tapers, and traffic striping to match existing pavement. In the interim conditions, Lone Star Road shall terminate with a cul-de-sac, at both terminuses, 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 for the specific unit as indicated above, the plans, agreements, and securities 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#2–SIGHT DISTANCE

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

REQUIREMENT:

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____ feet of unobstructed intersectional sight distance along **Lone Star Road** from the proposed road,

Sunroad View Drive 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 for unit 5, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

17. 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 right-of-way width of ninety-eight feet (98’) for **Lone Star 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; plus slope rights and drainage easements.

Please note relinquishment of access along **Lone Star Road** along the project frontage will be processed during the Site Plan Review to the satisfaction of the Director of the PDS.

- 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 seventy-two feet (72’) for **Sunroad View Drive** from Alejandro Drive to Lone Star Road in accordance with Public Road Standards and the East Otay Mesa Business Park Specific Plan for a Specific Plan 2-Lane Road-Local MXU Collector with bike lane; with thirty-foot (30’) radius corner rounding at Sunroad View Drive/Alejandro Drive’s intersections, 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.

- d. With the approval of each Final Map, dedicate a two-foot (2') wide landscape easement along Circulation Element and Specific Plan public roads outside of the right-of-way and within the landscaped setback in order to provide adequate space for street trees in accordance with the East Otay Mesa Business Park Specific Plan.

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 for unit 5, the on-site dedication shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the Final Map and Accepted by the County.

PRIOR TO APPROVAL OF ANY UNIT (ALL PHASES)

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

18. 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. With each unit to be recorded, submit an ADT/EDU tracking table based on the project scope. If the proposed development creates impacts that triggers the levels identified in table 11-4 of the approved Traffic Impact Study (TIS), the following intersections need to be improved to accommodate the lane configurations described below:
 - i. Otay Mesa Road/Harvest Road:
 - Southbound: One dedicated right turn lane with overlap phasing and shared thru/left turn lane.
 - Westbound: One shared thru/right turn lane, one dedicated thru lane and one dedicated left turn lane.
 - Northbound: One shared thru/right turn/left turn lane.
 - Eastbound: One shared thru/right turn lane, one dedicated thru lane and two dedicated left turn lanes.
 - Install a traffic signal at the intersection, if one is warranted.
 - ii. Otay Mesa Road/Sunroad Boulevard:
 - Southbound: Two dedicated right turn lanes with overlap phasing, one thru lane and one dedicated left turn lane
 - Westbound: One shared thru/right turn lane, one dedicated thru lane and one dedicated left turn lane.

- Northbound: One shared thru/right turn lane and one dedicated left turn lane.
 - Eastbound: One shared thru/right turn lane, one dedicated thru lane and two dedicated left turn lanes.
 - Install a traffic signal at the intersection, if one is warranted.
- iii. Otay Mesa Road/ Vann Centre Boulevard:
- Southbound: one dedicated right turn lane with overlap phasing and one dedicated left turn lane.
 - Westbound: One shared thru/right turn lane.
 - Eastbound: One thru lane and one dedicated left turn lane.
 - Install a traffic signal at the intersection, if one is warranted.

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. With the last unit to be recorded, construct the ultimate width of the raised median with the concrete curb and gutter on both side of the centerline as required for **Otay Mesa Road** along the project frontage from Harvest Road to Vann Centre Boulevard.
- c. With the approval of each Final Map, for the drainage to Mexico, easements shall be dedicated to the County of San Diego over detention basins, appurtenant structures and access routes (said routes necessary to maintain the foregoing) to a County maintained road. This requires hydrologic and hydraulic reports to ensure appropriate private stormwater detention facilities such that peak stormwater flows from the site remain the same as before the project was developed. This requirement applies to all property as shown on the approved project.
- d. With the approval of each Final Map, unless stated otherwise, easements shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to.

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:

- e. Process and obtain approval of Improvement Plans to improve all the public road segments and intersections as indicated above.

- f. Provide Secured Agreements in accordance with [Subdivision Ordinance Sec. 81.408](#).
- g. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDC].
- h. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- i. 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 approved. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

19.ROADS#2–FAIR SHARE CONTRIBUTION TO CITY OF SAN DIEGO

INTENT: In order 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.

- a. Otay Mesa Road/La Media Road
- b. Airway Road/Sanyo Avenue
- c. 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.

20.ROADS#3–PAVEMENT CUT POLICY

INTENT: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project pavement treatment, and to comply with [County Policy RO-](#)

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

21. ROADS#4-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 any and 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 the Final Map for each of the units execution of the Encroachment Maintenance and Removal Agreement **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.

22. DRNG#1-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.

23. 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 recordation of the Final Map for all phases, and the approval of any plan and the issuance of any permit, the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the agreement and the securities provided adequately satisfy the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed

on all construction and grading plans. [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

24. STRMWTR#2–STORMWATER FACILITIES MAINTENANCE AGREEMENT

INTENT: In order to promote orderly development and to comply with the [County Flood Damage Prevention Ordinance No. 10091 \(Title 8, Division 11\)](#), [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. **DESCRIPTION OF REQUIREMENT:** Under the “State General Permit”

- a. Establish a maintenance agreement / mechanism (to include easements) to assure maintenance of the Category 2 post-construction best management practices (BMP’s). Provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines.

DOCUMENTATION: The applicant shall process the agreement forms with [PDS, LDR] and pay the deposit and applicable review fees to the satisfaction of the Director of DPW and/or PDS. **TIMING:** Prior to the recordation of the Parcel Map, execution of the agreements and securities shall be completed. If improvement will be under covenant, a maintenance agreement will be required prior to approval of the improvement plans. **MONITORING:** The [PDS, LDR] shall review the agreements/mechanisms for consistency with the condition and County Standards.

25. LNDSCP#1–LANDSCAPE DOCUMENTATION PACKAGE

INTENT: In order to provide adequate landscaping that provides adequate screening, and to comply with the specific plan amendment, a landscape plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Parking Design Manual](#), the Specific Plan Amendment and the COSD Grading Ordinance. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

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

appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.

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

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

26) GEN#1 – COST RECOVERY

INTENT: In order to comply with [Section 362 of Article XX of the San Diego County Administrative Code](#), Schedule B.5 existing deficit accounts associated with processing this map shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficits associated with processing this map. **DOCUMENTATION:** The applicant 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.

27) GEN#2 – GRADING PLAN CONFORMANCE

INTENT: In order to implement the required mitigation measures for the project, the required grading plan and improvement plans shall conform to the approved Conceptual Grading and Development Plan. **DESCRIPTION OF REQUIREMENT:** The grading and/or improvement plans shall conform to the approved Conceptual Grading Plan, which includes all of the following grading plan note mitigation measures: biological, cultural, landscaping, air quality, and noise requirements. **DOCUMENTATION:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **TIMING:** Prior to the recordation of any map the notes and items shall be placed on the plans as required. **MONITORING:** The *[DPW, ESU, or PDS, BD for PDS Minor Grading, DPR, TC for trails and PP for park improvements]* shall verify that the grading and/or improvement plan requirements have been implemented on the final grading and/or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

28) GEN#3 – ESTABLISHMENT OF A FUNDING MECHANISM

INTENT: In order to fund operation and maintenance of public facilities, a funding mechanism shall be established. **DESCRIPTION OF REQUIREMENT:** Establish a Community Facilities District (CFD) or other funding mechanism(s) approved by Planning & Development Services, County Fire Authority, Public Works, and Parks and Recreation to fully fund the acquisition, construction, operation, and/or maintenance of public facilities identified in the Public Facilities Financing Plan. In addition, the CFD or other funding mechanism shall have the following requirement:

- a) The CFD or other funding mechanism shall mitigate for the loss of industrial and commercial assessment through the existing East Otay Mesa CFD 09-01 to the satisfaction of Planning & Development Services and County Fire Authority.

TIMING: Prior to recordation of the first Final Map. **MONITORING:** The *[DPR, PP]* and *[PDS, PCC]* shall review the formation documentation and funding of the CFD or other funding mechanism.

26. NOISE#1 – NOISE RESTRICTION EASEMENT: [PDS, BPPR] [PDS, PCC] [MA] [PDS, FEE X 1] Intent: In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element](#), and the [County of San Diego CEQA Noise Guidelines for Determining Significance](#), a noise restriction easement shall be placed on the project parcels to reduce the noise exposure of land uses for sensitive receptors below levels of significance. **Description of requirement:** A Noise Restriction Easement as

indicated on the approved Tentative Map shall be granted on the Final Map. The said easement shall include the entire property and shall comply with the following:

- a. Prior to the approval of any Building Plan and issuance of any Building Permit, a County Approved Acoustical Consultant, shall perform an acoustical analysis, which demonstrates that the proposed **residential dwelling** unit(s) will not be exposed to present and anticipated future noise levels exceeding the allowable sound level limit of the General Plan community noise equivalent levels (CNEL) of 45 dBA for interior noise, and a (CNEL) of 65 dBA for exterior noise levels. Exterior noise sensitive land uses include all Group or Private Usable Open Space as defined by [the General Plan Noise Element](#).

Future traffic noise level estimates must utilize a Level of Service "C" traffic flow for the respective County roadway classifications for Harvest Road, Sunroad Boulevard, Zinser Road, Street A, David Ridge Road, Vann Centre Boulevard, Tech Centre Way, Lone Star Road, and Otay Mesa Road.

- b. The acoustical analysis shall make recommendations that shall be implemented in the project design and building plans, so the proposed structures and project site demonstrate compliance with the noise standards referenced above.
- c. The unauthorized removal of documented noise control measures at a future date after the initial condition is satisfied shall make the affected noise sensitive land use still subject to this building restriction for protection of these uses before any future building permits can be approved and issued.
- d. Prior to the approval of any Building Plan and issuance of any Building Permit, the applicant shall prepare the acoustic analysis and incorporate the proposed project design recommendations and mitigation measures into the Building Plans. The applicant shall submit the acoustical analysis along with the building plans to the [PDS, BD] for review and approval before the building permits can be issued. To the satisfaction of the [PDS, PCC], the applicant shall revise the building plans or site design to incorporate any additional proposed mitigation measures.

DOCUMENTATION: The applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map Review. **TIMING:** Prior to the approval of any Final Map, the requirements of this condition shall be completed. **MONITORING:** The [DPW, LDR] shall verify that the easement is indicated on the map, and that the map details the language above.

27. TRAILS#1–TRAIL EASEMENT

INTENT: In order to promote orderly development by providing trail connections pursuant to the County of San Diego General Plan, [Community Master Trails Plan](#) and to comply with the County Subdivision Ordinance Sections 81.401(n) and 81.402.v, the applicant shall dedicate public non-motorized multi-use trail easements. **DESCRIPTION OF REQUIREMENT:** The applicant shall dedicate to the County of San Diego, a twenty foot (20') non-motorized multi-use trail easements as shown on the approved Tentative Map. **DOCUMENTATION:** The applicant shall show the easements on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map Review. **TIMING:** Prior to the approval of any Final Map the applicant shall dedicate the trail easements to the County of San Diego. **MONITORING:** [PDS, LDR] shall route the Final Map to [DPR, TC] and [PDS, TC] for preapproval and acceptance of the dedication prior to map recordation. [PDS, LDR] shall satisfy the condition after recordation.

28. TRAILS#2–TRAIL IMPROVEMENTS

INTENT: In order to promote orderly development by providing trail connections pursuant to the County of San Diego General Plan, [Community Master Trails Plan](#) and to comply with the [Subdivision Ordinance Section 81.403. through 81.406.1](#), the applicant shall improve the dedicated trail easements. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve to the satisfaction of DPR and PDS non-motorized public trails to a width of ten feet (10') within the non-motorized public trail easements as indicated on the approved Tentative Map. **DOCUMENTATION:** The applicant shall prepare improvement plans and provide securities for the construction of the trails and all associated work. All plans and improvements shall be completed pursuant to the [Community Trails Master Plan Design and Construction Guidelines](#), the [County of San Diego Public Road Standards](#), and the [Land Development Improvement Plan Checking Manual](#). The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. The applicant shall complete the following:

- a. Process and obtain approval of Grading Plans to improve the public non-motorized multi-use trails.
- b. Provide Secured agreements require posting security in accordance with [Subdivision Ordinance Sec. 81.405 through 81.406.1](#).
- c. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI] and [DPR, TC]

The plans shall be submitted to [DPR, TC] and [PDS, LDR], for review and approval. **TIMING:** Prior to the approval of any Final Map, the trails shall be improved **or** the trails plan, associated agreements and securities shall be approved. **MONITORING:** The [DPR, TC] and [PDS, LDR] shall review the plans for conformance and approve all financial securities for the construction of the trail.

29. ARPRT#1—OVERFLIGHT AGREEMENT

INTENT: In order to comply with the Brown Field [Airport Land Use Compatibility Plan](#) an Overflight Agreement shall be recorded. **DESCRIPTION OF REQUIREMENT:** Record, by separate document, an Overflight Agreement over the those portions of the property within Airport Safety Zone 4 – Outer Approach/Departure Zone as shown on the approved Specific Plan Development Map. The agreement 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 agreement on form PDS-206, submit the completed and notarized form to the County Recorder's office, pay all applicable fees associated with the recordation of the documents and submit a copy of the recorded agreement to PDS. **TIMING:** Prior to approval of any Final Map, the Overflight Agreement shall be executed and recorded. **MONITORING:** The [PDS Zoning] shall review the recorded document for compliance with this condition.

30. BIO#2—LBZ EASEMENT [PDS, FEEX 2]

INTENT: In order to protect sensitive biological resources, pursuant to BMO, a Limited Building Zone (LBZ) easement of 30 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 LBZ 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.

31. BIO#4—OFFSITE MITIGATION (VARIEGATED DUDLEYA) [PDS, FEE X2]

INTENT: In order to mitigate for the impacts to variegated dudleya, which is a sensitive biological resource pursuant to BMO, offsite mitigation credits shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat for approximately 80 individual variegated dudleya on approximately one-quarter acre at a location within the BRCA in the MSCP and approved by the County. Offsite mitigation for variegated dudleya shall be provided as indicated below.

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

- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in within the BRCA in the MSCP as indicated below:
 - 1) The type of habitat and the location of the proposed mitigation, should be pre-approved by *[PDS, PCC]* before purchase or entering into any agreement for purchase.

- 2) A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS unless it can be demonstrated that the mitigation lands are managed under an existing County-approved RMP. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
- 3) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
- 4) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
- 5) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the offsite mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is submitted in-lieu of purchasing credits (option 1), then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to the approval of the first final map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

32. BIO#5—OPEN SPACE SIGNAGE [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs 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
Reference: (ER-15-98-190-13G)

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 first Final Map 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.

33. BIO#6—OPEN SPACE FENCING [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry and 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 first Final Map and prior to the approval of any plan and issuance of any permit, the fencing shall be placed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

34. BIO#7–WETLAND CREATION AND ENHANCEMENT PLAN

INTENT: In order to mitigate for the impacts to wetlands, which is a sensitive biological resource pursuant to BMO, the applicant shall provide for the creation and enhancement of wetlands. **DESCRIPTION OF REQUIREMENT:** A Wetlands Creation and Enhancement Plan, shall be prepared, which mitigates impacts to 0.22 acres of wetland habitat. Wetland mitigation shall consist of 0.11 acres of wetland creation and 0.11 acres of enhancement within the northern biological open space. The Wetland Creation and Enhancement Plan shall conform to the approved Resource Conservation Plan (REC 2003) and the most current version of the [County of San Diego Report Format and Content Requirements, including Monitoring, Revegetation Plans, and Enhancement of Open Space](#). 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"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 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, submit it to the [PDS, ZONING], and pay all the applicable review fees and deposits. **TIMING:** Prior to the approval of the first 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, including](#)

Monitoring, Revegetation Plans, and Enhancement of Open Space. 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.

35. BIO#8–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#7–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 the first 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, 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. Upon acceptance of the Agreement, securities and cash deposit, the [PDS, LA], shall provide a confirmation letter-acknowledging acceptance of securities.

36. BIO#9—TRANSLOCATION AND FIVE YEAR MITIGATION AND MONITORING PLAN

INTENT: In order to mitigate for the impacts to fairy shrimp, San Diego button celery and coastal barrel cactus, which are sensitive biological resources pursuant to 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, and coastal barrel cactus. The plan shall be reviewed 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. Fairy shrimp (cysts) shall be translocated from the agricultural pond basin via collection of inoculum and distribution in newly created basins as described in the December 2003 Fairy Shrimp Translocation and Five Year Mitigation and Monitoring Plan (Fairy Shrimp Plan). The pools shall be maintained and monitored for a five-year period or until success criteria are achieved. If the success criteria provided in the Fairy Shrimp Plan are not achieved, the permittee's maintenance and monitoring obligations shall continue until the County gives final mitigation success clearance. At least 0.11 acres of the 0.22 total wetlands created/enhanced shall support fairy shrimp.
- b. 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.
- c. At least 47 barrel cacti shall be translocated, maintained, and monitored as described in the December 2003 Barrel Cactus Transplantation Plan. If final success criterion of 80% survivorship (38 individuals) is not achieved by the end of the fifth year, the responsible party's maintenance and monitoring obligations shall continue until the County of San Diego gives final project confirmation.
- d. 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.

- e. 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.
- f. 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.
- g. 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 December 2003 Barrel Cactus Transplantation Plan has been partially implemented. Verification that this condition has been fully satisfied will be completed prior to project approval. The applicant shall prepare the Translocation and Five Year Mitigation and Monitoring Plan, submit it to the [PDS, ZONING] and pay all the applicable review fees and deposits. **TIMING:** Prior to the approval of the first 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#10– SECURED AGREEMENT shall be made to enter into a Secured Agreement for the implementation of the Plan.

37. BIO#10– 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#9– TRANSLOCATION AND NINE 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 the first 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, 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. Upon acceptance of the Agreement, securities and cash deposit, the [PDS, LA], shall provide a confirmation letter-acknowledging acceptance of securities.

38. BIO#11-RESOURCE CONSERVATION PLAN

INTENT: In order to implement the Resource Conservation Plan (RCP) dated December 2003 on file with PDS as Environmental Review Number ER-15-98-190-13G. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of PDS, a completed RCP. The final RCP 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 habitat land to be managed shall be completely purchased.
- b. The easements shall be dedicated to ensure that the land is protected in perpetuity.

- c. A Resource Manager shall be selected and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- d. The RCP funding mechanism shall be identified and approved by the County to fund annual costs for basic stewardship.
- e. A contract between applicant and County shall be executed for the implementation of the RCP.
- f. 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 the first 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 RMP, and this condition.

39. BIO#12–WETLAND PERMIT: [PDS, FEE X2]

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.

DOCUMENTATION: The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [PDS, PCC] for compliance. **TIMING:** Prior to the approval of the first 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 [DPW, ESU], for implementation on the grading plans.

40. BIO#13—ENDANGERED SPECIES ACT SECTION & PERMITS: [PDS, PCC, GP,CP,UO]

INTENT: In order to comply with the State and Federal Endangered Species Act for impacts to species not covered by the MSCP (ie; San Diego fairy shrimp), the following agency permits shall be obtained, or verification that they are not required shall be obtained. **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 shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [PDS, PCC] for compliance. **TIMING:** Prior to the approval of the first Final Map and prior to the approval of any plan and issuance of any permit. **MONITORING:** The [PDS, PCC] shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans.

41. BIO#14—BIOLOGICAL MONITORING [PDS, FEE X2]

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.

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.

42.PARKS #1– PARK LAND DEDICATION (PLDO) PUBLIC PARK LAND DEDICATION: [PDS, PPC] [DPR, PP] [DGS, RP] [PDS, FEE] [DPR, FEE].

INTENT: In accordance with Title 8, Division 10 of the Code of Regulatory Ordinances and in order to comply with the Park Lands Dedication Ordinance (PLDO) Section 810.105 and in order to receive PLDO credit, public parks shall be fully developed in accordance with PLDO criteria and an approved Final Park Site Plan. 8.6 acres of park land shall be identified and dedicated within the East Otay Mesa Specific Plan Area and 4.3 acres of park land shall be improved for the first 500 dwelling units to ensure compliance with the East Otay Mesa Specific Plan (PDS2015-SP-15-001). **DESCRIPTION OF REQUIREMENT:** The location of the 8.6 acres of park land must be clearly identified and dedicated. 4.3 acres of park land shall be improved for the first 500 dwelling units pursuant to PLDO acreage requirements. Any and all parklands receiving PLDO credit shall comply with the following requirements:

- a. A Final Park Site Plan (that includes grading, irrigation, landscaping, and improvement plans and construction documents) that conforms to the requirements of the East Otay Mesa Specific Plan (PDS2015-SP-15-001), and the park design and construction standards specified by DPR shall be approved by the Director of Parks and Recreation for any public parks.
- b. The public parks for the East Otay Mesa Specific Plan (PDS2015-SP-15-001) shall consist of active recreational uses in compliance with the PLDO.
- c. Park site improvements identified in the approved Final Park Site Plan shall be constructed, and fee title to the public parks conveyed to the County by grant deed free of encumbrances as evidenced by an Environmental Site Assessment and a California Land Title Association Policy provided by the applicant and approved by the Director of DPR.

OR

- d. The applicant may satisfy the preceding requirement by entering into a secured agreement with the County, prior to recordation of the first Final Map. The secured agreement shall require construction of the public park pursuant to a Park Phasing Plan for East Otay Mesa Specific Plan (PDS2015-SP-15-001) that is approved by the Director of Park and

Recreation. The secured agreement shall comply with the requirements for improvement security as specified in the Subdivision Map Act at Government Code section 66499 et seq. and the County Subdivision Ordinance at County Code section 81.407 et seq. The agreement shall specify that the construction timeline for the public parks for the East Otay Mesa Specific Plan (PDS2015-SP-15-001) shall not exceed one and a half years. The secured agreement shall require the applicant to convey fee title to the public parks in the manner specified above. This agreement shall be accompanied by security sufficient to cover the cost of all improvements per the approved Final Park Site Plan and in the form and amount specified by the DPR Director to ensure the applicant's performance of the terms of the agreement.

DOCUMENTATION: The applicant shall complete and provide the following:

- e. Process and obtain approval from the Director of DPR for Final Park Site Plans and the location of 8.6 acres of park land.
- f. Process and obtain approval from the Director of DPR for grading, irrigation, landscaping, and improvement plans and construction documents in compliance with the PLDO and the requirements mentioned above.
- g. Construct 4.3 acres of park improvements identified in a Final Park Site Plan and grading, irrigation, landscaping, and improvement plans and construction documents.
- h. Submit Environmental Site Assessment and California Land Title Association Policy for approval by Director of DPR prior to conveyance of public park fee title.
- i. Convey fee title by Grant Deed of public park sites that have been constructed in accordance with a Final Park Site Plan and is free of encumbrances.

OR

Enter into a Secured Agreement with the County that ensures construction of park site and conveyance of public park fee title in the manner specified above.

TIMING: Prior to the recordation of the first Final Map. **MONITORING:** The [DPR, PP] and [PDS, PCC, Landscape Architect] shall review the Park Site Plan, grading, irrigation, landscaping, and improvement plans, and construction documents. [DPR, PP] shall review the Secured Agreement and the location of the 8.6 acres of park land. [DGS, RP] and [DPR, PP] shall review the Environmental Site

Assessment and California Land Title Association Policy. The [DPR, PP] shall determine amount of park land dedication required. The [PDS, BD] shall monitor building permit issuance.

- 49.PARKS#2 – PARK LAND DEDICATION (PLDO) ESTABLISHMENT OF FUNDING MECHANISM FOR PUBLIC PARKS AND TRAILS: [PDS, PPC] [DPR, PP]. INTENT:** A funding mechanism shall be established to the satisfaction of the DPR Director in order to fully fund the operation and maintenance of the public park and trails. **DESCRIPTION OF REQUIREMENT:** Establish a Community Facilities District (CFD) or other funding mechanism approved by DPR to fully fund the operation and maintenance of the public park and trails. The CFD or other funding mechanism shall have the capacity to generate enough revenue to fund the annual operation and maintenance of the public park and trails as determined by DPR. In addition to the tax on developed parcels, this CFD or other funding mechanism shall include an “undeveloped land tax” which will allow revenue to be generated on all undeveloped parcels/lots within the CFD. **DOCUMENTATION:** The applicant shall create and fund formation of the CFD or other funding mechanism to the satisfaction of DPR. **TIMING:** Prior to recordation of the first Final Map. **MONITORING:** The [DPR, PP] and [PDS, PCC] shall review the formation documentation and funding of the CFD or other funding mechanism.
- 50.PARKS#3 – PARK LAND DEDICATION (PLDO) PRIVATE PARK LAND DEDICATION: [PDS, PPC] [DPR, PP] [DGS, RP] [PDS, FEE] [DPR, FEE]. INTENT:** In accordance with Title 8, Division 10 of the Code of Regulatory Ordinances and in order to comply with the Park Lands Dedication Ordinance (PLDO) Sections 810.105 and 810.108 and in order to receive PLDO credit, any private parks shall be restricted to park and recreational purposes only with an easement or other mechanism approved by the DPR. **DESCRIPTION OF REQUIREMENT:** The applicant shall dedicate an open space easement or other instrument approved by DPR, DGS and County Counsel on any private park lots that a) restricts the use of the lots to park and recreational purposes only, b) specifies that the private ownership and maintenance of the private parks will be adequately provided for by recorded written agreement, covenants, or restrictions, and c) Includes a defense and indemnity provision in favor of the County of San Diego. **DOCUMENTATION:** The easement may be recorded by separate document or on the Final Map for the unit in which the private parks are located. The easement shall be submitted to the DPR and DGS for review and approval. **TIMING:** Prior to recordation of the first Final Map. **MONITORING:** The [PDS, PPC] [DGS, RP] and [DPR, PP] shall review the documentation for conformance with this condition.
- 51.PARKS#4 – PARK LAND DEDICATION (PLDO) ESTABLISHMENT OF FUNDING MECHANISM FOR PRIVATE PARKS AND TRAILS: [PDS, PPC] [DPR, PP]. INTENT:** A funding mechanism shall be established to fully fund the operation and maintenance of all private parks and trails to the satisfaction of the DPR to ensure ongoing compliance with the County of San Diego PLDO.

DESCRIPTION OF REQUIREMENT: Establish a funding mechanism for the operation and maintenance of all private parks and trails to the satisfaction of the DPR. **DOCUMENTATION:** The applicant shall provide written evidence to the satisfaction of the DPR that adequate operation and maintenance of all private parks and trails will be provided by a funding mechanism, such as a Homeowners Association. An example of satisfactory written evidence is documentation of the formation of a Home Owners' Association that has adequate authority, obligations and funding to ensure operation and maintenance of all private parks, trails, and the private recreation facility. **TIMING:** Prior to recordation of the first Final Map. **MONITORING:** The [DPR, PP] and [PDS, PCC] shall review the formation documentation for a Homeowners Association or other funding mechanism.

52. PARKS #5 – PARK LAND DEDICATION (PLDO) PARK PHASING PLAN: [PDS, PPC] [DPR, PP]. INTENT: A Park Phasing Plan shall be submitted for review and approval to ensure that the public and private parks are constructed and operating to ensure compliance with Park Lands Dedication Ordinance (PLDO) Section 810.105 and the East Otay Mesa Business Park Specific Plan (PDS2015-SP15-001). **DESCRIPTION OF REQUIREMENT:** A Park Phasing Plan shall be submitted to the County Departments of Parks and Recreation and Planning and Development Services for review and approval. The Phasing Plan shall include milestones for commencing public and private park improvements, and public parkland dedication, and payment of fees. **DOCUMENTATION:** The applicant shall provide a Park Phasing Plan. **TIMING:** Prior to recordation of the first Final Map. **MONITORING:** The [DPR, PP], [PDS, PCC] shall review the Park Phasing Plan to verify compliance with this condition.

53. CULT#1 - CULTURAL OPEN SPACE EASEMENT

INTENT: In order to protect sensitive Cultural Resources CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337, a Cultural Resource Open Space Easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a 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, 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 the map for PDS2015-TM-5607, 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.

54. CULT#2 - ARCHAEOLOGICAL MONITORING

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

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of

acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.

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

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

The following notes shall be placed on the Preliminary Grading Plan and Grading/Improvement Plans and shall be conditions of approval:

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

1) CULT#GR-1 - TEMPORARY FENCING – OPEN SPACE BOUNDARY

INTENT: In order to mitigate for potential impacts to sites CA-SDI-9975, CA-SDI-12730, and a portion of CA-SDI-12337 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), as shown on the temporary fencing exhibit provided in the confidential appendix of the cultural study. The temporary fencing plan shall be prepared in consultation with a County approved archaeologist and the Kumeyaay Native American 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:
 - (1) 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 Kumeyaay Native American 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.

2) BIO#GR-1–BURROWING OWL MONITORING [PDS, FEE X3]

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.”

3) BIO#GR-2–BIOLOGICAL MONITORING [PDS, FEE X3]

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 in accordance with the Biological Technical Report. 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.

4) BIO#GR-3–TEMPORARY FENCING [PDS, FEE]

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.”

5) BIO#GR-4—RESOURCE AVOIDANCE (AVIAN SPECIES) [PDS, FEE X2]

INTENT: In order to avoid impacts to raptors and migratory birds, which is a sensitive biological resource pursuant to 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 7 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 15 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.

6) **BIO#GR-5–RESOURCE AVOIDANCE (QUINO CHECKERSPOT BUTTERFLY)
[PDS, FEE X2]**

INTENT: In order to avoid impacts to Quino checkerspot butterfly, which is a sensitive biological resource pursuant to the RPO and U.S. 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.”

7) **CULT#GR-2 - ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING INTENT:** In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist and Kumeyaay Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the

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

8) AQ#GR-1 – CONSTRUCTION EXHAUST EMISSIONS

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

9) HAZ#GR-1–SOIL REMEDIATION [PDS, FEE X 2]

INTENT: In order to remediate contaminated soils caused from historic agricultural uses as identified in the Limited Phase II ESA, prepared by SCS Engineers, dated March 2, 2016, remediation under the supervision of the Department of Environmental Health (DEH), [Site Assessment and Mitigation Program \(SAM\)](#) is required. **DESCRIPTION OF REQUIREMENT:** A California Licensed Environmental Consultant company shall prepare a Soil Management Plan (SMP), for the remediation of hazardous materials as identified above. The plan shall be prepared and implemented pursuant to the [DEH SAM Manual](#) under direction from the DEH [SAM](#):

- a. Enrollment in the DEH, [Voluntary Assistance Program \(VAP\)](#) is required. All soil remediation shall be completed under supervision of the SAM/VAP as required.
- b. All required grading work shall comply with the [County of San Diego Grading Ordinance 87.101 et. al.](#) If a grading permit is required for the remediation work, it shall be issued for the remediation work only.
- c. 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 [DEH, SAM] is required, and the applicant shall enter into a secured agreement for the completion of the remediation work.

DOCUMENTATION: The applicant shall contract with a California Licensed Environmental Consultant to prepare the SMP and implement any required work plan for possible soil remediation. The applicant shall also enroll in the VAP and pay all applicable fees for review and completion of this requirement. Upon completion of the VAP a "Closure Letter" from [DEH, SAM] shall be submitted to the [PDS, PCC] for approval. **TIMING:** Prior to approval of any grading and/or improvement plans, issuance of any construction, building or any other permit (except for any grading plan or permit required for the remediation work), and prior to commencement of any construction, or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [DEH, SAM] shall oversee the progress of the remediation project. Upon Completion of the remediation project the [DEH, SAM] shall issue a "Closure Letter" to the applicant. The [PDS, PCC] shall review the closure letter for compliance with this condition.

10) HAZ#GR-2-SOIL TESTING [PDS, FEE X 2]

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 II 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 II ESA shall be prepared by a Registered Engineer or Professional Geologist. The addendum shall include the following information or as modified by DEH:

- 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 DEH 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 DEH.

11) HAZ#GR-3 – RIGHT OF ENTRY AGREEMENT [PDS, FEE X 2]

INTENT: In order to complete all proposed or existing remediation of the site and to comply with the Department of Environmental Health (DEH), [Site Assessment and Mitigation Program \(SAM\)](#) requirements access shall be granted to complete ongoing site cleanup. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a Right of Entry (ROE) to allow ongoing access to the remediation for contaminated soils. Upon completion of remediation activities, the ROE Agreement will become null and void. **DOCUMENTATION:** The applicant shall prepare, and execute the ROE with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the ROE, the applicant shall provide copies of the executed documents to [PDS, PCC] for approval. **TIMING:** Prior to any grading activities on the premises, the agreement shall be executed. **MONITORING:** The [DGS, RP] shall prepare and approve the ROE Agreement and release them to the applicant for signature and subsequent recordation. Upon Recordation of the ROE [DGS, RP] shall forward a copy of the recorded documents to [DEH, LWQ] and [PDS, PCC] for satisfaction of the condition.

12) GHG EMISSIONS#GR-1 - INTENT: In order to mitigate for GHG construction emissions. Description of Requirement:

a. **Option 1 (No Net Increase)**

Prior to County's issuance of any grading or improvement plan the applicant, or its designee, shall provide evidence to the satisfaction of the Director PDS that the project applicant or its designee has purchased and retired carbon offset credits in a quantity sufficient to offset any net increase of construction emissions from the previously entitled TM 5139.

Carbon offset credits must be purchased through any of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard, (ii) any registry approved by CARB to act as a registry under the state's cap-and-trade program, (iii) through the CAPCOA GHG Reduction Exchange (Rx) and the San Diego Air Pollution Control District (SDAPCD), or (iv) if no registry is in existence as identified in options (i), (ii), or (iii), above, then any other reputable registry or entity that issues carbon offsets consistent with California Health & Safety Code section 38562(d)(1), to the satisfaction of the Director of PDS.

b. **Option 2 (Net Zero)**

Prior to the County's issuance of the project's first grading permit or improvement plan the applicant, or its designee, shall provide evidence to the satisfaction of the Director of PDS that the project applicant or its designee has purchased and retired carbon offset credits in a quantity sufficient to offset all construction and operations GHG emissions generated by the project.

Carbon offset credits must be purchased through any of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard, (ii) any registry approved by CARB to act as a registry under the state's cap-and-trade program, (iii) through the CAPCOA GHG Rx and the SDAPCD, or (iv) if no registry is in existence as identified in options (i), (ii), or (iii), above, then any other reputable registry or entity that issues carbon offsets consistent with California Health & Safety Code section 38562(d)(1), to the satisfaction of the Director of PDS.

DOCUMENTATION: The applicant shall provide evidence to the Satisfaction of the Director of PDS that GHG emissions have been offset. **TIMING:** Prior to any grading or construction activities on the premises. **MONITORING:** The [DPW, PDCI] shall not allow any grading unless concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

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

13) BIO#GR-6–BIOLOGICAL MONITORING [PDS, FEE X3]

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;
- e. 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;
- f. 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);
- g. Confer with the Wildlife Agencies and [PDS PCC] within 24 hours any time protected habitat are being affected by construction;
- h. Attend construction meetings and other meetings as necessary;
- i. 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.

- 14) BIO#GR-7 - ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION**
INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. **Monitoring.** During the original cutting of previously undisturbed deposits, the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.
- b. **Inadvertent Discoveries.** In the event that previously unidentified potentially significant cultural resources are discovered:
 1. The Project Archaeologist or the Kumeyaay Native American monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.
 2. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
 3. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American Monitor, shall determine the significance of the discovered resources.
 4. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
 5. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
 6. If cultural resources are determined to be significant, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

- c. **Human Remains.** If any human remains are discovered:
1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
 2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Kumeyaay Native American monitor.
 3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).
 4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
 5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
 6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- d. **Fill Soils.** The Project Archaeologist and Kumeyaay Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.
- e. **Monthly Reporting.** The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.
- f. **Disagreements.** The County Archaeologist shall make a determination for any disagreements between the Project Archaeologist and the Kumeyaay Native American 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.

15) AQ#GR-2 CONSTRUCTION DUST

INTENT: In order to mitigate for fugitive dust. **DESCRIPTION OF**

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

- a. All haul/dump trucks entering or leaving the site with soil or fill material must maintain at least 2 feet of freeboard or cover loads of all haul/dump trucks securely.
- b. Dust control measures of the Grading Ordinance will be enhanced with a minimum of three daily applications of water to the construction areas, between dozer/scrapper passes and on any unpaved roads within the project limits.
- c. Grading is to be terminated in winds exceed 25 miles per hour (mph).
- d. Sweepers and water trucks shall be used to control dust and debris at public street access points and paved roads.
- e. Dirt storage piles will be stabilized by chemical binders, tarps, fencing or other suppression measures.
- f. Internal construction-roadways will be stabilized by paving, chip sealing or chemicals after rough grading.
- g. A minimum of nine (9) - 15 mph sign shall be posted and enforced on unpaved areas during construction.

DOCUMENTATION: The applicant shall comply with the Air Quality requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [Department of Planning and Land Use (DPLU), Permit Compliance Coordinator (PCC)] if the applicant fails to comply with this condition.

16) AQ#GR-3 CONSTRUCTION ARCHITECTURAL COATINGS

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

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

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

17) **NOISE#GR-1 TEMPORARY CONSTRUCTION NOISE: [DPW, PDCI].**

INTENT: In order to minimize temporary construction noise for grading operations associated with SPA-15-001 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-8–BIOLOGICAL MONITORING [PDS, FEE]

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to SPA-15-001 and TM-5607, 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, including Monitoring](#). 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-3 - ARCHAEOLOGICAL MONITORING – ROUGH GRADING

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for

Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

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

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

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

20) BIO#GR-9—OPEN SPACE SIGNAGE & FENCING [PDS, FEE]

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 SPA-15-001 and TM 5607, the fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** 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 for TM-5607.

- 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 15-001 Environmental Review 15-98-190-13G, Rezone 15-007, General Plan Amendment 15-008, and Tentative Map 5607, 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.

21) BIO#GR-10–EASEMENT AVOIDANCE [PDS, FEE]

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

DESCRIPTION OF REQUIREMENT: The easement indicated on this plan is for the protection of sensitive environmental resources, including 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 is:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, between the Wildlife Agencies and the fire districts and any subsequent amendments thereto; Activities conducted

pursuant to a restoration/enhancement, translocation, or habitat management plan approved by the Director of PDS;

- b. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the County of San Diego DEH.

DOCUMENTATION: The applicant shall provide a letter statement to the [PDS, 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, PDCI] shall not allow any grading, clearing or encroachment into the open space easement.

22) CULT#GR-4 - ARCHAEOLOGICAL MONITORING – FINAL GRADING

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

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

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been 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.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

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

23) 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.

24) HAZ#GR-4—CERTIFICATION OF COMPLETION [PDS, FEE]

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 (DEH), [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 [DEH, 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 [DEH, 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 [DEH, 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.

MITIGATION MONITORING OR REPORTING PROGRAM (MMRP): Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Monitoring or Reporting Program for any project approved with the adoption of a Mitigated Negative Declaration or with the certification of an Environmental Impact Report, for which changes in the project are required in order to avoid significant impacts.

Section 21081.6(a)(1) states, in part:

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate

or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

Section 21081(b) further states:

A public agency shall provide [that] the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.

As indicated above, a Mitigation Monitoring or Reporting Program is required to assure that a project is implemented in compliance with all required mitigation measures. The Mitigation Monitoring or Reporting Program (MMRP) for this project is incorporated into the mitigation measures adopted as project conditions of approval. Each mitigation measure adopted as a condition of approval (COA) includes the following five components.

Intent: An explanation of why the mitigation measure (MM) was imposed on the project.

Description: A detailed description of the specific action(s) that must be taken to mitigate or avoid impacts.

Documentation: A description of the informational items that must be submitted by the applicant to the Lead Agency to demonstrate compliance with the COA.

Timing: The specific project milestone (point in progress) when the specific required actions are required to implemented.

Monitoring: This section describes the actions to be taken by the lead agency to assure implementation of the mitigation measure.

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

1. The Tentative Map is consistent with all elements of the San Diego County General Plan and with the Specific Plan Area General Plan Land Use Designation because it proposes a business technology, commercial, and residential use types at a maximum density of 40 dwelling units an acre and complies with the provisions of the State Subdivision Map Act and the Subdivision Ordinance of the San Diego County Code;
2. The Tentative Map is consistent with The Zoning Ordinance because it proposes a mixed-use planned development in a Specific Plan Use Regulation.
3. The design and improvements of the proposed subdivision are consistent with all elements of the San Diego County General Plan and with the Otay Subregional Plan, and comply with the provisions of the State Subdivision Act and the Subdivision Ordinance of the San Diego County Code;

4. The site is physically suitable for the residential and commercial use types of development because the site is large enough to accommodate the proposed development, and is located near existing infrastructure and development;
5. The site is physically suitable for the proposed density of development because water and sewer services are available from the Otay Water District and the County of San Diego Sanitation District.
6. The design of the subdivision and the type of improvements will not cause public health problems because adequate water supply and sewage disposal services have been found to be available or can be provided concurrent with need;
7. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon Environmental Findings from the Final Supplemental Environmental Impact Report dated March 2018;
8. The design of the subdivision or the type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision, as defined under Section 66474 of the Government Code, State of California; and

The division and development of the property in the manner set forth on the approved Tentative Map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;
9. The discharge of sewage waste from the subdivision into the Otay Sanitation District sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6;
10. Because adequate facilities and services have been assured and adequate environmental review and documentation have been prepared, the regional housing opportunities afforded by the subdivision outweigh the impacts upon the public service needs of County residents and fiscal and environmental resources; and
11. Determinations and findings pursuant to the California Environmental Quality Act, the Resource Protection Ordinance, and the Watershed Protection, Stormwater Management, and Discharge Control Ordinance have been made by the Board of Supervisors.

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

- The Final map shall show an accurate and detailed vicinity map.
- The Basis of Bearings for the Final Map shall comply with [Section 81.507 of the Subdivision Ordinance](#).
- Prior to the approval of the Final Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Final Map report from a qualified title insurance company.
- The following notes shall appear on the Final Map:
 - All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision 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 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. 10385](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), BMP Design Manual, 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 additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: On June 27, 2013, 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 February 26, 2016. *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 on Page 19, Section D.1.d (4), subsections (a) and (b):

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/2013-0523_Order_No._R9-2013-0001_COMPLETE.pdf.

<http://www.sdcounty.ca.gov/PDS/docs/LID-Handbook.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 above.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of excavation or eight feet (8') of cut/fill per criteria of [Section 87.201 of the County Code](#).

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

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. 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.

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

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

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

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.

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

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

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

ON MOTION of Supervisor _____, seconded by Supervisor _____, this Resolution is passed and approved by the Board of Supervisors of the County of San Diego, State of California, at a regular meeting held on this _____ day of _____ by the following vote:

cc: Uri Feldman, Sunroad Otay Partners, L.P., 4445 Eastgate Mall, Ste. 400, San Diego, CA 92121
 Andrea Rosati, Sunroad Otay Partners, L.P., 4445 Eastgate Mall, Ste. 400, San Diego, CA 92121
 Mark Stevens, Stevens Cresto Engineering, Inc, 9665 Chesapeake Dr. Ste 200 San Diego, CA 92123

Attachment F – Environmental Documentation

**DRAFT FINDINGS REGARDING SIGNIFICANT EFFECTS
PURSUANT TO STATE CEQA GUIDELINES SECTIONS
15090, 15091, AND 15093**

**OTAY SUNROAD 250 – EAST OTAY MESA BUSINESS
PARK SPECIFIC PLAN AMENDMENT PROJECT**

PDS2015-SPA-15-001, PDS2015-GPA-15-008, PDS2015-REZ-15-007,
PDS2015-TM-5607 LOG No. PDS2015-ER-15-98-190-13G

SCH No. 2016031028

DRAFT: March 2018

I. INTRODUCTION

The Final Supplemental Environmental Impact Report (FSEIR), dated March 2018 for the Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment Project provides a project level analysis for the Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment Project (the “Proposed Project”) pursuant to the California Environmental Quality Act (“CEQA”). The FSEIR supplements the East Otay Mesa Specific Plan EIR (SP 93-004, Log No. 93-19-006) certified by the Board of Supervisors on July 17, 1994 (“1994 EIR”) and subsequent addenda to the EIR; and the Supplemental EIR for the East Otay Mesa Specific Plan Sunroad Centrum project (TM 5139, ER Log 98-19-013, SCH No. 9210199), certified by the Board of Supervisors on December 15, 2000 (“2000 SEIR”), and subsequent addenda to the SEIR. An Addendum, dated March 9, 2012 was prepared for the Sunroad Otay Tech Centre (TM 5538, Log No. 98-19-013B); the 2012 Addendum adds to the 1994 EIR and 2000 SEIR.

The Proposed Project area comprises approximately 253 acres within the East Otay Mesa Specific Plan area, which totals 3,012.7 acres. The Proposed Project is located within the Otay Subregional Plan Area in unincorporated San Diego County. The Proposed Project consists of a Specific Plan Amendment, an amendment to the Otay Subregional Community Plan (General Plan Amendment), a Rezone, and a Tentative Map. The Project proposes a Specific Plan Amendment to the East Otay Mesa Business Park Specific Plan to establish a new Mixed-Use Village Core area within the Specific Plan Area, which would allow for the construction of a mix of employment, retail, and residential uses. Approval of the project would allow the maximum entitlement of 3,158 dwelling units, 78,000 square feet of general commercial uses, 765,000 square feet of employment uses, and approximately 51.3 acres of permanent open space.

The proposed Tentative Map would subdivide the Project site into 30 lots and consists of four Commercial/Technology Business Park lots, 25 Mixed Use lots ranging in size from 1.7 acres to 11.84 acres, and one 51.3-acre dedicated open space lot.

The Proposed Project would include construction of public streets within the Project boundary, including Sunroad Boulevard, Sunroad View Drive, Alejandro Drive, and extensions of Harvest Road and David Ridge Drive. All public Project roadways would include Class 2 bike lanes.

The FSEIR analyzes five alternatives to the Proposed Project: No Project/No Development; No Project/Development Under Existing Specific Plan Designation; and Reduced Development Intensity Alternatives A, B, and C. Findings associated with the alternatives are provided herein in Section VI.

The Proposed Project is intended to accomplish the objectives set out below.

1. Contribute to the Specific Plan goals of promoting a well-organized international industrial and business district to attract and accommodate forecasted growth by providing a Mixed-Use Village Core that would permit a variety of residential uses

CEQA Findings and Statement of Overriding Considerations

at higher densities, in addition to light industrial/technology, office, and commercial uses.

2. Promote the conservation of open space to preserve environmental resources and provide recreational opportunities for the industrial workforce and surrounding community residents.
3. Implement the County of San Diego General Plan vision of creating compact communities by creating a Village Core within the East Otay Mesa sub-region that contains a mix of housing types located near retail businesses, employment, and recreational uses.
4. Establish a land use pattern with a mix of densities and land uses that will minimize automobile trips, support walking and bicycling, encourage participation in recreational activities, and invigorate the economic health of surrounding businesses.
5. Provide convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular use.
6. Support development of the East Otay Mesa Specific Plan multi-modal transportation system by providing a multi-modal internal street network that serves vehicular, pedestrian, and bicycle travels; as well as installation of a bus stop providing access to local and regional transit.
7. Develop well-designed infrastructure, buildings, and landscaping, on-site and off-site, that create a distinct urban character for the East Otay Mesa Specific Plan area.
8. Provide infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth in East Otay Mesa while meeting applicable County standards.

Pursuant to CEQA Guidelines section 15367, the County of San Diego is the “lead agency” for the purpose of preparing the environmental review required by CEQA for the Proposed Project.

Pursuant to the CEQA Guidelines (Section 15375), the County prepared a Notice of Preparation (NOP) for the EIR. The NOP was publicly circulated for 30 days beginning March 11, 2016. The County held a public scoping meeting on March 22, 2016 to provide responsible agencies and members of the public with information about the CEQA process and to provide further opportunities to identify environmental issues and alternatives for consideration in the EIR. Public comments received during the NOP scoping process are provided in Appendix A of the EIR.

CEQA Findings and Statement of Overriding Considerations

The County released a Notice of Availability of the Draft SEIR on March 23, 2017, to commence the 45-day public review period, in compliance with CEQA Guidelines section 15087, which ended on May 8, 2017. Comments received and responses to those comments have been included in Chapter 8.0 of the FSEIR as required by CEQA Guidelines sections 15088 and 15132.

All materials that constitute the record of proceedings, including documents related to the SEIR and review process are available from the County of San Diego Planning & Development Services and on their website at:

http://www.sdcounty.ca.gov/pds/ceqa_public_review.html.

The County adopts the Proposed Project, for the reasons explained in these findings.

II. POTENTIALLY SIGNIFICANT EFFECTS THAT CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE (CEQA GUIDELINES §15091(A)(1))

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the County of San Diego Board of Supervisors finds that, for each of the following significant effects identified in the FSEIR, changes or alterations have been required in, or incorporated into, the Proposed Project which mitigate or avoid the potentially significant effects on the environment. The potentially significant effects and mitigation measures are stated fully in the FSEIR. These findings are explained below and are supported by substantial evidence in the record of proceedings.

To the extent these findings conclude that mitigation measures identified in the FSEIR are feasible, the County hereby binds itself to implement those measures. These findings are not merely informational, but constitute a binding set of obligations upon the County, Project applicant, and responsible agencies that take effect upon the County's adoption of the resolutions certifying the FSEIR and approving the Proposed Project.

In adopting these findings, the County concurrently adopts a Mitigation Monitoring and Reporting Program (MMRP) pursuant to Public Resources Code section 21081.6. This MMRP is designed to ensure the Proposed Project complies with the feasible mitigation measures identified below during implementation of the Proposed Project as is incorporated herein by reference.

A. **Biological Resources**

1. **Significant Effect: Impact BI-1** – Implementation of the proposed Project would result in significant direct, indirect, and cumulative impacts to San Diego button-celery. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate direct impacts to San Diego button-celery (BI-1), a pre-construction survey shall be conducted in the Project development area prior to clearing of the development area. Plants located on-site shall be salvaged and translocated to a preserved vernal pool within the Open Space Easement (Lot 20 of the proposed Tentative Map), in conjunction with the approved Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan, which is included as an Appendix to the Resource Conservation Plan dated December 2003. An addendum to the Fairy Shrimp Plan shall be prepared and would specify the methods, monitoring, and success criteria for the San Diego button-celery salvage and translocation. This plan will be reviewed by the County and Wildlife Agencies. If the Minor Amendment is re-evaluated by the Wildlife Agencies, any additional measures which may be required by the Wildlife Agencies will be incorporated into Project design. Wet season protocol surveys will be conducted prior to grading. If a focused survey in a year of adequate rainfall and vernal pool ponding should demonstrate that this group of button-celery is no longer extant, this mitigation measure for direct impacts would not be required.

Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

2. **Significant Effect: Impact BI-2** – Implementation of the proposed Project would result in significant direct, indirect, and cumulative impacts to San Diego fairy shrimp. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: Mitigation measure M-BI-2a requires 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. Mitigation measure M-BI-2b requires the creation of wetlands suitable for both San Diego and Riverside species of fairy shrimp to 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. Mitigation measure M-BI-2b would mitigate San Diego Fairy Shrimp impacts 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.

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Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

3. **Significant Effect: Impact BI-3** – Implementation of the proposed Project would result in significant direct, indirect, and cumulative impacts to Riverside fairy shrimp. (See FSEIR, p. 2.2-1 through 2.2-78)

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: 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. 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.

Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

4. **Significant Effect: Impact BI-4** – Implementation of the proposed Project would result in significant direct and cumulative impacts to variegated dudleya. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: The following mitigation measures would mitigate Project impacts to variegated dudleya to below a level of significance:

M-BI-4a: The applicant shall provide 1:1 offsite mitigation for impacted variegated dudleya plants. The potential impact area shall be surveyed for variegated dudleya plants during the blooming period (May to June) prior to grading or other ground disturbance. If variegated dudleya are found on-site and outside of the open space easement (Lot 20 of the proposed Tentative Map), the applicant shall purchase and preserve habitat supporting the same number of variegated dudleya plants to be impacted, located at a County approved location as indicated below. Variegated dudleya surveys shall be conducted in a year with adequate plant expression at a reference site with a 1:1 off-site mitigation for dudleya plants. If surveys are conducted in a year that does not have adequate plant expression, then off-site mitigation for 80 variegated dudleya plants shall be required.

M-BI-4b: *Option 1:* If purchasing mitigation credit the mitigation bank shall be approved by the California Department of Fish and Wildlife. The mitigation should be located within the County MSCP. If mitigation is proposed outside of the County MSCP, provide documentation that a current and thorough search was done and that mitigation land is not available within the subarea. The evidence of purchase shall include the following information to be provided by the mitigation bank:

1. Confirmation that the habitat credits purchase support at least the same number of variegated dudleya plants found in the impact area. Surveys of the impact site and mitigation site should be conducted within the same blooming season.
2. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
3. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
4. To ensure the land would be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
5. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this

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project and the amount remaining after utilization by this project.

Option 2: If habitat credits cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat supporting at least the same number of variegated dudleya plants found in the impact area to the satisfaction of the Department of Planning and Development Services (PDS) as indicated below:

1. The type of habitat and the location of the proposed mitigation must be pre-approved by PDS, PCC before purchase or entering into any agreement for purchase.
2. The mitigation should be located within the South County MSCP. If mitigation is proposed outside the South County MSCP, provide documentation that a current and thorough search was done and that mitigation land is not available within our subarea.
3. If an offsite mitigation property is pursued that does not have an existing management plan, then a Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by Department of Parks and Recreation (DPR), the RMP shall also be approved by the Director of DPR.
4. An open space easement over the land shall be dedicated to the County of San Diego or like agency or the land shall be protected in perpetuity by other suitable mechanism to the satisfaction of the Director of PDS.
5. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
6. 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 or function as grantee under an easement 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 would be managed by the agency for conservation of natural resources in perpetuity.

Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

5. **Significant Effect: Impact BI-5** – Implementation of the proposed Project would result in significant direct and cumulative impacts to burrowing owl habitat. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: Per mitigation measure 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.

Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

6. **Significant Effect: Impact BI-6** – Implementation of the proposed Project would result in significant impacts to turkey vulture. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: 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.

Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

7. **Significant Effect: Impact BI-7** – Implementation of the proposed Project would result in significant impacts to northern harrier. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: Mitigation requirements of M-BI-7 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

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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 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.

Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

8. **Significant Effect: Impact BI-8** – Implementation of the proposed Project would result in significant impacts to white-tailed kite. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: Mitigation measure M-BI-8 contains 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. 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.

Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

9. **Significant Effect: Impact BI-9** – Implementation of the proposed Project would result in significant direct and cumulative impacts to loggerhead shrike. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: 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.

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Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

10. **Significant Effect: Impact BI-10** – Implementation of the proposed Project would result in significant direct and cumulative impacts to black-tailed jackrabbit. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: Implementation of mitigation measure M-BI-12, below, would reduce impacts to black-tailed jackrabbit (BI-10) to below a level of significance.

Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

11. **Significant Effect: Impact BI-11** – Implementation of the proposed Project would result in significant direct and cumulative impacts to raptor foraging habitat. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: 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.

Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

12. **Significant Effect: Impact BI-12** – Implementation of the proposed Project would result in significant indirect impacts to preserved land in the Biological Open Space. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: 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:

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- 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 associated with future projects as part of site plan review. 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.

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- 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.

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M-BI-12o: Temporary construction fencing shall be installed.

M-BI-12p: Installation of sturdy fence that can prevent cutting 3-strand wire 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).

Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

13. **Significant Effect: Impact BI-13** – Implementation of the proposed Project would result in the permanent removal of 195.99 acres of naturalized non-native grassland habitat, which results in a direct and cumulative impact. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: Mitigation measure M-BI-13 requires that 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.

Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

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- 14. Significant Effect: Impact BI-14** – Implementation of the proposed Project would result in the permanent removal of 0.11 acre of disturbed wetland habitat, which results in a direct and cumulative impact. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: Mitigation measure M-BI-14 mitigates significant impacts to 0.11 acre of disturbed wetland (BI-14) at a ratio of 2:1. Mitigation, as previously approved, would consist of 1:1 creation and 1:1 enhancement, in the form of creating 0.11 acre of new wetland habitat in the northern Open Space Easement (Lot 20 of the proposed Tentative Map)(as required by the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan), and enhancing 0.11 acre of wetland habitat in the Open Space Easement (Lot 20 of the proposed Tentative Map). The enhancement element consists of enhancing all of the vernal pools in the Open Space Easement (Lot 20 of the proposed Tentative Map) as required by the Long Term Management, Maintenance, and Monitoring Plan and will actually provide 0.21 acre of enhancement. As documented in the Project's December 2000 MSCP Findings (County of San Diego 2000), another 0.1[1] acre of wetland creation would be required to bring up the mitigation ratio to 2:1. The additional 0.11 acre of wetland mitigation should be undertaken in the Johnson Canyon drainage. As an alternative, the additional 0.11 acre of wetland creation within the mima mound vernal pool area shall be replaced with enhancement/restoration of the 0.39-acre area of non-native riparian habitat. The change from creation to enhancement/restoration would be compensated by an increase in the ratio from 1:1 to slightly over 3:1. A riparian habitat enhancement/restoration plan shall be developed and approved by the County and Wildlife Agencies.

Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

- 15. Significant Effect: Impact BI-15** – If impacted disturbed wetlands are considered to be Waters of the U.S, the proposed Project would result in direct impacts to Federally-protected wetlands. (See FSEIR, p. 2.2-1 through 2.2-78)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: 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-15 above.

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Reference: EIR, Section 2.2; biological resources related response to comment (RTCs) Chapter 8.0; and all other biological resources related evidence in the administrative record.

B. Cultural Resources

- 16. Significant Effect: Impact CR-1** – Direct impacts to SDI-9975 would occur to the portion of the site within the development area. (See FSEIR, p. 2.3-1 through 2.3-23)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: To mitigate for direct impacts to SDI-9975 and SDI-12730, per mitigation measure M-CR-1, the following shall be implemented:

- A Biological Open Space Easement shall be dedicated to the County of San Diego which incorporates cultural resources that are to be preserved.
- Prior to any ground disturbance, temporary fencing shall be installed along the southern open space boundary where earth disturbing activities are within 100 feet of the open space easement. Placement of the fencing shall be coordinated by a California licensed surveyor in consultation with the Project Archaeologist and Kumeyaay Native American monitor. If the wetland creation is within 50 feet of CA-SDI-9975 or CA-SDI-12730, temporary fencing including an adequate buffer shall be installed. The fencing shall be installed under the supervision of the Project Archaeologist and Kumeyaay Native American monitor.

Reference: EIR, Section 2.3; and all other cultural resources related evidence in the administrative record.

- 17. Significant Effect: Impact CR-2** – Direct impacts to SDI-12730 would occur to the portion of the site within the development area. (See FSEIR, p. 2.3-1 through 2.3-23)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: To mitigate for direct impacts to SDI-9975 and SDI-12730, per mitigation measure M-CR-1, the following shall be implemented:

- A Biological Open Space Easement shall be dedicated to the County of San Diego which incorporates cultural resources that are to be preserved.

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- Prior to any ground disturbance, temporary fencing shall be installed along the southern open space boundary where earth disturbing activities are within 100 feet of the open space easement. Placement of the fencing shall be coordinated by a California licensed surveyor in consultation with the Project Archaeologist and Kumeyaay Native American monitor. If the wetland creation is within 50 feet of CA-SDI-9975 or CA-SDI-12730, temporary fencing including an adequate buffer shall be installed. The fencing shall be installed under the supervision of the Project Archaeologist and Kumeyaay Native American monitor.

Reference: EIR, Section 2.3; and all other cultural resources related evidence in the administrative record.

- 18. Significant Effect: Impact CR-3** – Direct impacts to subsurface deposits within the Project footprint are potentially significant. (See FSEIR, p. 2.3-1 through 2.3-23)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: Per mitigation measure M-CR-2, 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.

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- 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

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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.
 - The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively have been repatriated to a culturally affiliated tribe.
 - 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 not otherwise collected as part of the monitoring process for curation 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.

Reference: EIR, Sections 2.3 and 8.2; and all other cultural resources related evidence in the administrative record.

C. Greenhouse Gas Emissions and Energy

- 19. Significant Effect: Impact GHG-1** – Emissions of GHGs would result in a significant impact. (See FSEIR, p. 2.4-1 through 2.4-41)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: Per mitigation measure M-GHG-1a, the Project buildings will exceed Title 24 as of 2016 by 20 percent. This measure was included in the mitigation measures in the CalEEMod Model.

Per mitigation measure M-GHG-1b, each Site Development Plan of the Specific Plan shall include photovoltaic solar panels (or their equivalent, as approved by the Planning and Development Services Director) designed to provide 50 percent of the Project's commercial use electricity needs, and 50 percent of the residential dwelling units shall include photovoltaic solar panels (or their equivalent, as approved by the Planning and

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Development Services Director) to provide those residential dwelling units' entire electricity needs. This measure was included in the CalEEMod model under Renewable Energy.

Per mitigation measure M-GHG-1c, each Site Development Plan shall be conditioned to require its development to have zero net emissions. If on-site net zero emissions cannot be attained through development-specific measures with each Site Development Plan, then off-site mitigation shall be required pursuant to M-GHG-2. At the Site Development Plan stage, the applicant shall perform an analysis of the GHG emissions associated with the development and any related requirements pursuant to CEQA. The analysis shall be subject to the review of County PDS, and shall ultimately require the approval of the Director of PDS. The GHG analysis shall evaluate on-site design features (in addition to the measures set forth in M-GHG-1a and M-GHG-1b that are already required). Many local, regional, and State agencies have produced lists of feasible mitigation measures and strategies that can be used to reduce GHG emissions. These lists can be consulted when developing feasible mitigation measures for future Site Development Plans implemented in accordance with the project, including, but not limited to:

- Governor's Office of Planning and Research CEQA and Climate Change. 2008. Technical Advisory. CEQA AND CLIMATE CHANGE: Addressing Climate Change through California Environmental Quality Act (CEQA) Review. See Attachment 3, "Examples of GHG Reduction Measures."
Available: <http://opr.ca.gov/docs/june08-ceqa.pdf>.
- California Air Pollution Control Officers Association (CAPCOA). 2008 (January). CEQA & Climate Change. Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. See page 79, "Mitigation Strategies for GHG."
Available: <http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf>.
- California Air Pollution Control Officers Association (CAPCOA). 2010 (August). Quantifying Greenhouse Gas Mitigation Measures. A Resource for Local Government to Assess Emission Reduction from Greenhouse Gas Mitigation Measures.
Available: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.
- Attorney General of the State of California. 2008 (December) [revised January 2010]. The California Environmental Quality Act. Addressing Global Warming Impacts at the Local Agency Level.
Available: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf.

Per Mitigation Measure M-GHG-2, the County will consider, to the satisfaction of the Director of Planning and Development Services (PDS), the following geographic priorities for GHG reduction projects and programs: 1) off-site within the unincorporated areas of the County of San Diego; 2) off-site within the County of San Diego; 3) off-site within the State of California; 4) off-site within the United States; and 5) off-site internationally.

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Geographic priorities would focus first on local reduction features (including projects and programs that would reduce GHG emissions) to ensure that reduction efforts achieved locally would provide co-benefits. Depending on the carbon offset project utilized, co-benefits may include reductions in criteria air pollutants, toxic air contaminants, energy demand, water consumption, health benefits, social benefits, and economic benefits. The applicant or its designee shall first pursue offset projects and programs locally within unincorporated areas of the County of San Diego to the extent such direct investment projects and programs are available and are financially feasible, as reasonably determined by the Director of PDS.

If carbon offset credits are provided as mitigation, the applicant, or its designee, shall purchase and retire carbon offsets in a quantity sufficient to offset all GHG emissions from each implementing site plan. This includes all GHG emissions from construction (including sequestration loss from vegetation removal) and operations.

For each implementing site plan, prior to the County's issuance of the project's first grading permit (for construction GHG emissions) or first building permit (for operations GHG emissions) the applicant, or its designee, shall provide evidence to the satisfaction of the Director PDS that the project applicant or its designee has purchased and retired carbon offsets in a quantity sufficient to offset the net increase of construction and operations GHG emissions generated by the project. Operations emissions may be offset in phases, commensurate with the overall phasing of the project.

Carbon offset credits must be purchased through any of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard, (ii) any registry approved by CARB to act as a registry under the state's cap-and-trade program, (iii) through the CAPCOA GHG Rx and the SDAPCD, or (iv) if no registry is in existence as identified in options (i), (ii), or (iii), above, then any other reputable registry or entity that issues carbon offsets consistent with Cal. Health & Saf. Code section 38562(d)(1)), to the satisfaction of the Director of PDS.

Reference: EIR, Section 2.4; greenhouse gas emissions and energy related response to comment (RTCs) Chapter 8.0; and all other greenhouse gas emissions and energy related evidence in the administrative record.

D. Hazards and Hazardous Materials

20. **Significant Effect: Impact HZ-1** – Future occupants of and/or visitors to the Project site may be exposed to contaminated soil, if encountered. (See FSEIR, p. 2.5-1 through 2.5-30)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: Per mitigation measure M-HZ-1, as part of Site Plan review, soil sampling shall occur for planning areas A, C, D, E, F, G, and H. If constituents

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of concern (CoC)-bearing soils are encountered, following County DRH standards, a Soil Management Plan (SMP) shall be prepared. The SMP shall identify remedial and cost-effective strategies, integrate environmental issues into the site development process, and provide the means and methods for identifying, segregating, and properly handling CoC-bearing soils at the site.

Reference: EIR, Section 2.5; and all other hazards and hazardous materials related evidence in the administrative record.

E. Noise

- 21. Significant Effect: Impact N-1** – Implementation of the proposed Project may result in traffic noise levels that could exceed 60 dBA CNEL at the façade of on-site NSLUs and the traffic could exceed 65 dBA CNEL at exterior NSLUs. (See FSEIR, p. 2.6-1 through 2.6-27)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate potential Project impacts to on-site NSLUs (Impact N-1), the following mitigation is required:

M-N-1: Proper site planning to reduce noise impacts should be considered for all NSLUs. Buildings can be oriented on a site in such a way as to exploit the site's noise attenuating features. By consideration of a site's natural topography, size and shape, it is often possible to reduce and possibly eliminate noise impacts from vehicular traffic and railroads. Site planning techniques include the following:

- Increasing the distance from the noise source to sensitive receptors by creation of setbacks;
- Placing non-noise sensitive uses such as parking lots and utility areas between the noise source and receiver;
- Orienting usable outdoor living space such as balconies, patios, and child play areas away from roadways and aircraft overflight contours;
- Construction of a noise barrier between the noise source and the receptor. The effectiveness of a barrier depends upon factors such as the relative height of the barrier relative to the line-of-sight from the source to the receiver, the distance from the barrier to the source and to the receiver and the reflections of sound. To be effective, a barrier must block the line-of-sight from the source to the receiver. A barrier must also be of solid construction (i.e., masonry) without holes or gaps and be long enough to prevent sound from passing around the ends.

Because noise levels would exceed 60 dBA CNEL, the dedication of a Noise Restriction Easement would be required. This Noise Restriction Easement would require future noise

analysis with subsequent discretionary permits.

Reference: EIR, Section 2.6; noise related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

- 22. Significant Effect: Impact N-2** – Implementation of the proposed Project may result in traffic noise levels exceeding the interior noise level of 45 dBA CNEL. See FSEIR, p. 2.6-1 through 2.6-27)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate impact N-2, mitigation measure M-N-2 requires that an interior noise analysis be required for new residential development located in areas where future noise levels would exceed 60 dBA CNEL. The interior noise analysis shall evaluate the proposed building shell (exterior wall, windows, and doors) to ensure that interior noise levels will not exceed 45 dBA CNEL. The analysis shall be performed prior to obtaining a building permit. With the implementation of the findings of the interior noise analysis, interior noise levels in habitable rooms would be 45 dBA CNEL or below and comply with the County of San Diego General Plan Noise requirements.

The location of a building on its site, the arrangement of rooms, and the location of doors and windows all have a bearing on interior noise control. The sides of a building which face a roadway or other noise source should house those activities that can tolerate the greatest amount of noise. Noise-sensitive areas include bedrooms, living rooms and dens. Less noise sensitive areas may include kitchens and bathrooms. Hallways, closets and storage rooms are generally not noise-sensitive.

Indoor noise levels are controlled by the noise reduction characteristics of the building shell. In general, doors and windows are the acoustical weak link in a building. Therefore, careful consideration should be given to their placement. By limiting the number and size of these openings on the sides of the building exposed to noise, interior noise levels will be reduced.

Often it is necessary to allow for a closed window condition to control interior noise. When this occurs, an alternative means of ventilation such as heat pumps or forced air units is required to meet the California Building Code requirements. Heavy-pane or double-pane windows are frequently required to increase the sound insulation within a room. Doors facing a noise source should be solid-core and should be equipped with an appropriate gasket.

An interior noise analysis will be required for new residential development located in areas where future noise levels would exceed 60 dBA CNEL. The interior noise analysis should evaluate the proposed building shell (exterior wall, windows, and doors) to ensure that interior noise levels will not exceed 45 dBA CNEL. The analysis should be performed

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prior to obtaining a building permit. With the implementation of the findings of the interior noise analysis, interior noise levels in habitable rooms would be 45 dBA CNEL or below and comply with the County of San Diego General Plan Noise requirements. The Project would result in a less than significant interior noise impact with Project features incorporated in accordance with the interior noise analysis.

Reference: EIR, Section 2.6; noise related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

- 23. Significant Effect: Impact N-3** – Implementation of the proposed Project may result in on-going operational noise levels exceeding the County Code Noise Ordinance, Section 36.404. See FSEIR, p. 2.6-1 through 2.6-27)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: Per mitigation measure M-N-3, A use-specific noise analysis shall occur when individual lots seek approval of site and building plans as part of future site plan reviews. This may include noise measures consisting of:

- Limiting size of equipment
- Specific equipment location, orientation and layout design to increase screening
- Mechanical equipment enclosures, parapet walls, noise barriers
- Any other similar noise reducing noise design and feature

Reference: EIR, Section 2.6; noise related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

F. Paleontological Resources

- 24. Significant Effect: Impact PR-1** – Potential impacts to paleontological resources within the upper sandstone/mudstone, middle gritstone, and lower fanglomerate members of the Otay Formation. (Potentially significant direct impact.) (See FSEIR, p. 2.7-1 through 2.7-11)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate potential Project impacts to on-site paleontological resources (Impact PR-1), the following mitigation is required:

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

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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.

Reference: EIR, Section 2.7; and all other paleontological resources related evidence in the administrative record.

- 25. Significant Effect: Impact PR-2** – Contribution to cumulative paleontological resources impacts within the cumulative project area. (Potentially significant cumulative impact.) (See FSEIR, p. 2.7-1 through 2.7-11)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate potential Project impacts to on-site paleontological resources (Impact PR-1), mitigation measure M-PR-1, above, is required.

Reference: EIR, Section 2.7; and all other paleontological resources related evidence in the administrative record.

G. Transportation and Traffic

- 26. Significant Effect: Impact TR-1/TR-7** – A Project related significant direct and cumulative impact (respectively) to the intersection of Otay Mesa Road/La Media Road. (See FSEIR, p. 2.8-1 through 2.8-57)

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Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate Impact TR-1/TR-7, the following mitigation measure applies:

M-TR-1: In order to mitigate the Project's direct and cumulative impacts to this intersection, the Project would contribute a fair share towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa Community Plan Update*, Urban Systems, August 30, 2013. The study recommends providing the following lane configurations at the intersection:

- Southbound movement: two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.
- Westbound movement: two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.
- Northbound movement: two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.
- Eastbound movement: two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.

Payment of the Project's fair share towards these improvements would reduce this direct and cumulative impact to below a level of significance.

Reference: EIR, Section 2.8; traffic related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

- 27. Significant Effect: Impact TR-2/TR-10** – A Project related significant direct and cumulative impact (respectively) to the intersection of Otay Mesa Road/Harvest Road. (See FSEIR, p. 2.8-1 through 2.8-57)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate Impact TR-2/TR-10, the following mitigation measure applies:

M-TR-2: In order to mitigate the Project's direct impacts to this Project access intersection, the Project would signalize the intersection and provide the following lane configurations:

- Southbound movement: one dedicated right turn lane with overlap phasing and a shared thru / left turn lane.
- Westbound movement: one shared thru/right turn lane, one dedicated thru lane, and one dedicated left turn lane.

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- Northbound movement: one shared thru/right turn/left turn lane.
- Eastbound movement: one shared thru/right turn lane, one dedicated thru lane, and two dedicated left turn lanes.

Since this intersection falls under Caltrans jurisdiction, a signal warrant was conducted to ensure the installation of a signal at the intersection is warranted. Based on the signal warrant included in Appendix K of the SEIR, a signal is warranted at the intersection under Existing + Project conditions.

In addition, the Project would pay the appropriate TIF amount toward the County TIF Program to mitigate the Project's cumulative impact.

Implementation of this mitigation measure would reduce this direct and cumulative impact to below a level of significance.

Reference: EIR, Section 2.8; traffic related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

- 28. Significant Effect: Impact TR-3/TR-11** – A Project related significant direct and cumulative impact (respectively) to the intersection of Otay Mesa Road/Sanyo Avenue. (See FSEIR, p. 2.8-1 through 2.8-57)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order mitigate Impact TR-3/TR-11, the following mitigation measure applies:

M-TR-3: In order to mitigate the Project's direct impacts to this Project access intersection, the Project would provide the following lane configurations:

- Southbound movement: two dedicated right turn lanes with overlap phasing, one thru lane and one dedicated left turn lane.
- Westbound movement: one shared thru/right turn lane, one dedicated thru lane, and one dedicated left turn lane.
- Northbound movement: one shared thru/right turn lane, one dedicated thru lane, and one dedicated left turn lane.
- Eastbound movement: one shared thru/right turn lane, one dedicated thru lane, and two dedicated left turn lanes.

The Project should also pay the appropriate TIF amount toward the County TIF Program to mitigate the Project's cumulative impact.

Implementation of this mitigation measure would reduce this direct and cumulative impact to below a level of significance.

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Reference: EIR, Section 2.8; traffic related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

- 29. Significant Effect: Impact TR-4/TR-12** – A Project related significant direct and cumulative impact (respectively) to the intersection of Otay Mesa Road/Vann Centre Boulevard. (See FSEIR, p. 2.8-1 through 2.8-57)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate Impact TR-4/TR-12, the following mitigation measure applies:

M-TR-4: In order to mitigate the Project's direct impacts to this Project access intersection, the Project would signalize the intersection and provide the following lane configurations:

- Southbound movement: one dedicated right turn lane with overlap phasing and one dedicated left turn lane.
- Westbound movement: one shared thru/right turn lane.
- Eastbound movement: one thru lane and one dedicated left turn lane.

The Project should also pay the appropriate TIF amount toward the County TIF Program to mitigate the Project's cumulative impact.

Implementation of this mitigation measure would reduce this direct and cumulative impact to below a level of significance.

Reference: EIR, Section 2.8; traffic related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

- 30. Significant Effect: Impact TR-5** – A Project related significant direct impact to the street segment of Otay Mesa Road from Sanyo Avenue to Vann Centre Boulevard. (See FSEIR, p. 2.8-1 through 2.8-57)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate Impact TR-5, the following mitigation measure applies:

M-TR-9: Widening this segment of Otay Mesa Road between Sanyo Avenue and Vann Centre Boulevard along the Project frontage to Four-lanes would reduce this direct impact to below a level of significance.

The Project will also be responsible for making ½ width frontage improvements along Otay Mesa Road between Harvest Road and Vann Centre Boulevard to improve the roadway to six-lane Prime Arterial standards per the County's Centerline Ordinance.

Reference: EIR, Section 2.8; traffic related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

- 31. Significant Effect: Impact TR-6**– A Project related significant direct impact to the street segment of Otay Mesa Road from Vann Centre Boulevard to Enrico Fermi Drive. (See FSEIR, p. 2.8-1 through 2.8-57)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate Impact TR-6, the following mitigation measure applies:

M-TR-10: This segment of Otay Mesa Road between Vann Centre Boulevard and Enrico Fermi Drive was analyzed under Existing conditions without the addition of SR 11 between SR 905/SR 125 and Enrico Fermi Drive to the roadway network. SR 11 is currently under construction and expected to open during the fall of 2015, before completion of the Otay 250 – Sunroad East Otay Mesa Business Park Specific Plan Amendment Project. Under Year 2020 Cumulative conditions, with the addition of SR 11, a significant impact is not calculated along the segment (2 lanes provide adequate operations). Therefore, the construction of SR 11, which is fully funded, will mitigate the Project's direct impact, and no additional mitigation measures are necessary.

Reference: EIR, Section 2.8; traffic related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

- 32. Significant Effect: Impact TR-8** – A Project related significant cumulative impact to the intersection of Airway Road and Sanyo Avenue. (See FSEIR, p. 2.8-1 through 2.8-57)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate Impact TR-8, the following mitigation measure applies:

M-TR-5: In order to mitigate the Project's cumulative impact to this intersection, the Project would contribute a fair share towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa Community Plan Update*, Urban Systems, August 30, 2013. The study recommends signaling the

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intersection and providing the following lane configurations:

- Southbound movement: two dedicated right turn lanes, two thru lanes and two dedicated left turn lanes.
- Westbound movement: one dedicated right turn lane, two thru lanes and two dedicated left turn lanes.
- Northbound movement: one dedicated right turn lane, two thru lanes and two dedicated left turn lanes.
- Eastbound movement: two dedicated right turn lanes, two thru lanes and two dedicated left turn lanes.

Payment of the Project's fair share towards these improvements would reduce this cumulative impact to below a level of significance.

Reference: EIR, Section 2.8; traffic related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

- 33. Significant Effect: Impact TR-9** – A Project related significant cumulative impact to the intersection of Siempre Viva Road and Paseo de las Americas. (See FSEIR, p. 2.8-1 through 2.8-57)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate Impact TR-9, the following mitigation measure applies:

M-TR-7: In order to mitigate the Project's cumulative impact to this intersection, the Project would contribute a fair share towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa Community Plan Update*, Urban Systems, August 30, 2013. The study recommends providing the following lane configurations:

- Southbound movement: two dedicated right turn lanes, one thru lane and one dedicated left turn lane.
- Westbound movement: one dedicated right turn lane, two thru lanes and one dedicated left turn lane.
- Northbound movement: one dedicated right turn lane, one shared thru / left turn lane and one dedicated left turn lane.
- Eastbound movement: one dedicated right turn lane, three thru lanes and two dedicated left turn lanes.

Payment of the Project's fair share towards these improvements would reduce this cumulative impact to below a level of significance.

Reference: EIR, Section 2.8; traffic related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

- 34. Significant Effect: Impact TR-13** – A Project related significant cumulative impact to the intersection of Airway Road and Paseo de las Americas. (See FSEIR, p. 2.8-1 through 2.8-57)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate Impact TR-13, the following mitigation measure applies:

M-TR-6: Payment of the appropriate TIF amount toward the County TIF Program would reduce this cumulative impact to below a level of significance.

Reference: EIR, Section 2.8; traffic related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

- 35. Significant Effect: Impact TR-14** – A Project related significant cumulative impact to the intersection of Siempre Viva Road and Enrico Fermi Drive. (See FSEIR, p. 2.8-1 through 2.8-57)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate Impact TR-14, the following mitigation measures apply:

M-TR-7: In order to mitigate the Project's cumulative impact to this intersection, the Project would contribute a fair share towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa Community Plan Update*, Urban Systems, August 30, 2013. The study recommends providing the following lane configurations:

- Southbound movement: two dedicated right turn lanes, one thru lane and one dedicated left turn lane.
- Westbound movement: one dedicated right turn lane, two thru lanes and one dedicated left turn lane.
- Northbound movement: one dedicated right turn lane, one shared thru / left turn lane and one dedicated left turn lane.
- Eastbound movement: one dedicated right turn lane, three thru lanes and two dedicated left turn lanes.

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Payment of the Project's fair share towards these improvements would reduce this cumulative impact to below a level of significance.

M-TR-8: Payment of the appropriate TIF amount toward the County TIF Program would reduce this cumulative impact to below a level of significance.

Reference: EIR, Section 2.8; traffic related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

- 36. Significant Effect: Impact TR-15** – A Project related significant cumulative impact to the street segment of Enrico Fermi Drive from Otay Mesa Road to Airway Road. (See FSEIR, p. 2.8-1 through 2.8-57)

Findings: Changes or alterations have been required in, or incorporated into, the Project which mitigate to below the level of significance or avoid the significant effects on the environment.

Rationale/Mitigation Measures: In order to mitigate Impact TR-15, the following mitigation measure applies:

M-TR-11: Payment of the appropriate TIF amount toward the County TIF Program would reduce this cumulative impact to below a level of significance.

Reference: EIR, Section 2.8; traffic related response to comment (RTCs) Chapter 8.0; and all other noise related evidence in the administrative record.

III. CEQA GUIDELINES § 15091 FINDINGS FOR POTENTIALLY SIGNIFICANT IMPACTS FOR WHICH FEASIBLE MITIGATION MEASURES OR ALTERNATIVES ARE NOT AVAILABLE

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(3) of the State CEQA Guidelines, the County of San Diego Board of Supervisors finds that direct impacts associated with air quality are significant and unavoidable that there is no feasible mitigation measure or alternative that would reduce the effect to below the level of significance. This Section III focuses on mitigation measures, Section VI below addresses alternatives. "Feasible" is defined in CEQA Guidelines section 15364 to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The County may reject a mitigation measure or alternative if it finds it would be infeasible to implement because specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FSEIR. These findings are explained below and are supported by all the substantial evidence in the administrative record and these findings hereby adopt and incorporate by reference the facts and discussions of the administrative record, including the FSEIR and the

responses to comments contained therein as the basis for the decision to certify the FSEIR whether or not each and every one of these rationales are explicitly stated herein.

The Board has acquired an understanding of the comments received on the Draft SEIR and the responses to those comments in the Final SEIR, as well as testimony, and reports regarding the Final SEIR; and on its own experience and expertise in assessing environmental issues associated with the Project. This understanding has enabled the Board to make its decision after weighing and considering the environmental issues associated with Project implementation, the Project's impacts, and the Project's mitigation measures. The Board accordingly certifies that its findings are based on full appraisal of all the evidence contained in the FSEIR, as well as the evidence and other information in the record addressing the FSEIR and the Proposed Project.

A. Air Quality

1. **Significant Effect: Impact AQ-1** – Emissions of VOCs would exceed the County's screening-level thresholds for construction. Significant direct air quality impacts would occur on short duration during construction due to VOC emissions from application of architectural coatings. (See FSEIR, p. 2.1-1 through 2.1-36)

Findings: Feasible mitigation measures will be implemented to substantially lessen Impact AQ-1; but not to a level of less than significant. No other feasible mitigation measures have been identified or proposed that would mitigate Impact AQ-1 to below a level of significance. Specific economic, legal, social, technological, or other considerations make the project alternatives identified in the FSEIR infeasible for the reasons set forth in Section IV and VII below. Thus, the impact is considered to be significant and unavoidable. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations in Section IX, below.

Rationale/Mitigation Measures: Mitigation measure M-AQ-1 would reduce construction emissions associated with VOC to the extent feasible, but not to below a level of significance, by utilizing low-VOC coatings in accordance with APCD Rule 67.0.1 requirements. There are no additional measures identified that would reduce impacts to below a level of significance.

Reference: EIR, Section 2.1; and all other air quality related evidence in the administrative record.

2. **Significant Effect: Impact AQ-2** – Emissions of VOCs would exceed the County's screening-level thresholds for operations, resulting in direct impacts associated with air quality. (See FSEIR, p. 2.1-1 through 2.1-36)

Findings: Feasible mitigation measures will be implemented to substantially lessen Impact AQ-2; but not to a level of less than significant. No other feasible mitigation measures have been identified or proposed that would mitigate Impact AQ-2 to below a

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level of significance. Specific economic, legal, social, technological, or other considerations make other mitigation measures or the project alternatives identified in the FSEIR infeasible for the reasons set forth in Section IV and VII below. Thus, the impact is considered to be significant and not mitigated. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations in Section IX, below.

Rationale/Mitigation Measures: Mitigation measure M-AQ-1 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. There are no additional measures identified that would reduce impacts to below a level of significance.

Reference: EIR, Section 2.1; and all other air quality related evidence in the administrative record.

3. **Significant Effect: Impact AQ-3** – Cumulative operational impacts would exceed County screening-level thresholds for VOCs, CO, PM₁₀, and PM_{2.5}. Therefore, the Project would result in significant cumulative air quality impacts associated with operations. (See FSEIR, p. 2.1-1 through 2.1-36)

Findings: Feasible mitigation measures will be implemented to substantially lessen Impact AQ-3; but not to a level of less than significant. No other feasible mitigation measures have been identified or proposed that would mitigate Impact AQ-3 to below a level of significance. Specific economic, legal, social, technological, or other considerations make the project alternatives identified in the FSEIR infeasible for the reasons set forth in Section IV and VII below. Thus, the impact is considered to be significant and unavoidable. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations in Section IX, below.

Rationale/Mitigation Measures: Mitigation measure M-AQ-1 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. There are no additional measures identified that would reduce impacts to below a level of significance.

Reference: EIR, Section 2.1; and all other air quality related evidence in the administrative record.

IV. FINDINGS REGARDING SPECIFIC MITIGATION MEASURES

The FSEIR does not identify mitigation measures that the County has determined to be infeasible. With the exception of those mitigation measures set forth in the adopted Mitigation Monitoring and Reporting Program, discussed in the FSEIR, and explained in these findings, the County of San Diego finds that there are no other feasible mitigation measures that would substantially lessen or avoid any significant effect that the project would have on the environment. In particular, the project would result in emissions of VOCs, CO, PM₁₀, and PM_{2.5} criteria pollutants that would exceed the County's screening-

level thresholds. The Project would provide a mix of uses and would provide residential uses near occupational locations, and it is likely that siting these residential uses in the East Otay Mesa Business Park Specific Plan Area would reduce, rather than increase, VMT and therefore emissions on a regional basis. Nonetheless, because emissions of VOCs, CO, PM₁₀, and PM_{2.5} criteria pollutants would exceed the County's screening-level thresholds, impacts would be significant. Project design includes features that would reduce emissions to the extent feasible, including providing a mix of uses in the East Otay Mesa area that reduces VMT overall within the region; use of natural gas fireplaces; and providing on-site residential, employment, and retail uses. Additionally, VOC emissions include emissions from consumer products that cannot be controlled by the applicant. However, there are no additional measures identified that would reduce direct and cumulative air quality impacts to below a level of significance. Other potential measures to reduce air quality impacts have been explored in the Alternatives analysis for the Project, as discussed in the Alternatives analysis and in the record.

All mitigation measures identified in the Final SEIR are feasible and will be adopted. No alternative mitigation measures for impacts identified as significant in the Draft SEIR were suggested during the public review of the Draft SEIR. The resource agencies (USFW and CDFW) provided comments that requested modification to mitigation measures. Mitigation measures required for the Project were expanded to include pre-construction surveys for San Diego button-celery, San Diego fairy shrimp, and Riverside fairy shrimp. Accordingly, based on the findings set forth in Sections III and VI regarding mitigation measures and alternatives, no further findings are required to demonstrate conformance with Section 21081(a) of the Public Resources Code and Section 15091(a)(3) of the State CEQA Guidelines.

V. FINDINGS REGARDING MEASURES NOT ASSOCIATED WITH A SIGNIFICANT EFFECT OR REQUIRED TO AVOID OR LESSEN A SIGNIFICANT EFFECT

All mitigation measures set forth in the adopted Mitigation Monitoring and Reporting Program, as discussed in the FSEIR, and explained in these findings, are associated with a significant effect or required to avoid or lessen a significant effect. There are no specific measures set forth in the adopted Mitigation Monitoring and Reporting Program for which no significant effect is mitigated.

VI. FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the CEQA Guidelines requires the discussion of "a reasonable range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." CEQA Guidelines Section 15126.6(f) further states that "the range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental

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impacts or substantially reducing them as compared to the Proposed Project, even if the alternative would impede the attainment of some project objectives, or would be more costly. Consistent with the California Supreme Court ruling in *re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings*, however, the County's analysis of alternatives is limited to the consideration of projects that could achieve the Proposed Project's fundamental project objectives. (*In re Bay-Delta*, 43 Cal.4th 1143, 1165 "an EIR need not study in detail an alternative that is infeasible or that the lead agency has reasonably determined cannot achieve *the project's underlying fundamental purpose*"; see also, *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal. App. 4th 1, 14.)

Five alternatives to the Proposed Project were evaluated in detail in the SEIR. These alternatives are compared to the impacts of the Proposed Project as discussed in the SEIR, and are assessed relative to their ability to meet the underlying fundamental project objectives and other basic project objectives of the Proposed Project, as follows:

Project Objectives

1. Promote a well-organized international industrial and business district in East Otay Mesa to attract and accommodate forecasted growth.
2. Promote the conservation of open space to preserve environmental resources and provide recreational opportunities for the industrial workforce and surrounding community residents.
3. Implement the General Plan vision of providing a diversity of choices by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas.
4. Establish a land use pattern with a mix of densities and land uses that will minimize automobile trips, support walking and bicycling, encourage participation in recreational activities, and invigorate the economic health of businesses.
5. Provide convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular dependence.
6. Support development of the East Otay Mesa Specific Plan multi-modal transportation system by providing a multi-modal internal street network that serves vehicular, pedestrian, and bicycle travels; as well as supports local and regional transit.
7. Develop well-designed infrastructure, buildings and landscaping, on-site and off-site, that create a distinct urban character for the East Otay Mesa Specific Plan area.

8. Provide infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth in East Otay Mesa while meeting applicable County standards.

For the reasons explained below, the County of San Diego finds that the “Proposed Project” with the incorporation of mitigation substantially lessens or avoids significant impacts, while still achieving all of the objectives of the Proposed Project, although it does not reduce all environmentally significant effects below a level of significance. As explained in the Statement of Overriding Considerations, however, the County has determined that the benefits of the Proposed Project outweigh any environmental impacts that are not avoided by the Project, because of specific overriding considerations.

Therefore, the County adopts the Proposed Project as the Project. The County adopts and incorporates by reference herein the analysis in the SFEIR, including analyses contained in the responses to comments, with regard to the Proposed Project and Project alternatives as identified by the SFEIR.

A. No Project/No Development Alternative

1. Description of Alternative

Section 15126.6(e) of the CEQA Guidelines requires that an EIR evaluate a “no project” alternative to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving that project.

The No Project/No Development Alternative (Alternative 1) proposes to leave the Project area in its present condition, without Project development or new construction. The No Project/No Development Alternative is what would reasonably be expected to occur in the future if the Project is not approved and the existing Specific Plan and approved Tentative Map are not carried forward. Existing conditions for each environmental issue as described in Chapters 2.0 and 3.0 of the SEIR would remain. The No Project/No Development Alternative would result in no physical changes to the environment and would avoid all significant environmental impacts associated with the Proposed Project. However, because no development would occur on the Proposed Project site, this alternative would not meet any of the project objectives.

2. Finding

The County finds that this alternative would avoid all significant environmental impacts identified in the SEIR. However, this alternative would not meet any of the eight Project objectives. This alternative would not promote development of a well-organized international industrial and business district in East Otay Mesa to attract and accommodate forecasted growth (Project Objective 1). While no development would occur on the Project site under this alternative,

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Open Space easements would not be put in place to preserve environmental resources (Project Objective 2). In addition, this Alternative would not implement the General Plan vision of providing a diversity of choices by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas (Project Objective 3). This alternative would not afford the community with the benefit of establishing a land use pattern that includes a mix of densities and land uses in a manner that can minimize automobile trips and facilitate walking and bicycling (Project Objective 4) and would not provide convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular dependence (Project Objective 5). While traffic impacts would not occur under this alternative, this alternative would also not allow for a multi-modal transportation system consisting of streets and transit networks adequate to serve sub-regional transportation needs at an acceptable level of service (Project Objective 6). This alternative would not promote well-designed infrastructure, buildings, and landscaping, both in the public and private realms, that creates a distinct urban image and establish a unique sense of identity for East Otay Mesa (Objective 7). Infrastructure and public facilities necessary to accommodate the growth in East Otay Mesa while meeting applicable County standards would also not be constructed (Objective 8).

Based on the foregoing and pursuant to CEQA Guidelines § 15091(a)(3), the County finds that that the No Project/No Development Alternative is infeasible and less desirable than the Proposed Project due to specific economic, legal, social, technological, or other considerations, as explained further in the Statement of Overriding Considerations, Section IX below.

3. Facts Supporting Finding

As stated in the FSEIR, the No Project/No Development Alternative would result in no impacts to the environmental resource areas as compared to the Project. However, this alternative would not meet any of the Project objectives because the Project would not be constructed.

4. References.

FSEIR Section 4.0; alternatives-related RTC; and all other alternatives-related evidence in the administrative record.

B. No Project/Development Under Existing Specific Plan Designation Alternative**1. Description of Alternative**

The No Project/Development Under Existing Specific Plan Designation Alternative (Alternative 2) would develop the Project site in accordance with the existing approved Specific Plan and Tentative Map. The County of San Diego Board of Supervisors approved the East Otay Mesa Specific Plan in 1994. In 2000, TM 5139 was approved for the Project site as part of the Sunroad Centrum project. The approved Specific Plan provides for development of the Project site with Technology Business Park and Commercial uses. The approved Tentative Map would allow for grading of the Project site to accommodate the land uses shown in the existing East Otay Mesa Business Specific Plan. The Sunroad Centrum project would develop the project site as 74 industrial lots on approximately 130 acres, 22 commercial lots on 34.4 acres, and 51.7 acres of open space. The 51.7 acres of open space would include an area of approximately 0.25 acre consisting of an isolated vernal pool that would be preserved as permanent open space within one of the commercial/industrial lots located near the southeast corner of the proposed intersection of Lone Star Road and Sanyo Avenue. An additional area of approximately 51.5 acres, consisting of a vernal pool complex and sensitive biological habitat, would be preserved through an open space easement, located north of Lone Star Road.

2. Finding

The No Project/Development Under Existing Specific Plan Designation Alternative would generally result in less impacts to air quality when compared to the Proposed Project. This alternative would result in exceeding the County's screening-level thresholds for volatile organic compounds (VOC) and particulate matter (PM₁₀), but not carbon monoxide (CO). Mitigation measures would reduce direct impacts to below a level of significance; however, cumulative air quality impacts under this alternative would remain significant and unavoidable. This alternative would result in less impacts associated with GHG emissions and traffic. Impacts with all other environmental issue areas would be the same as those that would occur with the proposed project.

This alternative would meet three of the eight Project objectives. Specifically, this alternative would meet Project Objectives 1, 2, and 6, though not to the degree that the Proposed Project would. Specifically, this alternative would promote a well-organized international industrial and business district in East Otay mesa to attract and accommodate forecasted growth (Project Objective 1). It would also promote the conservation of open space to preserve environmental resources (Project Objective 2). This alternative would provide for a transportation system that would serve sub-regional transportation needs

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at an acceptable level of service; however, it would not provide for the multi-modal transportation system and transit network associated with the Proposed Project (Project Objective 6). Like the Proposed Project, this alternative could be designed in a manner that promotes well-designed infrastructure, buildings, and landscaping, both in the public and private realms; however, this alternative would not create a distinct urban image and establish a unique sense of identity for East Otay Mesa (Projective Objective 7).

The No Project/Development Under Existing Specific Plan Designation Alternative would not implement the General Plan vision of providing a diversity of choices by creating a Village Core within East Otay mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas (Project Objective 3). Because land uses developed under this alternative would not include residential uses, this alternative would not establish a land use pattern with a mix of densities and land uses that will minimize automobile trips, support walking and bicycling, encourage participation in recreational activities, and invigorate the economic health of businesses (Project Objective 4). Additionally, this alternative would not locate housing proximate to adjacent industrial and business district employees or in areas that can support commercial/retail and employment uses to reduce vehicular dependence (Project Objective 5).

Although this alternative reduces air quality impacts, cumulative air quality impacts would remain significant and unavoidable. This Alternative would meet three of the Project Objectives, though to a lesser degree than the Proposed Project. Based on the foregoing and pursuant to CEQA Guidelines § 15091(a)(3), the County finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible and less desirable than the Proposed Project.

3. Facts Supporting Finding

See above and FSEIR Section 4.0. In summary, while this alternative would meet some of the objectives, they would be met to a lesser degree than the Proposed Project. This alternative would also continue to result in significant and unavoidable impacts to air quality. This alternative would result in greater impacts associated with GHG emissions when compared to the Proposed Project. The significance of other environmental impacts would generally remain the same.

4. References.

FSEIR Section 4.0; alternatives-related RTC; and all other alternatives-related evidence in the administrative record.

C. Reduced Development Intensity Alternative A**1. Description of Alternative**

Reduced Development Intensity Alternative A would develop the Project site with a mix of uses similar to those proposed by the Project, but at a reduced intensity. Residential development (up to 2,000 units) would occur within the Mixed-use planning areas identified for the Proposed Project. Approximately 10,000 square feet of neighborhood commercial uses would occur in conjunction with the residential land uses to provide support retail services and amenities for future residents and visitors to the site. Planning Area E would develop with technology business park uses at the same intensity as the Proposed Project (7.8 acres, approximately 93,600 square feet of technology business park uses).

Development of the Project site under this alternative would be subject to the same development regulations and design standards as are presented in the East Otay Mesa Specific Plan Amendment for the Proposed Project; however, the amount of park space would be reduced to be commensurate with the anticipated population associated with the reduction in density associated with this alternative. Additionally, the Specific Plan Amendment proposed by the Project would need to be altered to reflect the reduction in residential units and reduction in commercial and employment uses square footages. This alternative would be served by the same network and street alignments as the Proposed Project, and it is assumed that street classifications and cross-sections would remain the same. The Project site would be graded in the same manner as proposed by the Tentative Map for the Project, resulting in approximately 1,350,000 cubic yards of balanced earthwork on the Project site. Like the Proposed Project, approximately 51.3 acres located north of Lone Star Road would be preserved as open space.

2. Finding

The Reduced Development Intensity Alternative A would result in less impacts to air quality when compared to the Proposed Project. Emissions associated with this Alternative would exceed the screening level for particulate matter (PM₁₀), but not for volatile organic compounds (VOC) and carbon monoxide (CO) emissions. While mitigation measures presented in the FSEIR would still be required to reduce direct impacts to below a level of significance, cumulative impacts would remain significant and unavoidable. Less traffic would be generated under this alternative, and thus generate less noise impacts as a result. This alternative would result in less impacts associated with GHG emissions. Impacts with all other environmental issue areas would be the same as those that would occur with the Proposed Project.

The Reduced Development Intensity Alternative A has the ability to meet most of the Project Objectives. This alternative would promote a well-organized international industrial and business district in East Otay Mesa (Project Objective 1); promote the conservation of open space to preserve environmental resources (Project Objective 2); implementing the General Plan vision by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas (Project Objective 3); provide convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular dependence (Project Objective 5); providing a multi-modal transportation system to serve sub-regional transportation needs at an acceptable level of service (Project Objective 6); promote well-designed infrastructure, buildings and landscaping, both in the public and private realms, that creates a distinct urban image and establish a unique sense of identity for East Otay Mesa (Project Objective 7); and provide infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth in East Otay Mesa while meeting applicable County standards (Project Objective 8).

Because this alternative would result in less residential units, as well as employment and commercial uses. Its ability to provide a mix of densities and land uses that will minimize automobile trips and support walking and bicycling is also reduced. This alternative would not accommodate forecasted growth to the extent that the Proposed Project would and less job opportunities would be created for this area of Otay Mesa. Based on the foregoing and pursuant to CEQA Guidelines § 15091(a)(3), the County finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible and less desirable than the Proposed Project.

Facts in Support of Finding

See above and SEIR Section 4.0. In summary, while this alternative would meet many of the Project Objectives, it limits the ability of the Proposed Project to accommodate forecasted growth in this area of Otay Mesa, specifically with the creation of additional job opportunities for the community. Air quality impacts under this alternative would be reduced; however, cumulative impacts would remain significant and unavoidable. Traffic, noise, and GHG emissions impacts would decrease under this alternative, impacts associated with GHG emissions would increase. The significance of other environmental impacts would generally remain the same.

3. References.

FSEIR Section 4.0; alternatives-related RTC; and all other alternatives-related evidence in the administrative record.

D. Reduced Development Intensity Alternative B**1. Description of Alternative**

Reduced Development Intensity Alternative B would develop the Project site with a mix of uses similar to those proposed by the Project, but at a reduced intensity. Residential development (up to 2,000 units) would occur within the Mixed-Use planning areas identified for the Proposed Project. Approximately 10,000 square feet of neighborhood commercial uses would occur in conjunction with the residential land uses to provide support retail services and amenities for future residents and visitors to the site. Planning Area E would develop with technology business park uses at a lower intensity than the Proposed Project would (7.8 acres, approximately 200,000 square feet of technology business park uses).

Development of the Project site under this alternative would be subject to the same development regulations and design standards as are presented in the East Otay Mesa Specific Plan Amendment for the Proposed Project; however, the amount of park space would be reduced to be commensurate with the anticipated population associated with the reduction in density associated with this alternative. Additionally, the Specific Plan Amendment proposed by the Project would need to be altered to reflect the reduction in residential units and reduction in commercial and employment uses square footages. This alternative would be served by the same network and street alignments as the Proposed Project, and it is assumed that street classifications and cross-sections would remain the same. The Project site would be graded in the same manner as proposed by the Tentative Map for the Project, resulting in approximately 1,350,000 cubic yards of balanced earthwork on the Project site. Like the Proposed Project, approximately 51.3 acres located north of Lone Star Road would be preserved as open space.

2. Finding

The Reduced Development Intensity Alternative B would result in less impacts to air quality when compared to the Proposed Project. Emissions associated with this alternative would exceed the screening-level threshold for volatile organic compounds (VOCs) and particulate matter (PM₁₀), but not carbon monoxide (CO). While mitigation measures presented in the SEIR would still be required to reduce direct impacts to below a level of significance, cumulative impacts would remain significant and unavoidable. Less traffic would be generated under this alternative. This alternative would result in less noise impacts because less traffic would be generated. This alternative would result in less impacts associated with GHG emissions. Impacts associated with all other environmental issue areas would be the same as those that would occur with the Proposed Project.

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The Reduced Development Intensity Alternative B has the ability to meet most of the Project Objectives. This alternative would promote a well-organized international industrial and business district in East Otay Mesa (Project Objective 1); promote the conservation of open space to preserve environmental resources (Project Objective 2); implementing the General Plan vision by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas (Project Objective 3); provide convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular dependence (Project Objective 5); providing a multi-modal transportation system to serve sub-regional transportation needs at an acceptable level of service (Project Objective 6); promote well-designed infrastructure, buildings and landscaping, both in the public and private realms, that creates a distinct urban image and establish a unique sense of identity for East Otay Mesa (Project Objective 7); and provide infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth in East Otay Mesa while meeting applicable County standards (Project Objective 8).

Because this alternative would include the reduction of residential units, as well as commercial and employment uses, its ability to provide a mix of densities and land uses that will minimize automobile trips and support walking and bicycling (Project Objective 4) is reduced. Also, this alternative would not provide the amount of housing that is provided with the Proposed Project and, therefore would not accommodate forecasted growth to the extent that the Proposed Project would. Employment uses would be less under this alternative. Thus, less job opportunities would be created for this area of Otay Mesa. Based on the foregoing and pursuant to CEQA Guidelines § 15091(a)(3), the County finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible and less desirable than the Proposed Project.

3. Facts in Support of Finding

See above and SEIR Section 4.0. In summary, while this alternative would meet many of the Project Objectives, it limits the ability of the Proposed Project to accommodate forecasted growth in this area of Otay Mesa, specifically with the creation of additional job opportunities for the community. This alternative would result in significant and unavoidable impacts to air quality. GHG emissions impacts would increase. The significance of other environmental impacts would generally remain the same.

4. References.

SEIR Section 4.0; alternatives-related RTC; and all other alternatives-related evidence in the administrative record.

E. Reduced Development Intensity Alternative C**1. Description of Alternative**

Reduced Development Intensity Alternative C would develop the Project site with a mix of uses similar to those proposed by the Project, but at a reduced intensity. Residential development (up to 1,650 units) would occur within the Mixed-Use planning areas identified for the Proposed Project. Approximately 10,000 square feet of neighborhood commercial uses would occur in conjunction with the residential land uses to provide support retail services and amenities for future residents and visitors to the site. Planning Area E would develop with technology business park uses at a lower intensity than the Proposed Project would (7.8 acres, approximately 93,600 square feet of technology business park uses).

Development of the Project site under this alternative would be subject to the same development regulations and design standards as are presented in the East Otay Mesa Specific Plan Amendment for the Proposed Project; however, the amount of park space would be reduced to be commensurate with the anticipated population associated with the reduction in density associated with this alternative. Additionally, the Specific Plan Amendment proposed by the Project would need to be altered to reflect the reduction in residential units and reduction in commercial and employment uses square footages. This alternative would be served by the same network and street alignments as the Proposed Project, and it is assumed that street classifications and cross-sections would remain the same. The Project site would be graded in the same manner as proposed by the Tentative Map for the Project, resulting in approximately 1,350,000 cubic yards of balanced earthwork on the Project site. Like the Proposed Project, approximately 51.3 acres located north of Lone Star Road would be preserved as open space.

2. Finding

The Reduced Development Intensity Alternative C would result in less direct and cumulative impacts associated with operational air quality emissions when compared to the Proposed Project. Air quality emissions associated with this alternative would not exceed the screening-level threshold for air pollutants. Therefore, operational air quality impacts would be reduced to a level of less than significant under this alternative. Less traffic would be generated under this alternative. This alternative would result in less noise impacts because less traffic would be generated. This alternative would result in less impacts associated with GHG emissions. Impacts associated with all other environmental issue areas would be the same as those that would occur with the Proposed Project.

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This alternative has the ability to meet most of the Project Objectives, though in some instances, to a lesser degree than the Proposed Project. This alternative would promote a well-organized international industrial and business district in East Otay Mesa (Project Objective 1), promote the conservation of open space to preserve environmental resources (Project Objective 2), and provide a multi-modal transportation system to serve sub-regional transportation needs at an acceptable level of service (Project Objective 6). This alternative would promote well-designed infrastructure, buildings and landscaping that creates a distinct urban image and establish a unique sense of identity for East Otay Mesa (Objective 7).

However, this alternative would not have the same density of residential development and would implement the General Plan vision of creating a viable Village Core within East Otay Mesa to a lesser degree as the Proposed Project (Project Objective 3). Similarly, this alternative would not establish a land use pattern with a mix of densities that will minimize automobile trips, support walking and bicycling, encourage recreation, and invigorate the economy to the same degree as the Proposed Project (Project Objective 4). This alternative would provide infrastructure and public facilities at a similar level as the Proposed Project, which would be designed to accommodate forecasted growth (Project Objective 8). This alternative would provide convenient housing opportunities for adjacent industrial and business district employees and support commercial/retail and employment uses to reduce vehicular dependence, although to a lesser degree as the Proposed Project (Project Objective 5).

Based on the foregoing and pursuant to CEQA Guidelines § 15091(a)(3), the County finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible and less desirable than the Proposed Project.

3. Facts in Support of Finding

See above and SEIR Section 4.0. In summary, while this alternative would meet many of the Project Objectives, it would not do so to the extent that the Proposed Project would. Operational air quality impacts would be reduced to a level of less than significant under this alternative. Less traffic and noise impacts would also be generated under this alternative. This alternative would increase impacts associated with GHG emissions. The significance of other environmental impacts would generally remain the same.

4. References.

SEIR Section 4.0; alternatives-related RTC; and all other alternatives-related evidence in the administrative record.

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F. Conclusion

The No Project/No Development Alternative would be environmentally superior to the Proposed Project. The No Project/No Development Alternative would avoid all significant impacts associated with the Proposed Project; however, the No Project/No Development Alternative does not meet any of the basic Project Objectives.

CEQA Guidelines, Section 15126.6(e)(2) requires that, if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. The Reduced Intensity Development Alternative C would be considered the environmentally superior alternative because, when compared with the Proposed Project, it would reduce impacts associated with air quality to a less than significant level and would reduce impacts associated with noise and traffic. This alternative would result in less GHG emissions when compared to the Proposed Project. This alternative would still achieve most of the project objectives, such as providing benefits of a mixed-use development, albeit at a smaller scale. Like the Proposed Project, however, the Reduced Intensity Development Alternative C would still require the same mitigation measures as the Proposed Project in order to reduce impacts associated with construction air quality emissions, GHG emissions, biological resources, cultural resources, hazards and hazardous materials, noise, paleontological resources, and traffic to below significant levels.

Therefore, the County is adopting the Proposed Project. The County adopts and incorporates by reference herein the analysis in the SEIR with regard to the Project and Project alternatives as identified by the SEIR.

Table 1. Analysis for Alternatives to the Proposed Project

Issue Areas	Significant Impacts of the Proposed Project	Alternatives to the Proposed Project				
	Proposed Project	No Project/No Development Alternative	No Project/Development Under Existing Specific Plan Designation Alternative	Reduced Development Intensity Alternative A	Reduced Development Intensity Alternative B	Reduced Development Intensity Alternative C
<i>2.1 Air Quality</i>						
Conformance with RAQS and SIP	NS	<	—	—	—	—
Conformance with Federal and State Air Quality Standards	SU	<	<	<	<	<
Sensitive Receptors	NS	<	—	—	—	—
Odors	NS	—	—	—	—	—
<i>2.2 Biological Resources</i>						
Special-Status Species	LTS	<	—	—	<	—
Riparian or Sensitive Natural Communities	LTS	<	—	—	<	—

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Issue Areas	Significant Impacts of the Proposed Project	Alternatives to the Proposed Project				
		Proposed Project	No Project/No Development Alternative	No Project/Development Under Existing Specific Plan Designation Alternative	Reduced Development Intensity Alternative A	Reduced Development Intensity Alternative B
Federal Jurisdictional Wetlands	NS	<	—	—	—	—
Wildlife Movement and Nursery Sites	NS	<	—	—	—	—
Local Policies, Ordinances, and Adopted Plans	LTS	<	—	—	—	—
2.3 Cultural Resources						
Archaeological Resources	LTS	<	—	—	<	—
Historic Resources	NS	<	—	—	<	—
Human Remains	NS	<	—	—	<	—
Tribal Cultural Resources	NS	<	—	—	<	—
2.4 Greenhouse Gas Emissions						
Greenhouse Gas Thresholds	LTS	<	<	<	<	<
Applicable Plans, Policies, or Regulations	LTS	<	>	>	>	>
2.5 Hazards and Hazardous Materials						
Hazards and Hazardous Materials	NS	<	<	—	<	—
Airports and Airport Safety	NS	<	—	—	—	—
Wildland Fire Risk	NS	<	—	—	—	—
Emergency Response	NS	<	—	—	—	—
Vectors	NS	<	—	—	—	—
2.6 Noise						
Operational Noise	LTS	<	<	—	<	<
Construction Noise	NS	<	<	—	<	<
2.7 Paleontological Resources						
Paleontological Resources	LTS	<	—	—	<	—
2.8 Transportation and Traffic						
Conflict with Transportation Plans, Ordinances, or Policies	LTS	<	>	<	<	<
Conflict with a Congestion Management Plan	LTS	<	>	<	<	<
Air Traffic Patterns	NS	<	—	—	—	—
Road Safety Hazards	NS	<	—	—	—	—
Emergency Access	NS	<	—	—	—	—

NS=Not a potentially significant impact; LTS= Less than significant impact with mitigation measures; SU= Potentially significant and unavoidable impact.

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< = Alternative is likely to result in reduced impacts to issue when compared to proposed Project.

> = Alternative is likely to result in greater impacts to issue when compared to proposed Project.

— = Alternative is likely to result in similar impacts to issue when compared to proposed Project.

VII. NO RECIRCULATION REQUIRED

The County of San Diego Board of Supervisors hereby finds that the responses to comments made on the draft SEIR and any revisions reflected in the FSEIR merely clarify and amplify the analysis presented in the documents and do not trigger that need to recirculate the SEIR under CEQA Guidelines section 15088.5(b), which provides that “[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” The facts and analysis set forth in the FEIR provide substantial evidence in support of this finding.

Pursuant to CEQA Guidelines section 15088(a), “[a] a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification...” New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an affect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:

- 1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- 2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- 3) A feasible project alternative or mitigation measure considerably different from other previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. *Mountain Lion Coalition v. Fish and Game Com* (1989) 214 Cal.App.3d 1043.

The County recognizes that new information has been added to the SEIR since circulation of the DSEIR, but the new information serves simply to clarify or amplify information already found in the DSEIR or improve the Project and its protection of the environment. It does not rise to the level of “significant new information”. The FSEIR includes revisions to mitigation measures in response to comments on the DSEIR. None of these revised measures result in new environmental impacts, but are designed to accommodate requests for information gathering, clarify, and/or bolster the requirements of the mitigation measures to further reduce the impacts of the Project. Other changes and

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revisions to the DSEIR that are not specifically described above were also found not to amount to “significant new information” requiring recirculation. None of the new information added to the FSEIR raises important new issues about significant adverse effects on the environment without providing corresponding mitigation to maintain the proper findings that the impact is below the level of significance. The ultimate conclusions about the project’s significant impacts do not change in light of any new information added to the SEIR. Therefore, any new information in the SEIR is insignificant for purposes of recirculation, particularly as set forth in Section 15088.5(b) of the CEQA Guidelines.

The County also finds that the DSEIR, which includes approximately 2,400 pages of analysis supported by numerous technical reports and expert opinion, was not inadequate or conclusory such that the public was deprived of a meaningful opportunity to review and comment on the SEIR. Additional analyses are not required to comply with the requirements of CEQA prior to certifying the FSEIR for the Proposed Project. Accordingly, the County finds that recirculation is not required pursuant to CEQA, and that comments soliciting recirculation lack credibility.

In support of the foregoing, it is relevant to point out some of the key policies of CEQA set forth by the Legislature:

“To provide more meaningful public disclosure, reduce the time and cost required to prepare an environmental impact report, and focus on potentially significant effects on the environment of a proposed project, lead agencies shall, in accordance with Section 21000, focus the discussion in the environmental impact report on those potential effects on the environment of the proposed project which the lead agency was determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those effects are not potentially significant.” Pub. Res. Code 21002.1(e);

“The legislature further finds and declares that it is the policy of the state that:...(f) All persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward mitigation of actual significant effects on the environment.” Pub. Res. Code 21003(f).

The CEQA Guidelines (Section 25003) also expressly summarizes some of the key policies under CEQA as recognized by the Courts

“(g) the purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. (Bozung v. LAFCO (1975) 13 Cal. 3d 263.)

(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR’s environmental conclusions, but only determines if the

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EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal. App. 3d 692)

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.S. (1993) 6 Cal 4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3d 553)” See 15003 ((g), (i), and (j)).

Keeping in mind the policies expressed above, the County has provided a good faith effort to analyze the environmental impacts of the Proposed Project using sound methodologies with the assistance of experts in environmental analysis. Having given careful consideration to that process and the requirements of CEQA, the County concludes that public comment through a recirculation is not warranted, but that public comments through the public hearing process will be given due consideration.

VIII. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, CEQA GUIDELINES § 15090

The Board of Supervisors certifies that the Final EIR, dated March 2018, on file with the Department of Planning & Development Services, as Environmental Review No. PDS2015-SPA-15-001, PDS2015-GPA-15-008, PDS2015-REZ-15-007, PDS2015-TM-5607 LOG No. PDS2015-ER-15-98-190-13G, has been completed in compliance with CEQA and the State CEQA Guidelines, that the EIR was presented to the Board of Supervisors, and that the Board of Supervisors reviewed and considered the information contained therein before approving the Project, and that the EIR reflects the independent judgment and analysis of the Board of Supervisors. State CEQA Guidelines § 15090.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

As explained above, the following significant impacts remain significant and unavoidable for the Project despite proposed mitigation measures:

1. Despite the implementation of all feasible and reasonable mitigation, impacts associated with Air Quality under impact AQ-1 are considered significant and unavoidable. Emissions of VOCs would exceed the County’s screening-level thresholds for construction. Significant direct air quality impacts would occur on short duration during construction due to VOC emissions from application of architectural coatings.
2. Despite the implementation of all feasible and reasonable mitigation, impacts associated with Air Quality under impact AQ-2 are considered significant and unavoidable. Emissions of VOCs would exceed the County’s screening-level thresholds for operations, resulting in direct impacts associated with air quality.

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3. Despite the implementation of all feasible and reasonable mitigation, impacts associated with Air Quality under impact AQ-3 are considered significant and unavoidable. Cumulative operational impacts would exceed County screening-level thresholds for VOCs, CO, PM₁₀, and PM_{2.5}. Therefore, the Project would result in significant cumulative air quality impacts associated with operations.

Pursuant to Public Resources Code Section 21081(b) and State CEQA Guidelines section 15093(a) and (b), the County is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risk when determining whether to approve the project.

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to new jobs, stronger tax base, and implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v. City of San Diego* (1994) 15 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App. 3d 656.

The County finds that the proposed Project would have the following economic, legal, social, technological, or other overriding benefits, including region-wide or statewide environmental benefits. Each of the benefits cited below constitutes a separate and independent basis that justifies approval of the proposed Project and outweighs the unavoidable adverse environmental effects of approving the Project and thus make the adverse environmental effects acceptable. Thus, even in the absence of one or more of the reasons set forth below, the County has determined that each remaining reason, or any combinations of reasons, is a sufficient basis for approving the proposed Project, notwithstanding any significant and unavoidable impacts may occur.

The County finds that the proposed Project would have the following substantial overriding benefits:

Economic Benefits

1. The Project would result in substantial tax benefits, job benefits, housing, and broader economic benefits for the County of San Diego region. Recurring public expenditures paid by the Project would be approximately \$3.03 million.
 - a. County property tax revenue would increase with the implementation of the Project to an estimated annual amount of \$1,880,746 in property tax, as well as \$99,376 of annual property transfer taxes. In addition, the County will receive \$5,051,703 in annual county property taxes in lieu of motor vehicle license fees.

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- b. The Project would generate approximately \$229,982 of on-site sales and use tax for the County from approximately \$22,998,175 of total taxable sales tax revenue at buildout. The sales and use tax is approximately 1% percent of the sales tax revenue at buildout.
 - c. The Project would create ancillary regional economic benefits within San Diego County relative to enhanced opportunities for purchasing goods and services by Project employees, relatives, and visitors.
2. The Project's mix of uses provides for services, amenities, and employment that can serve new residents. New residential development would also access other businesses and services in the surrounding area, thereby creating greater economic activities.
 3. The Project will stimulate economic development in the Otay Mesa community and nearby areas, such as the City of Chula Vista and within the City of San Diego.

Increased Housing Opportunities

4. The Project would establish a Mixed-Use Village Core in East Otay Mesa that would permit a variety of residential uses at higher densities.
5. The Project would provide for 3,158 residential dwelling units, implementing the guiding principles outlined in the County of San Diego's General Plan and goals and policies within the County's Housing Element.
6. The Project would provide a range of densities and housing types, allowing for single-family detached, duplexes, townhomes/rowhouses, and multi-family residential units, broadening the housing choice for the County's population and fulfilling the need for much needed affordable housing.

Increased Commercial/Retail Opportunities

7. Approximately 78,000 square feet of commercial/retail space would provide a variety of services, shops, and amenities to serve new residential development and employees occupying the new light industrial developments, businesses, and office park.

Increased Job Opportunities

8. Approximately 765,000 square feet of light industrial/office/business park would be developed, providing an estimated 1,000 permanent new jobs in East Otay Mesa.

Biological Benefits

9. The project would provide for the continued conservation of sensitive biological resources and restoration of wildlife habitat in two biological open space easements (51.3 acres open space easement dedicated as a condition of Tentative Map 5139RPL6R and the 0.41-acre on-site open space easement recorded on lot 55 of Tentative Map 5139RPL6R).

Implementation of Applicable Planning Goals, Policies, Objectives

10. The project *promotes health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development*, as called for in General Plan Guiding Principle 2. The introduction of housing to East Otay Mesa promotes public health and sustainability objectives by providing for a better jobs/housing balance, reducing long vehicular commutes and facilitating pedestrian and bicycle circulation.
11. Consistent with General Plan Guiding Principle 3, the Project will *reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities*. The Project introduces mixed-use development, consisting of residential, retail, and office/professional uses that will serve as a catalyst for the employment center envisioned for East Otay Mesa. Employers are more likely to locate to the area if there are housing opportunities for the workforce close by. The Specific Plan Amendment essentially maintains or adapts the existing design guidelines to the mixed-use designations to ensure compatibility with other planned uses in the area. Future development will be required to submit site plan applications to ensure consistency with the design guidelines. Since the majority of the Specific Plan area is currently vacant, this new Village Core can help to establish a new, positive character for East Otay Mesa that supports pedestrian orientation, enhances livability, and promotes alternative modes of transportation.
12. Consistent with General Plan Guiding Principle 6, the Project will *provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation*. The Project provides a comprehensive, multimodal transportation network that builds upon the existing circulation system. The Project would improve roadways that traverse the project site, including: Sunroad Boulevard, Vann Centre Boulevard, Zinser Road, and Otay Mesa Boulevard. A comprehensive network of pedestrian trails and pathways as well as bikeways combined with a compact, mixed-use development pattern, will reduce the number and length of automobile trips, promote walking and biking, and increase access and safety for residents and employees. The introduction of higher density housing will also help to support public transit operations. In addition, recreational trail connections will be provided linking the site to the nearby open space preserves.
13. Consistent with General Plan Guiding Principle 7, the Project will *maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change*. The Project is designed as a sustainable mixed-use development that will create a livable community that reduces vehicular trips (and associated greenhouse gas emissions) by offering places to live, work, and shop within a compact area.

14. The Project allows for a variety of housing types and residential land uses to support and complement the planned industrial and commercial development. The Project will also consist of various lot sizes and development densities. (Policy LU-3.1) The range of single family and multi-family housing types will support the international industrial and business district in East Otay Mesa. (Policy LU-3.2) Residents will be able to easily travel to everyday shopping and services as well as employment areas through a variety of multi-modal transportation options, including walking and bicycling. (Policy LU-3.3)
15. East Otay Mesa has long been envisioned as a major job center and introducing residential uses to the area will help to promote jobs/housing balance. The area is currently served by public transit and higher density residential uses will help to support those operations. Public services and infrastructure are available in the area. (Policy H-1.3)
16. Higher residential densities appropriate for a village core are proposed to support a variety of multi-modal transportation options and reduce overall dependency on automobiles. The residential uses will help to support public transit services and the compact development pattern, which includes pedestrian and bicycle infrastructure, will encourage walking and bicycling. (Policy LU-5.1) The Specific Plan provides bicycle routes and pedestrian pathways throughout the development. These facilities enhance multi-modal connectivity between planning areas, existing and planned County trails, the Otay River Valley Regional Park, and adjacent open space areas. The Project is cohesively tied together by a comprehensive bicycle and pedestrian trail system that would provide connectivity to adjacent planning areas and the larger recreational trail system. (Policy M-11.4, M-11.8) Development within the project will be linked together by a network of pedestrian and bicycle pathways. Residents will be located within close proximity to commercial and employment centers, which will provide job, retail, and service opportunities. The network of trails and pathways will encourage residents to walk and bike throughout the community. (Policy LU-9.5)
17. The Project will be designed in accordance with sustainable planning practices, such as compact development, pedestrian orientation, a variety of housing types, and efficient/green building design and low impact development techniques. The Project would create a livable community that would reduce vehicular trips (and associated greenhouse gas emissions) by offering places to live, work, and shop within a compact area. In addition, sustainable planning and building design guidelines for development within the mixed use designations have been incorporated into the Specific Plan Amendment. (Policy LU-5.2)
18. The Project includes road networks, pedestrian routes, and amenities that are compatible with surrounding areas. Site, building, and landscape design guidelines addressing the mixed-use designations have been incorporated into the Specific Plan Amendment. These guidelines have been developed to be compatible with

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the existing Specific Plan guidelines, and future site plan review will ensure that proposed development complies with the guidelines. (Policy LU-9.8)

19. The proposed development is consistent with the County's community development model. The Project introduces mixed-use consisting of residential, retail, and office/professional uses that reduce vehicular trips (and associated air pollution) by reflecting a compact, pedestrian friendly environment. Pedestrian walkways and trails provide connections to destinations within the development and to adjacent neighborhoods as well as existing and planned recreational trail systems. (Policy COS-14.1) In addition, the Project provides multi-modal connections between planning areas, the Otay River Valley Regional Park, and adjacent open space areas. (Policy COS-14.2)
20. "Green" and sustainable land development practices would be integrated into the development. Vegetated swales, detention basins, permeable pavement, "cool roofs," drought tolerant and native landscaping, and open space corridors are a few of the low impact development techniques that would be implemented. Sustainable planning and building design guidelines within mixed use designations are integrated in the Specific Plan Amendment. (Policy COS-14.3) The Project encourages the use of sustainable technologies such as solar power, high efficiency (low energy/low water use) appliances and fixtures, highly efficient and effective irrigation systems that conserve water, etc. (Policy COS-14.4). Buildings will be designed and oriented to utilize passive solar heating and cooling opportunities, enhance natural ventilation, and effectively utilize daylight to minimize artificial lighting needs, where feasible. (Policy COS-14.5)

Sustainable Design and Reduction in Greenhouse Gas Emissions

21. The Project is designed to be pedestrian oriented, close to urban amenities and jobs created on-site, and linked to the existing regional transit system. This smart-growth design will reduce vehicle miles traveled, air emissions, and greenhouse gas emissions.
22. The Project supports compact development, pedestrian activity, and greater connectivity between neighborhoods by providing a mix of uses including high density residential, commercial/retail, light industrial, and office/ business park development.
23. The Project's development pattern and planned multi-modal facilities (including bicycle and pedestrian pathways) allows residents to reduce their dependency on automobiles, engage in more physical activity, and enjoy a higher quality of life.
24. The project supports public transit services, provides for a new bus stop, and includes pedestrian and bicycle infrastructure that would encourage walking and bicycling. The Project would construct an additional bus stop at Otay Mesa Road and Harvest Road. In addition, the South Bay Rapid transit line would be running

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along SR-125, providing nearby rapid transit service to the proposed project; a Rapid station is planned at the Otay Mesa International Transit Center.

25. The mixed-use nature of the Project reduces vehicular trips (and associated greenhouse gas emissions) by offering places to live, work, and shop within a compact area. In addition, sustainable planning and building design guidelines for development within the mixed use designations have been incorporated into the Specific Plan, such as passive solar heating and cooling techniques, the use of sustainable resources and recycled materials, the incorporation of native and drought tolerant landscaping with efficient irrigation systems, and the use of renewable energy sources, where feasible.

26. The Project requires that future development result in zero net emissions.

For the foregoing reasons, the County finds that the Project's unavoidable potential significant impacts are outweighed by these considerable benefits.

**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)

	Direct Impacts	Proposed Open Space	Offsite Mitigation	Total Area Onsite
Disturbed Wetlands (mitigation ratio = 2:1)	0.11	.22	0.0	0.11
Non-Native Grassland (mitigation ratio = 0.5:1)	195.99	46.87 ¹	49.28	240.24
Disturbed/Developed (no mitigation required)	7.91	0.0	0.0	10.23

¹ 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

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 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 10-15ft 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 impacts 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.

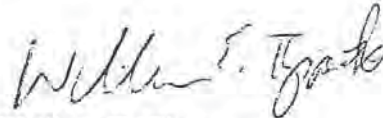
7. As we have previously recommended, site inspections to ensure fencing and signage is maintained should be performed on a monthly basis. Preserved properties in this area of the County have been under considerable pressure from off-road vehicles and other activities, and quarterly site inspections 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 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: *fol* Therese O'Rourke, Assistant Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California *[Signature]*

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.

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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 I-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 of 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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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)

	Direct Impacts	Proposed Open Space	Offsite Mitigation	Total Area Onsite
Vernal Pools (no net loss)	0.0	0.2	0	0.2
Southern Willow Scrub (no net loss)	0.2	0.4*	0	0.6
Disturbed Waters (no net loss)	0.1	0.2**	0	0.2
Coastal Sage Scrub (mitigation ratio = 1:1)	2.1	3.2	0	5.4
Native Grassland (mitigation ratio = 2:1)	4.2	3.1	5.4	7.3
Non-Native Grassland (mitigation ratio = 0.5:1)	186.5	44.7	48.6	231.2
Disturbed/Developed (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.



US Fish and Wildlife Service
 Carlsbad Fish and Wildlife Office
 6010 Hidden Valley Road
 Carlsbad, CA 92009
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**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 10-15ft 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.

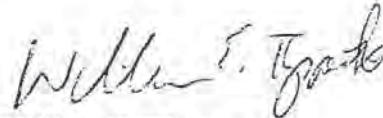
7. As we have previously recommended, site inspections to ensure fencing and signage is maintained should be performed on a monthly basis. Preserved properties in this area of the County have been under considerable pressure from off-road vehicles and other activities, and quarterly site inspections 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 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: *fol* 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, resumé, 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 I-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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Jim Bartel (1-6-03-FW-944.5)

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Attachment G – Environmental Findings

OTAY 250

**PDS2015-GPA-15-008 (GPA), PDS2015-SPA-15-001 (SPA), PDS2015-REZ-15-007 (REZ),
PDS2015-TM-5607 (TM), PDS2015-ER-15-98-190-13G (ER);
State Clearing House Number: 2016031028**

ENVIRONMENTAL FINDINGS

April 13, 2018

- 1) Find that the Planning Commission has reviewed and considered the supplemental environmental impact report (SEIR) for the proposed project dated March 2018 on file with Planning & Development Services as Environmental Review Number PDS2015-ER-15-98-190-13G before making its recommendation on the project.
- 2) Certify that the SEIR dated March 2018 on file with Planning & Development Services as Environmental Review Number PDS2015-ER-15-98-190-13G has been completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, that the SEIR was presented to the Board of Supervisors and that the Board of Supervisors reviewed and considered the information contained therein before approving the project, and that the SEIR reflects the independent judgement and analysis of the Board of Supervisors.
- 3) Adopt the findings concerning mitigation of significant environmental effects pursuant to CEQA Guidelines Section 15091.
- 4) Adopt the Statement of Overriding Considerations pursuant to State CEQA Guidelines Section 15093.
- 5) Adopt the Decision and Explanation Regarding Recirculation of the Draft Environmental Impact Report pursuant to State CEQA Guidelines Section 15088.5(e).
- 6) Adopt the Mitigation and Monitoring Program as incorporated into the project conditions of approval pursuant to CEQA Guidelines Section 15091(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.).

Attachment H – Supplemental Environmental
Impact Report

The Supplemental Environmental Impact Report can be found through the following link:

https://www.sandiegocounty.gov/content/sdc/pds/Current_Projects/Otay-250-Sunroad.html

Attachment I – Public Documentation

EAST OTAY MESA PROPERTY OWNERS ASSOCIATION

December 20, 2017

Honorable Greg Cox
County Administration Office
1600 Pacific Highway
San Diego CA 92101

Subject: SPA No. PDS2015-SPA-15-001 (Sunroad Otay 250)

Dear Supervisor Cox:

On December 14, 2017, the East Otay Mesa Property Owners Association voted unanimously to support the proposed project which, when approved, will be a strong catalyst to new industrial development in East Otay Mesa.

The Otay Mesa Industrial Sub-market has been one of the worst performing industrial markets in San Diego County for over 50 years in terms of net absorption, rents, and the number of new jobs created. Based on projections by ERA in 2008 for the Otay Mesa Community Plan update, there is a 75 - 150 year supply of industrial land in Otay/East Otay Mesa.

Past efforts to attract new business to East Otay Mesa have had limited success, in part, because "there is nothing there." East Otay Mesa needs a 'there' that will serve as a catalyst; a project that will create a positive image of East Otay Mesa.

Just as the redevelopment of the 250 acre former General Dynamic's site in Kearny Mesa has been successful by introducing a mix of new industrial development, new commercial office and retail uses and over 1,500 residential units, we believe the Sunroad project can stimulate new development throughout East Otay Mesa.

Located in the north-west corner of the East Otay Mesa Specific Plan, just east of SR 125, the Sunroad project is north of Otay Mesa Road and SR-11. As such, it will not impact nor be impacted by truck traffic generated by the business and border commerce that is such a significant feature of Otay and East Otay Mesa.

We strongly support the subject project and urge the County Board of Supervisors to approve it as soon as possible.

Sincerely,



David Wick, Chairman
East Otay Mesa Property Owners Association

cc: Councilman David Alvarez, City of San Diego
Mark Wardlaw, Director, San Diego County Planning and Development Services
Michael De La Rosa, Group Program Manager, San Diego County Planning and Development Services

EAST OTAY MESA PROPERTY OWNERS ASSOCIATION

Thursday, December 14, 2017

10:00 AM -11:30AM

CBRE Downtown

350 Tenth Avenue, Suite 800

San Diego, CA 92101

Meeting Minutes

1. Call to Order: The meeting was called to order at 10:05 am.

Introductions: Wick presiding, Bossler, Christopher, Dillard, Hixson, Jokerst, Story and Wiggins

Guests: Denise Ducheny, Goods Movement Consultant
Carl Nettleton, Nettleton Strategies

2. November Joint Minutes: M/S/C/U to approve the minutes as presented.
3. Goods Movement Consultant: Ducheny said other local governments are processing SB 1 funding applications faster than San Diego. She said San Diego projects need to be ready for construction before processing SB 1 requests. SANDAG has been updating the customs facility revenue study models and a peer review of the models using more conservative data modeling. The design modeling assumes a joint customs facility and all the lanes will be fully staffed. Ducheny emphasized, if the customs processing is more efficient, trucks will pass through the joint facility faster.
4. EVOC Project: No report.
5. La Media Road Update: Wick said the plat maps are still being processed. The City agreed to place La Media Road into the City's Capital Improvement Program (CIP) if the right-of-ways are obtained. Wick needs the plat maps to bring to the property owners as soon as possible. Christopher said Metropolitan Airpark (MAP) submitted the plats in October 2017 and they didn't anticipate them taking so long. He believes MAP is in conformance and the City wanted an adjustment to be done as part of the second cycle of comments which he hopes to get back by December 19, 2017. Wick recommended that Christopher talk to James Nagelvort. Story recommended talking to Greg Hopkins to make sure that, if staff needs to make any additional changes, their staff should make the changes at the planning counter for final approval.

Christopher said the plan is for mitigation of the right-of-way and design will be ready for adoption in January 2018. The mitigation land requires survey work. In order to use on-site airport land for mitigation, they need FAA approval. The design build-out is four lanes from Siempre Viva to 905. If the City delays the project requiring a five lane design, the City will lose the opportunity to apply for SB 1 funding. Wick asked Ducheny to follow up with Vivian Moreno in Councilman Alvarez's office to ensure the City approves a four lane project. Story asked if Felipe will meet before January. Wick will follow up with Felipe to schedule a meeting.

Wick met with Hyundai representatives who said their trucks are taking only 20 minutes to cross the border. He heard from another company that said truck traffic is more efficient with the Mexico customs authorities processing trucks faster.

6. Enhanced Infrastructure Financing District (EIFD): Wick said that the District funds will remain in a dedicated fund for Otay Mesa city infrastructure. The people who are showing up for EIFD meetings are from the more urbanized portion of Otay Mesa. When enough funds are collected, project ideas will be floated and improvements will be identified and prioritized.
7. Donovan – Otay Mesa Road/Alta Road Intersection : Wick said he will meet with the County to address the impacts of the Donovan expansion on the roads. They spent about a year to develop the project scope. When the County identified there was a gap in the project funding, Wick got an agreement from the property owners to help fund the gap. The County staff brought the project forward, but did not agree to move power poles that need to be moved to improve the traffic flow. As such, the County and property owners are meeting to salvage the deal. Wick said that the County has received funds from the State and Bragg has paid SDG&E \$75,000 in funding for the pole and power line movement. If the County can agree to help with funding to move the poles, the project can move forward. He will send the timeline to Morgan Hollingworth to distribute to the MIGS.
8. Sunroad 2 Project Update: Story distributed the Sunroad conceptual land use and circulation plan map for their Specific Plan amendment. The draft final EIR was submitted to the County Counsel and it will be heard by the Board of Supervisors in Spring 2018. Story will ask the Otay Chamber of Commerce for a review and endorsement from their members. He asked EOMPOA members to recommend names of Otay Chamber members to talk to in advance of their review so he can meet with them to discuss the benefits of the new development.

Story said that analysts see Otay Mesa as the least performing industrial area of the region. He said that the identity of the area is either none or negative. Story asked EOMPOA to endorse the Sunroad project. The estimated mix of the Sunroad project would be industrial, commercial, residential and technology using the same mix of uses as the Sunroad Spectrum project in Kearny Mesa. M/S/C/U to send a letter of support for the Sunroad 2 proposed Specific Plan Amendment.

9. SR-11 Phase 2: Wick said that CalTrans has been sending property owners “right of possession agreements” but the appraisals have been extremely low and unrealistic. One appraiser said that Caltrans has concerns about any residual pesticides from former agricultural uses. Ducheny said those uses were more than 50 years ago and the property owners should be able to submit their own appraisals.
10. Border Fence Project: Wick updated the issues surrounding the eight model border walls. He said that they were made very cheaply. The Customs and Border Protection staff will decide which model will be chosen to be constructed by the end of December 2018.
11. County Planning Project Feedback: Jokerst said that there is one more review of Otay Hills rock quarry project which will be their fourth review. Dillard said that they are modifying their approval to “phase” their project.
12. Other Business: None.
13. Upcoming Meetings
 - a. Joint EOMPOA-OMPOA Meeting – January 11, 2018 – 10 am (CBRE Downtown, 15th Floor)
 - b. OMPG Meeting – January 17, 2018 – 3:00-5:00 p.m. (Otay Nestor Library)
14. Adjournment: Wick adjourned the meeting at 11:17 am.

Attachment J – Ownership Disclosure



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

Record ID(s) PDS2015-SPA-15-001

Assessor's Parcel Number(s) 646-240-30, 646-080-31 through 33, 646-310-18

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.

Sunroad Otay Partners, LLC

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

Sunroad G.P., Inc. (general partner) Aaron Feldman Family Trust LP
Sunroad Real Estate Holding Corporation
Sunroad 2011 Trust LP

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.

[Empty lines for listing non-profit organizations]

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

[Signature]
Signature of Applicant
Dan Feldman
Print Name
8.4.15
Date

--- OFFICIAL USE ONLY ---
SDC PDS RCVD 08-10-15
SPA15-001