

**Attachment B–
Preliminary
Notice of
Decision**



County of San Diego

PLANNING & DEVELOPMENT SERVICES
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(858) 505-6445 General • (858) 694-2705 Codes
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www.SDCPDS.org

DAHVIA LYNCH
DIRECTOR

April 14, 2023

REFERENCE: TENTATIVE MAP TIME EXTENSION PDS2022-TM-5573TE

NOTICE OF PRELIMINARY DECISION OF THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES

On the above date, the Director of Planning & Development Services (PDS) adopted this preliminary decision approving Time Extension PDS2022-TM-5573TE. A copy of this Notice of Preliminary Decision will be filed with the Planning Commission as an informational agenda item on April 14, 2023. In the event the Planning Commission takes no action to initiate a public hearing on the preliminary decision, the preliminary decision shall become a final decision of the Planning Commission that is effective immediately.

I, Dahvia Lynch, Director of PDS, San Diego County, State of California, hereby certify that this is a copy of the official document authorizing an amendment to the referenced Tentative Map.

PLANNING & DEVELOPMENT SERVICES
DAHVIA LYNCH, DIRECTOR

By:

Mark Slovick

MARK SLOVICK, DEPUTY DIRECTOR
PLANNING & DEVELOPMENT SERVICES

April 14, 2023

REFERENCE: TENTATIVE MAP TIME EXTENSION PDS2022-TM-5573TE

FINAL NOTICE OF ACTION OF
THE PLANNING COMMISSION APPROVING
A TIME EXTENSION FOR PDS2022-TM-5573TE

PLEASE NOTE: THIS LETTER EXTENDS THAT DATE UPON WHICH THE TENTATIVE MAP WILL EXPIRE AND MAKES CERTAIN OTHER CHANGES AS LISTED BELOW. ALL OTHER RESOLUTION LANGUAGE AND CONDITIONS REMAIN AS ORIGINALLY ADOPTED. [Strikeout indicates deletion, underline indicates addition.]

1. The approval of this Tentative Map expires on ~~February 23, 2024~~ February 23, 2027 at 4:00 p.m.

PDS-Land Development has no comments on TM 5573TE. The conditions within the Resolution of San Diego County, Conditionally Approving Tentative Map No. 5573 dated February 23, 2018 are still applicable.

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):

The conditions within the Resolution of San Diego County, Conditionally Approving Tentative Map No. 5573 dated February 23, 2018 are still applicable.

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, 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 here by waived:**

- (1) Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
- (2) Standard Condition 22: Said condition pertains to septic sewage system. This subdivision will be served by public sewer system.
- (3) Standard Condition 24: Said condition pertains only if the project is outside the boundaries of a fire protection agency. This subdivision is inside Vista Fire Protection District.

- (4) Standard Condition 27.1: Said condition states that the Final Map shall be filed as units or groups of units. The Final Map for this Tentative Map includes the entire area shown on the Tentative Map and shall not be filed in units.

PRELIMINARY GRADING PLAN: The approval of this Tentative Map here by adopts the Preliminary Grading and Improvement Plan dated January 17, 2018 consisting of four sheets (Attached Herein as Exhibit B) pursuant to [Section 81.305 of the County Subdivision Ordinance](#). In accordance with the [Section 87.207 of the County Grading Ordinance](#), Environmental Mitigation Measures or other conditions of approval required and identified on this plan, shall be completed or implemented on the final engineering plan before any improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any Substantial deviation therefrom the Preliminary Grading and Improvement Plan may cause the need for further environmental review. Additionally, approval of the preliminary plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to [County of San Diego Grading Ordinance \(Sec 87.701 et. al.\)](#)

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

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

30. 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.

31. RECORDATION OF ADMINISTRATIVE PERMIT: [PDS, DPW, DEH, DPR], [GP, CP, BP, UO]

INTENT: In order to comply with the approved Tentative Map, Administrative Permit PDS2012-3000-12-035 shall be recorded prior to issuance of Final Map. **DESCRIPTION OF REQUIREMENT:** The applicant shall record the Administrative Permit PDS2012-3000-12-035. **DOCUMENTATION:** The applicant shall provide evidence that the Administrative Permit PDS2012-3000-12-035 has been recorded. **TIMING:** Prior to the approval of the Final Map the Administrative Permit shall be recorded. **MONITORING:** The PDS Zoning Counter shall verify that TM-5573 has been recorded.

32. 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, the below listed roads shall be improved. **DESCRIPTION OF REQUIREMENT:**

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- a. Improve or agree to improve and provide security for **Hollyberry Drive**, along the project frontage in accordance with Public Road Standards for a Residential Collector, to a graded width of thirty feet (30'), one half right-of-way width of the centerline on the easterly side of the road, and to an improved width of twenty feet (20') from centerline with asphalt concrete pavement over approved base with asphalt concrete dike face of dike to be at twenty feet (20') from centerline. As necessary, provide transition, tapers, traffic striping to match existing pavement to the satisfaction of Director of Public Works/PDS.
- b. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

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

TIMING: Prior to the approval of the Final Map 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.

33. **ROADS#2-PRIVATE ROAD IMPROVEMENTS**

INTENT: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.404](#), the private roads shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. The proposed offsite private road easement, **Street 'A'** from **Hollyberry Drive**, shall be graded to a width of twenty feet (20') and to be improved to a width of twelve feet (12') with asphalt concrete pavement over approved base.

- b. The proposed offsite private road easement, **Street 'B'**, shall be graded to a width of twenty feet (20') and to be improved to a width of twelve feet (12') with asphalt concrete pavement over approved base.
- c. **Street 'A'** shall terminate with a cul-de-sac graded to a minimum radius of forty feet (40') and surfaced to a minimum radius of thirty six feet (36') with asphalt concrete pavement over approved base to the satisfaction of Vista Fire Protection District and the Director of PDS.
- d. **Street 'B'** shall terminate with a cul-de-sac graded to a minimum radius of forty feet (40') and surfaced to a minimum radius of thirty six feet (36') with asphalt concrete pavement over approved base to the satisfaction of Vista Fire Protection District and the Director of PDS.

All plans and improvements shall be completed pursuant to the San Diego County Standards for Private Roads, and the Land Development Improvement Plan Checking Manual. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **DOCUMENTATION:** The applicant shall complete the following:

- e. Process and obtain approval of Improvement Plans to improve Private **Street 'A'**, and Private **Street 'B'**.
- f. Provide Secured agreements require posting security in accordance with [Subdivision Ordinance Sec. 81.408](#).
- g. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI].
- h. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

TIMING: Prior to the approval of the Final Map for 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.

34. ROADS#3–ACCESS IMPROVEMENTS

INTENT: In order to promote orderly development and to comply with the Policy I-18 and the County Consolidated Fire Code Sec. 503 et al., a project access shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. The project entry gate, which shall be designed and constructed to meet DS-17, 18 or 19 to the satisfaction of the San Diego County Fire Authority and the Director of Planning & Development Services.

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

- b. Process and obtain approval of Improvement Plans to improve the project driveway and the entry gate on **Hollyberry Drive**.
- c. Provide Secured Agreements. The required security shall be in accordance with Section 7613 of the Zoning Ordinance.
- d. Pay all applicable inspection fees with [DPW, PDCI].
- e. If the applicant is a representative, then a 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.
- f. Obtain approval for the design and construction of all driveways, turnarounds, private trails, pathways and private easement road improvements to the satisfaction of the San Diego County Fire Authority and the [PDS, LDR].
- g. Obtain a Construction Permit for any work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3284. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

Timing: Prior to occupancy or use of the premises in reliance of this permit, the plans shall be approved and securities must be provided. **Monitoring:** The [PDS, LDR] and [DPR, TC] shall review the plans for consistency with the condition and County Standards and Community Trails Master Plan. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS before any work can commence.

35. ROADS#4-IMPROVEMENT CERTIFICATION

INTENT: In order to ensure that the proposed work on the private road stays within the private road easement, and to comply with Private Road Standards and Subdivision Ordinance a letter of certification shall be provided. **DESCRIPTION OF REQUIREMENT:**

- a. The proposed onsite private road, **Street A** and **Street B**, including all slopes shall be constructed entirely within the easement, including drainage structures, for the benefit of the land division.

DOCUMENTATION: The applicant shall have a Registered Civil Engineer provide a signed statement that the private easement road, meets the standards of this condition. **TIMING:**

Prior to the recordation of the Final Map, the road shall be certified. **MONITORING:** The [PDS, LDR] shall review the certification for consistency with the condition and County Standards.

36. ROADS#5–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 surface, 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 the improvement plans and the approval of the Final Map the Acknowledgement of Department of Public Works Pavement Cut Policy shall be submitted for approval. **MONITORING:** The [PDS, LDR] shall review the acknowledgement letter.

37. ROADS#6–ROAD DEDICATION (ONSITE ONLY)

INTENT: In order to 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 onsite with the map, an easement for road purposes that provides thirty feet (30') wide, one half right-of-way width from centerline of **Hollyberry Drive** along the project frontage in accordance with the County of San Diego Public Road Standards for a Residential Collector with 30' radius rounding at private access easement intersections, plus slope rights and drainage easements to the satisfaction of Director of PDS.
- b. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use.

DOCUMENTATION: The applicant shall dedicate the easement on the Final Map and show it as Accepted. **TIMING:** Prior to, or concurrent with the approval of the Final Map the onsite dedication shall be provided. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the Final Map and Accepted by the County.

38. ROADS#7–OFFSITE IRREVOCABLE OFFER OF DEDICATION

INTENT: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.402, an irrevocable offer of dedication (IOD) shall be granted by the map. **DESCRIPTION OF REQUIREMENT:** Grant an IOD for real property for public street as indicated below:

- a. Grant portion of **Buena Creek Road** to the County of San Diego for road purposes that provides a fifty-five foot (55') wide, one-half right-of-way width of the centerline on the easterly side of the road, plus the right to construct and maintain slopes and drainage improvements as required beyond the ten-foot (10') limit for that portion within the land

division for the future possible widening of **Buena Creek Road**, including a thirty-foot (30') radius property line corner rounding at the street intersection.

- b. Any dedication, offer of dedication, or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the granting, dedication or offer of dedication is required, per [Subdivision Ordinance Sec. 81.402.a](#), at the time of recordation of the Tract Map. All easements of any type must be plotted on the Tract Map. Or, the affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the Director of PDS.

DOCUMENTATION: The applicant shall grant an IOD for those portions of the right-of-way within the map. **TIMING:** Prior to the recordation of the Final Map. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the map and Accepted by the County

39. ROADS#8—PRIVATE ROAD EASEMENT

INTENT: In order to promote orderly development and to comply with the [County Subdivision Ordinance Section 81.702](#) the easement(s) shall be provided. **DESCRIPTION OF REQUIREMENT:**

1. The Final Map shall show a minimum forty-foot (40') wide private road easement along Private **Street 'A'**, Private **Street 'B'**.
2. The Final Map shall show twenty-foot (20') radius returns at the intersection of the road easements on-site.

DOCUMENTATION: The applicant shall show the easement on the Final Map. **TIMING:** Prior to approval of the Final Map, the easement shall be indicated on the Final Map. **MONITORING:** The [PDS, LDR] shall review the Final Map to ensure that the fire turnout easement is indicated pursuant to this condition.

40. ROADS#9—PRIVATE ROAD MAINTENANCE AGREEMENT

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

- a. Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of PDS.
- b. The Director of PDS shall be notified as to the final disposition of title (ownership) to Private **Street 'A'**, and Private **Street 'B'**, and place a note on the Final Map as to the final title status of said roads.
- c. Access to each lot shall be provided by private road easement not less than forty feet (40') wide.

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

41. ROADS#10–RELINQUISH ACCESS

INTENT: In order to promote orderly development and to comply with the [Mobility Element of the General Plan](#), access shall be relinquished along **Hollyberry Drive** and **Blue Bird Canyon Road**. **DESCRIPTION OF REQUIREMENT:** The applicant shall relinquish access rights onto **Hollyberry Drive** and **Blue Bird Canyon Road** as described below:

- a. Relinquish access rights on **Hollyberry Drive** except the opening for Private Street “A”.
- b. Relinquish access rights on **Blue Bird Canyon Road** along the proposed lots 7, 8 and 9 to prevent double frontage.

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]. Upon plotting of the relinquishment of access, the applicant shall provide copies of the documents to [DGS, RP] for review. **TIMING:** Prior to, or concurrent with the approval of the Final Map the access shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map and forward a copy of the recorded documents to [DGS, RP] for review and approval.

42. ROADS#11–SIGHT DISTANCE

INTENT: In order to comply with the Design Standards of Section 6.1, Table 5, of the [County of San Diego Public Road Standards](#), an unobstructed view for safety while exiting the property and accessing a public road from the site, and unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:** Have a Registered Civil Engineer or a Licensed Land Surveyor provide the following certified signed statement:

“I, _____ (C____ or LS____) certify that there is three hundred feet of unobstructed intersectional sight distance looking north and south from **Street ‘A’** along **Hollyberry Drive** measured 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 Residential Collector as described in Table 5 based on a speed of 30 mph, 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.”

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the approval of the Final Map the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

43. STRMWTR#1–STORMWATER FACILITIES MAINTENANCE AGREEMENT

INTENT: In order to promote orderly development and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11\)](#), [County Watershed Protection Ordinance \(WPO\) No.10096, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. **DESCRIPTION OF REQUIREMENT:**

- a. The private storm drain system shall be maintained by a maintenance mechanism such as a homeowners association or other private entity to the satisfaction of the Director of Planning and Development Services.
- b. Establish a maintenance agreement / mechanism (to include easements) to assure maintenance of the Category 2 post-construction best management practices (BMP's). Provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of PDS.

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

44. STRMWTR#2–EROSION CONTROL

INTENT: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [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 this priority project. **DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Management Plan (SWMP) and Stormwater Pollution Protection Plan (SWPPP) including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

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

DOCUMENTATION: The applicant shall provide the letter of agreement and any additional security and or cash deposit to the *[PDS, LDR]*. **TIMING:** Prior to approval of the 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.

45. 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, non-motorized multi-use trail easements as shown on the approved Tentative Map and described below:

- a. A fifteen foot (15') public trail easement along Buena Creek Road.
- b. A ten foot (10') public trail easement from the proposed private Street "A" cul-de-sac to the proposed 15' trail along Buena Creek Road. This 10' trail will provide onsite connection to the proposed offsite 15' trail along Buena Creek Road.

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 the 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.

46. AGR#1–AGRICULTURAL EASEMENT [PDS, FEE X 2]

INTENT: In order to protect agricultural resources pursuant to the [Agricultural Resource Guidelines for Determining Significance](#), an Agricultural Preservation Easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego, an Agricultural Preservation Easement as shown on Agricultural Open Space Easement Exhibit dated February 23, 2017. The purpose of the easement is for the protection of agricultural resources to ensure that the land remains available for potential agricultural use. The easement shall prohibit the construction or placement of any residence, garage, or any accessory structure that is designed or intended for occupancy by humans or animals, and the placement of any recreational amenities; such as tennis courts or swimming pools. The only exceptions to this prohibition are:

- a. Fences, walls, and similar structures, no higher than 6 feet or as regulated by zoning.
- b. Sheds and detached garages, less than 250 square feet in total floor area.
- c. Landscaping and agricultural uses.
- d. Roads, utilities, water wells, septic systems and leach lines as indicated on the approved Conceptual Grading and Development Plan
- e. Percolation and observation test holes.

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- f. Irrigation water wells necessary for the support of the agriculture in the easement.
- g. Grading or clearing for agricultural purposes only.
- h. Any structures incidental to on-site agricultural use(s).

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 - 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 map and prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the easements shall be recorded. **MONITORING:** For recordation on the map, the *[PDS, LDR]* shall route the Final Map 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.

47. **AGR#2-AGRICULTURAL PRESERVATION – PACE MITIGATION [PDS, FEE X 2]**

INTENT: To preserve agricultural resources, as defined by the [Agricultural Resources Guidelines for Determining Significance](#).

DESCRIPTION OF REQUIREMENT: The applicant shall acquire 0.52 acres mitigation credits from the County of San Diego Purchase of Agricultural Conservation Easement (PACE) mitigation bank, or provide for the conservation of 0.52 acres of offsite agricultural resources, as indicated below:

- a. **Option 1:** If purchasing PACE mitigation credits from the County of San Diego, through the payment of in lieu fees to the PACE Program mitigation bank, evidence of the purchase shall include the following information:
 - 1. A cashier's receipt of the in lieu fee payment, referencing the project name and numbers, total fee payment amount and the represented amount of acreage mitigated for by the payment. One mitigation credit from the PACE Program would equate to one acre of land permanently protected with an agricultural conservation easement within the PACE Program mitigation bank.
 - 2. An accounting of the status of the County of San Diego PACE Program mitigation bank, which can be obtained from the PACE Program Manager. This shall include the total amount of credits available at the bank, the amount required by this project, and the amount remaining after utilization by this project (at time of in lieu fee payment).
- b. **Option 2:** In the event that PACE mitigation credits are unavailable or the applicant elects not to participate; the applicant shall grant an Agricultural Preservation Easement in perpetuity to the County of San Diego, as shown on the Agricultural Open Space Easement Exhibit dated February 23, 2017. The preservation easement shall be located within the cumulative project area, or, at a location approved by the Director of PDS. The purpose of the easement is for the preservation and protection of agricultural resources

to ensure that the land remains available for potential agricultural use in the future. The easement shall prohibit the construction or placement of any residence, garage, or any accessory structure that is designed or intended for occupancy by humans, and the placement of any recreational amenities; such as tennis courts or swimming pools. The only exceptions to this prohibition include but are not limited to:

1. Fences, walls, and similar structures, no higher than 6 feet or as regulated by zoning.
 2. Landscaping and agricultural uses.
 3. Roads, utilities, water wells, septic systems and leach lines as indicated on the approved Conceptual Grading and Development Plan.
 4. Percolation and observation test holes.
 5. Irrigation water wells necessary for the support of the agriculture in the easement.
 6. Grading or clearing for agricultural purposes only.
- c. **Option 3:** The applicant may choose to mitigate through a combination of Options 1 and 2, so long as the total acreage of mitigation is equal to that specified above.

DOCUMENTATION: Under option 1, the applicant shall provide a cashier's receipt of the in lieu fee payment to the [PDS, PCC] and an accounting of the status of the County of San Diego PACE Program mitigation bank. Under Option 2, the applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] for pre-approval. The [PDS, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition. **TIMING** Prior to approval of the 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, PCC] shall review the documents provided for the satisfaction of this condition.

48. **NOISE#1–NOISE RESTRICTION EASEMENT [PDS, FEE X 18]**

INTENT: In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element \(Table N-1 & N-2\)](#) , and the [County of San Diego CEQA Noise Guidelines for Determining Significance](#), a noise restriction easement shall be placed on the parcel 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 over 250 feet from the Buena Creek Road centerline on the map. The said easement shall include 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 dB for interior noise, and a (CNEL) of 60dB 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 \(Table N-1 & N-2\)](#).

Future traffic noise level estimates, must utilize a Level of Service "C" traffic flow for Buena Creek Road which is a General Plan Mobility Element roadway.

- 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 can comply with the noise standards referenced above.
- c. The unauthorized removal of documented noise control measures at a future date after the initial condition is satisfied shall make the affected noise sensitive land use still subject to this building restriction for protection of these uses before 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 the map, the requirements of this condition shall be completed. **MONITORING:** The [PDS, LDR] shall verify that the easement is indicated on the map as specified and recorded.

49. PLAN#1-SITE CONFORMANCE: [PDS, BPPR]

INTENT: In order to ensure that the site complies with the approved tentative map, Boundary Adjustment BC-16-0017 shall be recorded. **DESCRIPTION OF REQUIREMENT:** A Boundary Adjustment with Certificate of Compliance (PDS2015-BC-16-0017) shall be recorded at the County Recorder's Office. **DOCUMENTATION:** A Boundary Adjustment with Certificate of Compliance shall be recorded at the County Recorder's Office and proof of recording provided to PDS. **TIMING:** Prior to the approval of the map, the requirements of this condition shall be completed. **MONITORING:** The [PDS, BPPR] shall verify that the Boundary Adjustment with Certificate of Compliance was recorded and that a copy of the recorded document is on file at PDS.

50. UTILITIES#1-SEWER ANNEXATION

INTENT: In order to promote orderly development and to Buena Sanitation District the parcel shall be annexed into the Buena Sanitation District. **DESCRIPTION OF REQUIREMENT:** The applicant shall apply for and receive approval from the Local Agency Formation Commission (LAFCO) an annexation into the Buena Sanitation District. **DOCUMENTATION:** The applicant shall provide the annexation approval documents to [DEH, LWQ]. **TIMING:** Prior to the approval of the Final Map, the applicant shall annex into the sewer district. **MONITORING:** Upon request of the applicant, [DEH, LWQ] shall provide a recommendation to LAFCO for the annexation into the sewer district.

51. UTILITIES#2-SEWER CONNECTION

INTENT: In order to promote orderly development and to Buena Sanitation District the parcel(s) shall be connected to public sewer. **DESCRIPTION OF REQUIREMENT:** The parcel(s) shall be connected to public sewer in the Buena Sanitation District. **DOCUMENTATION:** Prior to connecting to the public sewer, the applicant shall obtain a sewer commitment letter from the Buena Sanitation District. Upon approval of connection, the applicant shall pay the costs of connection and fees associated with connecting to public sewer. **TIMING:** Prior to recordation of the Final Map, the plans and specifications for construction of the public sewer system serving each lot and any required offsite public sewer improvements shall be approved by the District. **MONITORING:** The [PDS, LDR] shall review the Final Map to ensure that the sewer easement has been dedicated. The [PDS, LDR] shall review the improvement plans to ensure compliance with this condition.

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

INTENT: In order to provide adequate Landscaping that provides screening, and to comply with the County's Water Conservation in Landscaping Ordinance, a landscape plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), 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. Coordinate with the projects' Civil Engineer and show the locations of all proposed tree wells.
- i. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: Coordinate with the projects' Civil Engineer and provide a construction detail of the proposed tree wells that includes the structural soil depth's for each well. Include soil specifications typical of a Rain Garden Mix shown on page 7-7 of the Green Streets Specifications within Appendix K of the County's BMP Design Manual. Soil components shall be given by percentage of volume rather than by weight.
- j. Verify that a minimum of 2 cubic feet per square feet of canopy drip line is provided for the mature size of trees proposed.

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

The following Grading and or Improvement Plan Notes shall be placed on the Preliminary Grading Plan and made conditions of the issuance of said permits. An email or disc will be provided with an electronic copy of the grading plan note language.

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

1. NOISE#GR-1. GENERAL TEMPORARY CONSTRUCTION NOISE: [DPW, PDCI].

INTENT: In order to minimize temporary construction noise for grading operations associated with TM5573. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following temporary construction noise control measures and shall comply with the eight hour average sound level of 75 dBA pursuant to Noise Ordinance Section 36.408 & 36.409:

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

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.

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

2. AIR#GR-1. 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 two feet of freeboard or cover loads of all haul/dump trucks securely (unnumbered design measure).
- b. Dust control measures of the Grading Ordinance will be enhanced with a minimum of two 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.

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- 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 one -15 mph sign shall be posted and enforced on unpaved areas during construction.
- h. In accordance with the San Diego Air Pollution Control District (SDAPCD) Rule 55 - Fugitive Dust Control, no dust and/or dirt will leave the property line. The following measures would be implemented to ensure the requirements of this rule are met:
 - i. Airborne Dust Beyond the Property Line: No person will engage in construction or demolition activity subject to this rule in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60-minute period.
 - ii. Track-out/Carry-out: Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out will be minimized by the use of any of the following erosion control measures:
 1. Track-out grates or gravel beds at each egress point;
 2. Wheel-washing at each egress during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and for outbound transport trucks;
 3. Secured tarps or cargo covering, watering, or treating of transported material; and
 4. Removed at the conclusion of each work day when active operations cease, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only particulate matter smaller than 10 microns in diameter (PM₁₀)-efficient street sweepers certified to meet the most current South Coast Air Quality Management District (SCAQMD) Rule 1186 requirements will be used. The use of blowers for removal of track-out/carry-out will be prohibited under any circumstances.

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

TIMING: The following actions shall occur throughout the duration of 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.

3. AIR#GR-2 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 measures:

- a. Use of low-VOC coatings in accordance with, or exceeding, SDAPCD Rule 67.
- b. Residential interior coatings shall be less than or equal to 100 grams of VOC per liter (g/L).
- c. Residential exterior coatings are to be less than or equal to 150 g/L.

d. Non-residential interior/exterior coatings are to be less than or equal to 150 g/L.

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

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

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

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

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

DESCRIPTION OF REQUIREMENT: The County approved Project Archaeologist and 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 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 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 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.

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

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

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

REQUIREMENT: The Project Archaeologist and 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 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 Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Native American Monitor.

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

1. The Project Archaeologist or the 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 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 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 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 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.

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d. **Fill Soils.** The Project Archaeologist and 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 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.

6. PALEO#GR-1 PALEONTOLOGICAL MONITORING

INTENT: In order to comply with Mitigation Monitoring and Reporting Program pursuant to PDS2012-3100-5573, a Paleontological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: This project site has marginal levels of sensitive Paleontological resources. All grading activities are subject to the [County of San Diego Grading Ordinance Section 87.430](#), if any significant resources (Fossils) are encountered during grading activities.

a. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact PDS before continuing grading operations.

b. If any paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the [San Diego County Guidelines for Determining Significance for Paleontological Resources](#).

TIMING: The following actions shall occur throughout the duration of the grading construction.

MONITORING: The [DPW, PDCI] shall make sure that the grading contractor is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact PDS if the grading contractor or applicant fails to comply with this condition.

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

7. NOISE#GR-2 NOISE BARRIER REQUIREMENT [PDS, FEE]

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 \(Tables N-1 & N-2\)](#), as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#), noise barriers

shall be installed to mitigate the noise exposure of land uses for sensitive receptors below levels of significance. **DESCRIPTION OF REQUIREMENT:** A signed, stamped statement from a California Registered Engineer or licensed surveyor, and photographic evidence that the noise barriers have been constructed pursuant to the approved grading plan verifying the following:

- a. Construction of the permanent noise barrier shall have a minimum surface density of 3.5 pounds per square foot, consisting of masonry, wood, berm, plastic, fiberglass, steel or a combination of these materials with no cracks or gaps through or below the wall.
- b. The eight (8') foot high barrier shall be located along the western and southern boundary screening Lots 2 and 3.
- c. Permanent noise wall details and location are discussed in Section: 2.2c and Figure 2-C within the noise report prepared by LDN Consulting dated August 8, 2014. The Noise Study is on file with the Department of Planning and Development Services as Case Number Tentative Map 5578.
- d. If new information is provided to prove and certify that the noise barriers being used is different than what was proposed in the noise report, then a new noise analysis may be reviewed to the satisfaction of the [PDS, PCC]. The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements. Any proposed alternative methods, or the reduction or elimination of the barrier may be approved if the proposed noise sensitive land uses are not exposed to 60 dBA CNEL or greater as indicated within the County Noise Element Tables N-1 and N-2).

DOCUMENTATION: The applicant shall submit the certification and the letter 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 certification shall be completed. **MONITORING:** The [PDS, PCC] shall review the certification and the photos for compliance with this condition, and shall inform [DPW, PDCI] that the requirement is completed.

8. 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.

9. PALEO#GR-2 PALEONTOLOGICAL MONITORING

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2012-3100-5573, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Paleontological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** One of the following letters shall be performed upon completion of the grading activities that require monitoring:

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

DOCUMENTATION: The applicant shall submit the letter report to PDS for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading Final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the letter report shall be completed. **MONITORING:** PDS shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

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

10. 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:

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- 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.

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.sdcountry.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.

PDS2012-3000-12-035 – Lot Area Averaging Administrative Permit

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

1. GEN#1–COST RECOVERY

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

2. CULT#1 ARCHAEOLOGICAL MONITORING

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources and human remains, an Archaeological Monitoring Program and potential Data

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

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and 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 Luiseno Native American has been contracted to perform Native American Monitoring for the project. The Pauma Band of Luiseno Indiance, Rincon Band of Luiseno Indians and the San Luis Rey Band of Mission Indians were involved in Native American consultations. As such, it is recommended that one of these tribes be engaged for Native American monitoring.
- 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 the approval of any plan and issuance of any permit, the contract shall be provided. **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.

3. DEH#1–WELL DESTRUCTION

INTENT: In order to ensure that the water well located on the property is removed, and to comply with the [County Regulatory Code Section 67.431](#), the well shall be properly destroyed or properly capped for future use. **DESCRIPTION OF REQUIREMENT:** The water well shall be properly destroyed by a California C-57 licensed well driller. A Well Destruction Permit shall be obtained from the [DEH, LWQ] and all applicable inspection fees shall be paid. **DOCUMENTATION:** The applicant shall provide copies of the Well Destruction Logs to [DEH, LWQ] upon completion of the well destruction. **TIMING:** Prior to the approval of any plan, issuance of any permit (Excluding Well Destruction Permit), and prior to occupancy or use of the premises in reliance of this permit, the applicant shall destroy the well. **MONITORING:** Upon submittal of the well destruction logs, [DEH, LWQ] shall perform a field inspection to verify that the well has been properly destroyed. The destruction logs shall be stamped and returned to the applicant.

4. DEH#2–SEPTIC ABANDONMENT

INTENT: In order to comply with [County Regulatory Code Section 68.313.1](#) the on-site waste water system (Septic System) shall be properly abandoned. **DESCRIPTION OF REQUIREMENT:** The septic system shall be pumped and properly abandoned under DEH guidelines. **DOCUMENTATION:** Upon completion of the septic removal, the applicant shall contact [DEH, LWQ] to schedule a field verification inspection. The applicant shall submit proof of the septic tank pumping and pay all applicable inspection fees. **TIMING:** Prior to the approval of any plan, issuance of any permit and prior to occupancy or use of the premises in reliance of this permit, the applicant shall have the septic system abandoned. **MONITORING:** Upon request of the applicant, [DEH, LWQ] shall perform a field inspection to verify that the septic system has been properly abandoned pursuant to this condition.

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

5. GEN#2–STRUCTURE REMOVAL

INTENT: In order to comply with [County Zoning Ordinance Section 4800](#), the structure(s) on site shall be removed, relocated onsite, or demolished. **DESCRIPTION OF REQUIREMENT:** The existing residences and accessory structures located on Lots 1, 6 and 7 located on-site as shown on the approved Conceptual Grading Plan dated January 17, 2018, has been removed.

- a. Evidence shall be a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structures have been removed or demolished. The letter report shall also include before and after pictures of the area and structure(s).
- b. A Demolition Permit shall be obtained from the [PDS BD]. Compliance with conditions HAZ #1 and HAZ #2 to determine the presence or absence of Lead Based Paints and/or Asbestos shall be completed before any demolition permit can be issued.

DOCUMENTATION: The applicant shall submit to the [PDS, PCC] the signed statement and the photographic evidence that the structures have been removed, relocated, or demolished pursuant to this condition. **TIMING:** Prior to the approval of any plan and issuance of any permit (excluding demolition permit) the applicant shall comply with this condition. **MONITORING:** The [PDS, PCC] shall review the statement and, photos, and any additional evidence for compliance with this condition.

6. HAZ #1–LEAD SURVEY [PDS, FEE X 2]

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

presence or absence of LBP and LCM located in the structure. The following conditions only apply if LBP and LCM are present:

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

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

7. HAZ #2-ASBESTOS SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with Asbestos Containing Materials (ACMs) and to mitigate below levels of significance as established by the [County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance](#), the structure(s) identified on the approved plan set for demolition or remodel shall be surveyed for the presence of ACMs because the structures were built prior to 1980.

DESCRIPTION OF REQUIREMENT: A facility survey shall be performed to determine the presence or absence of ACMs in the structure(s) identified for demolition or remodel on the approved plan set. Suspect materials that will be disturbed by the demolition or renovation activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course.

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

DOCUMENTATION: The applicant shall submit to the [DEH HAZ MAT, APCD] a signed, stamped statement from the person certified to complete the facility survey indicating that the survey has been completed and that either regulated asbestos is present or absent. If regulated asbestos is present, the letter shall describe the procedures taken to remediate the hazard and certify that they have been remediated pursuant to code sections referenced above. **TIMING:** : Prior to approval of any grading and/or improvement plans, issuance of any construction, building or any other permit, and prior to commencement of construction, or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [DEH HAZ MAT, APCD] shall review the report

and any additional evidence for compliance with this condition. The [PDS, PCC] shall review the completed and stamped report and any additional evidence for compliance with this condition.

8. HAZ#4–DEBRIS REMOVAL AND 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 Environmental Site Assessment (ESA) for this project, the seven 5-gallon buckets containing used oil, stored in the covered parking area located on the south side of the site, must be removed and disposed of in accordance with local, state, and federal regulations. Additionally, soil samples must be collected and analyzed for hydrocarbon-affected soil contamination once the concrete slab has been removed.

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 2-3 feet in depth.
- b. Findings which identify whether onsite soils in this location exceed regulatory screening levels for pesticides, petroleum, heavy metals, or other contaminants.
- c. If contaminated soils are detected, provide a letter from DEH stating that a VAP work plan has been prepared and approved to remediate contaminated soils.
- d. If contaminated soils are detected, 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. Grading required to implement the site remediation activities is permitted.
- e. Provide evidence that all required work has been fully incorporated into the Grading Plans if required to obtain a grading permit pursuant to the County Grading Ordinance 87.101 et. al.

DOCUMENTATION: Upon completion of the debris removal and soil test, 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 approval of any grading and/or improvement plans, issuance of any construction, building or any other permit, and prior to 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.

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

9. PARKS#1–PARK LAND DEDICATION ORDINANCE (PLDO) FEE

INTENT: As a condition of approval of any residential development containing fifty (50) or fewer parcels, the applicant shall pay fees in-lieu of park land dedication, pursuant to the provisions of Title 8, Division 10 of the Code of Regulatory Ordinances and Section 810.101, et seq of the Park Lands Dedication Ordinance (PLDO), for the construction of new parks and recreational facilities that will serve future residents of the proposed residential development.

DESCRIPTION OF REQUIREMENT: Only the payment of fees shall be required for

developments containing fifty (50) or fewer parcels, unless the applicant offers to dedicate land in lieu of paying the fees, in which event the approving body may elect to accept land/or require the payment of fees or a combination of both as set forth in Section 810.105(a). **DOCUMENTATION:** Park fees shall be collected on a per dwelling unit basis. **TIMING:** Prior to issuance of a building permit for each lot, or such other permit as may be required to authorize the construction of a dwelling. **MONITORING:** The [PDS, BD] shall calculate the fee pursuant to Section 810.106 and provide a receipt of payment for the applicant and [PDS, PCC] shall verify that prior to issuing the first building permit the PLDO fee has been paid. PLDO fee payment shall be verified for each subsequent building permit issuance.

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

10. CULT#2 CULTURAL RESOURCES REPORT

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

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

or

Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of appropriate tribal affinity 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 as described above and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

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

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

11. FIRE#1–FIRE PROTECTION PLAN

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

- a. Vegetation management zones shall be maintained according to the approved Fire Protection Plan July 15, 2016 from all structures at all times.
- b. A 20-foot-wide clearance of flammable vegetation, up to 6 inches high, be provided on sides of all roads and driveways.

DOCUMENTATION: The applicant shall provide documentation (inspection report or photographs) that demonstrates compliance with the FPP. **TIMING:** Prior to occupancy of the first structure built in association with this permit, the FPP requirements shall be implemented. **MONITORING:** The [PDS, PCC] shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

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

12. ROADS#1–PRIVATE ROAD MAINTENANCE

INTENT: In order to ensure that the offsite private roads are maintained and not damaged during construction, the applicant shall assume responsibility. **DESCRIPTION OF REQUIREMENT:** The applicant is responsible for maintenance and repair, in case of damage caused by this project to the on-site and offsite private roads and private trails that serve the property during either construction or subsequent operations. **DOCUMENTATION:** The applicant shall assume responsibility pursuant to this condition. **TIMING:** Upon establishment of use, the following conditions shall apply during the term of this permit. **MONITORING:** *The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.*

13. FIRE#2–ON-GOING FIRE PROTECTION

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

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

- a. Vegetation management zones shall be maintained according to the approved Fire Protection Plan July 15, 2016 from all structures at all times.
- b. b. A 20-foot-wide clearance of flammable vegetation, up to 6 inches high, be provided on sides of all roads and driveways.

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

**Attachment
C-
Environmental
Documentation**

H1 - 84 NOTICE OF EXEMPTION

TO: Recorder/County Clerk
Attn: James Scott
1600 Pacific Highway, M.S. A33
San Diego, CA 92101

FROM: County of San Diego
Planning & Development Services, M.S. O650
Attn: Project Planning Division Section Secretary

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152

Project Name: PDS2022-TM-5573TE Hollyberry Drive Tentative Map

Project Location: Intersection of Hollyberry Drive and Buena Creek Road in the Twin Oaks Community Plan Area within North County Metropolitan Subregional Plan, within Unincorporated San Diego County (APNs: 181-180-56, -84, & -86)

Project Applicant: Rod Bradley Address: 5115 Avenida Encinas, Carlsbad, CA 92008 Telephone Number: 760-473-1660

Project Description: A tentative map time extension

Agency Approving Project: County of San Diego

County Contact Person: Jae Roland-Chase Telephone Number: 619-380-3130

Date Form Completed: 04/14/2023

This is to advise that the County of San Diego Director has approved the above described project on 04/14/2023 and found the project to be exempt from the CEQA under the following criteria:

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)
 - Declared Emergency [C 21080(b)(3); G 15269(a)]
 - Emergency Project [C 21080(b)(4); G 15269(b)(c)]
 - Statutory Exemption. C Section:
 - Categorical Exemption. G Section:
 - G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
 - G 15182 - Residential Projects Pursuant to a Specific Plan
 - G 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning
 - Activity is exempt from the CEQA because it is not a project as defined in Section 15378.
2. Mitigation measures were were not made a condition of the approval of the project.
3. A Mitigation reporting or monitoring plan was was not adopted for this project.

Statement of reasons why project is exempt: A CEQA 15183 checklist was prepared on January 16, 2018 for PDS2012-TM-5573. The Hollyberry Drive Tentative Map (PDS2012-TM-5573) is consistent with the analysis performed for the GPU EIR. Further, the GPU EIR adequately anticipated and described the impacts of the proposed project, identified applicable mitigation measures necessary to reduce project specific impacts, and the project implements these mitigation measures (see http://www.sdcounty.ca.gov/PDS/gpupdate/docs/BOS_Aug2011/EIR/FEIR_7.00_-_Mitigation_Measures_2011.pdf for complete list of GPU Mitigation Measures).

A comprehensive environmental evaluation has been completed for the project as documented in the attached §15183 Exemption Checklist. This evaluation concludes that the project qualifies for an exemption from additional environmental review because it is consistent with the development density and use characteristics established by the County of San Diego General Plan, as analyzed by the San Diego County General Plan Update Final Program EIR (GPU EIR, ER #02-ZA-001, SCH #2002111067), and all required findings can be made.

There are no changes to the previously approved TM with the approved Time Extension. Therefore, the findings of the previous 15183 exemption continue to apply. Log No. PDS2015-ER-15-08-010.

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: _____  _____ Telephone: (619) 380-3130

Name (Print): Jae Roland-Chase Title: Land Use/Environmental Planner

This Notice of Exemption has been signed and filed by the County of San Diego.

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This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.

**Attachment
D- Ownership
Disclosure**



H1-87
 County of San Diego, Planning & Development Services
APPLICANT'S DISCLOSURE OF OWNERSHIP INTERESTS ON APPLICATION FOR ZONING PERMITS/ APPROVALS
 ZONING DIVISION

Record ID(s) PDS2012-3100-5573

PDS 2022-TM-5573TE

Assessor's Parcel Number(s) 181-180-89

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.

Margaret M. Tomlinson Trust Dated May 11, 1989

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.

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.

Peggy G. Windrum Co-Trustee

Holly A. Marshall Co-Trustee

James N. Marshall Co-Trustee

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

 Signature of Applicant

PEGGY G. WINDRUM

 Print Name



5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123

For any questions, please email us at: PDSZoningPermitCounter@sdcounty.ca.gov
<http://www.sdcounty.ca.gov/pds>

