

March 10, 2021

Item Number 5

Supporting Document 1

Tentative Order No. R9-2021-0014

**CALIFORNIA WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

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Tentative Order No. R9-2021-0014

**WASTE DISCHARGE REQUIREMENTS
FOR
LAKESIDE INVESTMENT CO., LP, LICO TWO, L.P., AND LICO THREE, L.P. GLEICH
PROPERTIES, LLC**

**HILLSIDE MEADOWS DEVELOPMENT PROJECT
SAN DIEGO COUNTY**

The following Discharger is subject to waste discharge requirements as set forth in this Order:

TABLE 1. DISCHARGER INFORMATION

Discharger	Lakeside Investment Co., LP, <u>LICO TWO, L.P.</u> , and <u>LICO THREE, L.P. Gleich Properties, LLC, its General Partner</u>
Name of Project	Hillside Meadows Development Project
Project Address	Western terminus of Mast Boulevard, west of Intersection of Mast Boulevard and Riverford Road, Lakeside, CA
Project Contact, Title and Phone	Randy Lang, President, (858) 268-3210
Mailing Address	9370 Sky Park Court, Suite 230, San Diego, CA 92123
Type of Project	Housing Development
CIWQS Reg. Meas. Number	423173
CIWQS Place Number	849664
CIWQS Party Number	582104
CIWQS Person Number	582105
WDID Number	9 000003337

TABLE 2. DISCHARGE LOCATION

Discharge Point	Discharge Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
Refer to Attachment A for a map of all discharge locations	Clean Fill	32.859064	-116.955629	Isolated unnamed tributaries to the San Diego River

TABLE 3. ADMINISTRATIVE INFORMATION

This Order was adopted by the California Regional Water Quality Control Board, San Diego Region on:	March 10, 2021
This Order shall become effective on:	March 10, 2021

I, David W. Gibson, Executive Officer, do hereby certify that this order is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Diego Region, on March 10, 2021.

TENTATIVE

David W. Gibson
 Executive Officer

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I. FINDINGS

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board) finds:

A. Report of Waste Discharge

Lakeside Investment Co., LP, LICO TWO, L.P., and LICO THREE, L.P. Gleich Properties, LLC (hereinafter Discharger) submitted a Report of Waste Discharge (ROWD) to construct the Hillside Meadows Development Project (Project), located in San Diego County on July 26, 2018. Additional information to complete the ROWD application was received on September 21, 2018, December 17, 2018, September 9, 2019, October 24, 2019, January 30, 2020, and November 24, 2020. The ROWD was deemed complete on January 8, 2021. The Discharger proposes to discharge fill material to waters of the State of California (State) associated with construction activity at the Project site.

The Discharger has paid all required application and project fees in the amount of \$18,575.50 in accordance with the fee schedule in the California Code of Regulations, title 23, section 2200(a)(3) for discharges of dredge and fill material, which were in effect at the time of the initial ROWD submittal. Pursuant to fee schedules currently set in CCR Title 23, annual fees are required.

B. Project Location

The project is located on Assessor's Parcel Numbers (APN) 379-024-23 in the unincorporated portion of San Diego County at the Western terminus of Mast Boulevard, west of the intersection of Mast Boulevard and Riverford Road, in the community of Lakeside, CA. Attachments A and B of this Order provides the locations of the Project and compensatory mitigation site.

C. Receiving Waters

The Project site contains a total of approximately 1.06 acre (2,291 linear feet) of ephemeral non-wetland waters of the State, and 0.34 acre (613 linear feet) of wetland waters of the State. The receiving waters are isolated ephemeral tributaries to the San Diego River as shown on the Jurisdictional Delineation Map (Figure 2) in Attachment A of this Order. The Project area lies within the San Diego Hydrologic Unit (HU), Lower San Diego Hydrologic Area (HA), Santee Hydrologic Subarea (HSA) (907.12).

D. Overall Project Purpose

The purpose of the Project is to construct a housing development, the Hillside Meadows Development Project (Project), and a compensatory mitigation project, the Hillside Meadows Wetlands Mitigation Site (Mitigation Site). The housing development includes construction of up to 142 single-family residential lots, two industrial lots, a public park, a 20-foot-wide trail easement, and related

infrastructure. The Project will mass grade and develop the entire 37-acre Project site. The Mitigation Site includes construction of a 2.99-acre wetland mitigation site on the Parkside Santee Project site located directly to the south, between the Project site and the San Diego River.

Currently, the Site is vacant with no structures existing on the property and supports ruderal vegetation that became established following many decades of agricultural use. The proposed Project will add approximately 22.4 acres of impervious surfaces. The Project application includes a description of the design objective, operation, and degree of treatment expected to be attained from equipment, facilities, or activities (including construction and post-construction BMPs) to treat waste and reduce runoff or other effluents which may be discharged.

E. Project Impacts

This Order authorizes the permanent discharge of fill material to a total of 1.06 acres (2,291 linear feet) of ephemeral non-wetland waters of the State, and 0.34 acre (613 linear feet) of wetland waters of the State in the San Diego Hydrologic Unit (HU), Lower San Diego Hydrologic Area (HA), Santee Hydrologic Subarea (HSA) (907.12).

F. Project Mitigation

The Discharger reports that compensatory mitigation for the permanent loss of 1.4 acres (2,904 linear feet) of jurisdictional waters will be achieved through the establishment of 2.28 acres (1,736 linear feet) of wetland waters of the State. No waters of the State will receive temporary discharges of fill associated with the Project. Mitigation for discharges of fill material to waters of the State will be completed by the Discharger in the San Diego Hydrologic Unit (HU), Lower San Diego Hydrologic Area (HA), Santee Hydrologic Subarea (HSA) (907.12) on the adjacent, off-site parcel known as the Parkside Santee Project site, located to the south, between this Project site and the San Diego River at a minimum compensation ratio of 1.2:1 (area mitigated to area impacted) for ephemeral non-wetland waters of the State and 3:1 for wetland waters of the State.

The Discharger has provided detailed written specifications and work descriptions for the compensatory mitigation project including, but not limited to, the geographic boundaries of the project, timing, sequence, monitoring, maintenance, ecological success performance standards and provisions for long-term management and protection of the mitigation areas. The specifications are described in the *Revegetation Plan for the Hillside Meadows Wetlands Mitigation Site* (Mitigation Plan), dated November 2020, and the *Conceptual Resource Management Plan for the Hillside Meadows Project Mitigation Area* (Long-Term Management Plan), dated December 2020.

G. Regulatory Authority and Reason for Action

By letter dated January 2, 2018, the United States Army Corps of Engineers (USACE) determined that waters of the United States do not occur on the Project site, which was based on an Approved Jurisdictional Delineation, also dated January 2, 2018. Therefore, the Project is not subject to USACE jurisdiction under section 404 of the Clean Water Act (CWA) and a CWA section 404 permit is not required for the Project.

However, surface waters affected by the Project are waters of the State, as defined by section 13050(e) of the California Water Code (Water Code). Waters of the State include, but are not limited to wetlands and ephemeral, intermittent, and perennial stream channels, in all flow conditions, and which may be effluent dominated and seasonally dry. Waste discharges to these waters are subject to State regulation under division 7 of the Water Code (commencing with section 13000). Section 13260(a) of the Water Code requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, which could affect the quality of the waters of the State, file an ROWD. The discharge of dredged or fill material constitutes a discharge of waste that could affect the quality of waters of the State. Water Code section 13263(a) requires that Waste Discharge Requirements (WDRs) be prescribed as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. Such WDRs must implement any relevant water quality control plans, taking into consideration beneficial uses to be protected, the water quality objectives reasonably required for those purposes, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.

This Order is issued pursuant to Water Code section 13263 and establishes waste discharge requirements for the discharge of fill material, including structural material and/or earthen wastes from Project construction activities to waters of the State. The waste discharge requirements of this Order are necessary to adequately address potential and anticipated impacts to waters of the State, and to ensure compliance with applicable water quality control plans and polices.

H. Statement of Basis

The San Diego Water Board developed the requirements in this Order based on information submitted as part of the ROWD and other available information, and in accordance with California Water Code, division 7 and California Code of Regulations, title 23.

I. Water Quality Control Plan

The San Diego Water Board adopted the *Water Quality Control Plan for the San Diego Basin* (hereinafter Basin Plan) on September 8, 1994 that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for the San Diego River and other receiving waters addressed through the Plan.¹ Subsequent revisions to the Basin Plan have also been adopted by the San Diego Water Board and approved by the State Water Resources Control Board (State Water Board). Beneficial uses applicable to the unnamed tributaries of San Diego River specified in the Basin Plan are as follows:

TABLE 4. BASIN PLAN BENEFICIAL USES OF THE SAN DIEGO RIVER

Discharge Points	Receiving Water Name	Beneficial Uses(s)
Refer to Attachment A for location map.	Isolated tributary to San Diego River Note 1	Existing: Industrial Service Supply; Contact Water Recreation; Non-contact Water Recreation; Warm Freshwater Habitat; Wild Habitat; Rare, Threatened, or Endangered Species. Potential: Municipal and Domestic Supply

Note 1: USACE determined that waters of the United States do not occur on the Project site in an Approved Jurisdictional Delineation, dated January 2, 2018.

This Order specifies waste discharge requirements that are necessary to adequately address effects on, and threats to, applicable water quality standards resulting from discharges attributed to the Project. Through compliance with the waste discharge requirements of this Order, the Project will not cause or contribute to an exceedance of State water quality standards.

J. Anti-Degradation Policy

The State Water Resources Control Board established California's anti-degradation policy in State Water Board Resolution No. 68-16 (Policy) which requires that existing quality of waters be maintained unless degradation is justified based on specific findings. Minimal water quality degradation may be allowed under the Policy only if any change in water quality is consistent with the maximum benefit to the people of the State; the degradation will not unreasonably affect present and anticipated beneficial uses; and the degradation will not result in violation of any applicable Water Quality Control Plan. Discharges must meet requirements that will result in the best practicable treatment or control to avoid pollution or a condition of nuisance. Consistent with the Policy, any degradation must provide for the

¹ The Basin Plan is accessible on-line on the San Diego Water Board's [website](https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/) (https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/).

maximum benefit to the people of the State. Construction of the development promotes jobs and provides a necessary accommodation to growth in San Diego County. This Order contains waste discharge requirements to ensure present and future beneficial uses are maintained or enhanced through compensatory mitigation and monitoring requirements for authorized impacts to waters of the State. The waste discharge requirements employ best practicable treatment and control of any discharges to ensure and verify that the highest level of water quality is maintained consistent with the maximum benefit to the people of the State.

K. No Net Loss Policy

In 1993, the Governor of California issued the California Wetlands Conservation Policy (Executive Order W-59-93). Commonly referred to as the “No Net Loss Policy” for wetlands, the Executive Order requires state agencies to “ensure no overall net loss [of wetlands] and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California in a manner that fosters creativity, stewardship and respect for private property.” This Order meets the objectives of Executive Order W-59-93 by requiring that the Project first avoid and then minimize adverse impacts on aquatic resources to the maximum extent practical. Any remaining unavoidable adverse impacts on aquatic resources are offset by compensatory mitigation requirements which protect and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses.

L. California Environmental Quality Act

California Code of Regulations (CCR), title 14, section 15004 provides that before granting any approval of a project subject to the California Environmental Quality Act (CEQA), every lead agency and responsible agency shall consider the final environmental documentation. The Project authorized by this Order includes two components that are projects under the State CEQA Guidelines, CCR, title 14, section 15378: Hillside Meadows, TM 5203RPL¹, Log No. 00-14-016 and Hillside Meadows Wetlands Mitigation Area Project.

Hillside Meadows, TM 5203RPL¹, Log No. 00-14-016

The County of San Diego (County) is the lead agency under CEQA, Public Resources Code, section 21067, and State CEQA Guidelines, CCR, title 14, section 15367. The County approved the *Addendum to the Previously Adopted Environmental Impact Report for the Upper San Diego River Improvement Project (USD RIP) for Purposes of Consideration of Hillside Meadows, TM 5203RPL* (PEIR Addendum) and filed a Notice of Determination (SCH No. 1998041146) on November 14, 2002 in accordance with CEQA Guidelines. The County of San Diego Board of Supervisors previously certified the *Upper San Diego River Improvement Project Final Programmatic Environmental Impact Report* (PEIR) on August 9, 2000, which included a mitigation reporting and monitoring plan and a

statement of overriding consideration concerning impacts to traffic and fire and police services. In the PEIR Addendum, the County determined the USDRIP will have a significant effect on the environment.

The San Diego Water Board is a responsible agency under CEQA for the purpose of issuing this Order. Public Resources Code, section 21002.1(d) provides that the San Diego Water Board is “responsible for considering only the effects of those activities involved in a project which it is required by law to carry out or approve.” The San Diego Water Board has reviewed and considered impacts to water quality in the County’s PEIR and PEIR Addendum. The San Diego Water Board concludes that impacts to water quality from the USDRIP are less than significant with mitigation.

The County adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the project identified in the PEIR and PEIR Addendum are implemented. The Mitigation Monitoring and Reporting Program (MMRP) in the PEIR and PEIR Addendum are included and incorporated by reference in Attachment D to this Order. The Discharger shall implement the MMRP described in the PEIR and PEIR Addendum, as it pertains to resources within the San Diego Water Board’s purview.

Hillside Meadows Wetlands Mitigation Area Project

The City of Santee (City) is the lead agency under CEQA, Public Resources Code, section 21067, and State CEQA Guidelines, CCR, title 14, section 15367. The City approved a *Final Initial Study/Mitigated Negative Declaration (IS/MND) for Hillside Meadows Wetlands Mitigation Area Project* (Mitigation Project) and filed a Notice of Determination (SCH No. 2020099029) on December 31, 2020 pursuant to the provisions of CEQA. The City determined the Mitigation Project will not have a significant effect on the environment.

The San Diego Water Board is a responsible agency under CEQA for the purpose of issuing this Order. Public Resources Code, section 21002.1(d) provides that the San Diego Water Board is “responsible for considering only the effects of those activities involved in a project which it is required by law to carry out or approve.” The San Diego Water Board has reviewed and considered impacts to water quality in the City’s IS/MND. The San Diego Water Board concludes that impacts to water quality from the Mitigation Project are less than significant with mitigation.

The City adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the Mitigation Project identified in the IS/MND are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment D to this

Order. The Discharger shall implement the Lead Agency's MMRP described in the IS/MND, as it pertains to resources within the San Diego Water Board's purview.

This Order requires implementation of waste discharge requirements and mitigation measures, including implementation of permittee-responsible compensatory mitigation. The San Diego Water Board finds that compliance with the conditions in this Order will reduce impacts to water quality to less than significant level because implementation of BMPs, compensatory mitigation, and monitoring requirements will ensure that the Project is in compliance with applicable water quality objectives. The San Diego Water Board will file Notices of Determination for both CEQA projects in accordance with CEQA Guidelines section 15096(i).

M. Executive Officer Delegation of Authority

The San Diego Water Board by prior resolution has delegated all matters that may legally be delegated to its Executive Officer to act on its behalf pursuant to Water Code section 13223. Therefore, the Executive Officer is authorized to act on the San Diego Water Board's behalf on any matter within this Order unless such delegation is unlawful under Water Code section 13223 or this Order explicitly states otherwise.

N. Public Notice

In accordance with the requirements of Water Code section 13167.5, the San Diego Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. The San Diego Water Board provided written responses to all timely received public comments on the Tentative Order. The San Diego Water Board has also provided an opportunity for the Discharger and interested agencies and persons to submit oral comments and recommendations at a public hearing.

O. Public Hearing

The San Diego Water Board, in a public meeting, heard and considered all comments pertaining to the discharge and the Tentative Order.

THEREFORE, IT IS HEREBY ORDERED that, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, the Discharger shall comply with the requirements in this Order.

II. DISCHARGE PROHIBITIONS

A. Project Conformance with Application

The discharge of waste, in a manner or location other than as described in the ROWD or findings of this Order and for which valid waste discharge requirements are not in force, is prohibited.

B. Waste Management

Unless authorized by this Order, the discharge of sand, silt, clay, or other earthen materials from any activity in quantities which cause deleterious bottom deposits, turbidity, or discoloration in waters of the State or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

C. Waste Management

The treatment, storage, or disposal of waste in a manner causing, or threatening to cause or create a condition of pollution, contamination, or nuisance, as defined by Water Code section 13050, is prohibited.

D. Waste Management

The dumping, deposition, or discharge of waste directly into waters of the State, or adjacent to such waters in any manner which may permit it being transported into the waters, is prohibited unless authorized by the San Diego Water Board.

E. Basin Plan Prohibitions

The Discharger must comply with all applicable Discharge Prohibitions contained in Chapter 4 of the Basin Plan. All such prohibitions are incorporated by this reference into this Order as if fully set forth herein and are summarized in Attachment C of this Order.

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

A. Approvals to Commence Construction

The Discharger shall not commence Project construction until all necessary federal, State, and local approvals are obtained.

B. Personnel Education

Prior to the start of the Project, and annually thereafter until construction is completed, the Discharger must educate all personnel on the requirements in this Order, including pollution prevention measures, spill response, and BMPs implementation and maintenance.

C. Spill Containment Materials

The Discharger must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.

D. General Construction Storm Water Permit

Prior to start of Project construction, the Discharger must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Discharger must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.

E. Waste Management

The Discharger must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, State, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff.

F. Downstream Erosion

Discharges of concentrated flow during construction or after completion of the Project must not cause downstream erosion or damage to properties or stream habitat.

G. Construction Equipment

All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.

H. Process Water

Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each workday or sooner if rain is predicted.

I. Surface Water Diversion

All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving waters. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction

constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.

J. Cofferdams or Water Barriers

Cofferdams and water barrier construction shall be adequate to prevent seepage into or from the work area. Cofferdams or water barriers shall not be made of earth or other substances subject to erosion or that contain pollutants. When dewatering is necessary to create a temporary dry construction area, the water shall be pumped through a sediment-settling device before it is returned to the water body. The enclosure and the supportive material shall be removed when the work is completed, and removal shall proceed from downstream to upstream.

K. Re-vegetation and Stabilization

All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The Discharger is responsible for implementing and maintaining BMPs to prevent erosion of rough graded areas. Hydroseed areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at the California Invasive Plant Council's webpage titled, [The Cal-IPC Inventory](https://www.cal-ipc.org/plants/inventory/) (<https://www.cal-ipc.org/plants/inventory/>). Follow-up seed applications must be made as needed to cover bare spots and to maintain adequate soil protection.

L. Hazardous Materials

Except as authorized by this Order, substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.

M. Vegetation Removal

Removal of vegetation must occur by hand, mechanically, or using United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2013-0002-DWQ, General Permit No. CAG990005, *Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Aquatic Pesticide Discharges to Waters of The United States from Algae and Aquatic Weed Control Applications*, and any subsequent revisions or reissuance thereto.

N. Limits of Disturbance

The Discharger shall clearly define the limits of Project disturbance to waters of the State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.

O. On-site Qualified Biologist

The Applicant shall designate an on-site qualified biologist to monitor Project construction activities within or adjacent to waters of the United States and/or State to ensure compliance with the ~~Certification~~ requirements of this Order. The biologist shall be given the authority to stop all work on-site if a violation of this ~~Certification Order~~ occurs or has the potential to occur. Records and field notes of the biologist's activities shall be summarized and submitted with the applicable Annual Project Progress Report(s).

P. Beneficial Use Protection

The Discharger must take all necessary measures to protect the beneficial uses of waters of the San Diego River and its unnamed tributaries. This Order requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to waters of the State occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately, and the San Diego Water Board shall be notified in accordance with Reporting Requirement VII.K of this Order. Associated Project activities may not resume without approval from the San Diego Water Board.

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

A. Post-Construction Discharges

The Discharger shall not allow post-construction discharges from the Project site to cause or contribute to on-site or off-site erosion or damage to properties or stream habitats.

B. Storm Drain Inlets

All storm drain inlet structures within the Project boundaries must be stamped and/or stenciled with appropriate language prohibiting non-storm water discharges.

C. Post-Construction BMP Design

The Project must be designed to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for the County of San Diego.

D. Post-Construction BMP Design

Bridges, culverts, dip crossings, or other stream crossing structures shall be designed and installed so they will not cause scouring of the stream bed and erosion of the banks. Storm drain lines/culverts and other stream crossing structures shall be designed and maintained to accommodate at least a 100-year, 24-hour storm event, including associated bedload and debris with a similar average velocity as upstream and downstream s. Bottoms of temporary culverts shall be placed at stream channel grade and bottoms of permanent culverts shall be open bottom or embedded and backfilled below the grade of the stream greater than or equal to a depth of 1 foot.

E. Post-Construction BMP Implementation

The Project adds approximately 22.4 acres of impervious surface. The Discharger must install and implement the post-construction BMPs for the Project described in the *County of San Diego Priority Development Project (PDP) SWQMP, Project Title: Hillside Meadows, TM 5203-RPL #1, PDS2008-2700-15408 & PDS2008-2140-5203-1*, dated October 12, 2017. Post-construction BMPs must be installed and functional within 30 days of Project completion.

F. Post-Construction BMP Maintenance

All post-construction structural treatment BMPs, including, but not limited to, vegetated swales and media filters, must be regularly inspected and maintained in perpetuity per manufacturers' specifications for proprietary structural devices, and at frequencies not less than those recommended by the California Storm Water Quality Association (CASQA)² guidance, or equivalent if approved by the San Diego Water Board, for non-proprietary measures. At a minimum, the Discharger must comply with the following:

1. Final maintenance plans for the vegetated swales must be developed and implemented based on CASQA guidance (or equivalently effective practices).
2. Flow-based treatment BMPs (e.g., media filters and vegetated swales) must be inspected at a minimum monthly from October through April and at least twice from May through September each year.
3. Retention basins must be maintained as necessary to prevent nuisance conditions, including those associated with odors, trash, and disease vectors. Such maintenance shall not compromise the ability of the basins to perform water quality treatment required by this Order.

² California Stormwater Quality Association (*California Storm Water BMP Handbook, New Development and Redevelopment 2003*), available on-line CASQA's [website](https://www.casqa.org/resources/bmp-handbooks) (<https://www.casqa.org/resources/bmp-handbooks>)

4. Records must be kept regarding inspections and maintenance in order to assess the performance of the systems and determine whether adaptations are necessary to protect receiving waters.

V. PROJECT IMPACTS AND COMPENSATORY MITIGATION

A. Project Impact Avoidance and Minimization

The Project must avoid and minimize adverse impacts to waters of the State to the maximum extent practicable.

B. Project Impacts and Compensatory Mitigation

Unavoidable Project impacts to the unnamed tributaries to the San Diego River must not exceed the type and magnitude of impacts described in the Tables 5 and 6, below. At a minimum, compensatory mitigation required to offset unavoidable permanent Project impacts to waters of the State must be achieved as described in the Table 5.

TABLE 5. PERMANENT PROJECT IMPACTS AND COMPENSATORY MITIGATION

Permanent Impacts	Impacts (acres)	Impacts (linear feet)	Mitigation for Impacts (acre)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear feet)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Stream Channel	1.06 Note 1	2,291 Note 1	1.26 Establishment Note 2	1.2:1	-- Note 2	--
Wetland	0.34 Note 1	613 Note 1	1.02 Establishment Note 2	3:1	-- Note	--

Note 1: Total permanent impacts include 1.06 acre (2,291 linear feet) of clean fill material in ephemeral non-wetland/stream channel waters of the State and 0.34 acre (613 linear feet) of clean fill material in wetland waters of the State.

Note 2: Establishment of 2.28 acres of wetland waters of the State at the Hillside Meadows Wetlands Mitigation Area Project on the Parkside Santee Project site. The mitigation for non-wetland waters impacts includes the establishment of 1.26 acre of southern willow scrub/mulefat scrub wetland waters of the State. The mitigation for wetland impacts includes establishment of the following wetland waters of the State: 0.18 acre of freshwater marsh, 0.75 acre of wet meadow, and 0.09 acre of southern willow scrub/mulefat scrub. The total linear-foot length of the overlapping aquatic resources within the depressional wetland is 1,736 linear feet.

At a minimum, compensatory mitigation required to offset unavoidable temporary Project impacts to waters of the State must be achieved as described in the Table 6.

TABLE 6. TEMPORARY PROJECT IMPACTS AND COMPENSATORY MITIGATION

Temporary Impacts <small>Note 1</small>	Impacts (acres)	Impacts (linear feet)	Mitigation for Impacts (acre)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear feet)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Stream Channel	NA	NA	NA	NA	NA	NA
Wetland	NA	NA	NA	NA	NA	NA

NA means Not Applicable.

Note 1: No waters of the United States and/or State shall receive temporary discharges of fill associated with the Project.

C. Compensatory Mitigation for Permanent Impacts

The Discharger shall provide compensatory mitigation for impacts to waters of the State attributable to the Project in accordance with the ROWD dated July 26, 2018 and incorporated herein by reference. Any deviations from, or revisions to the ROWD must be pre-approved by the San Diego Water Board. The terms and conditions of this Order shall supersede conflicting provisions within the ROWD.

D. Compensatory Mitigation Plan Implementation

The Discharger must fully and completely implement the Mitigation Plan; any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.

E. Performance Standards

Compensatory mitigation required under this Order shall be considered achieved once it has met the ecological success performance standards contained in the Mitigation Plan (Section 6.1, beginning on page 35) to the satisfaction of the San Diego Water Board.

F. Compensatory Mitigation Site Design

The compensatory mitigation site(s) shall be designed to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability.

G. Long-Term Management and Maintenance

The compensatory mitigation site(s) must be managed, protected, and maintained, in perpetuity, in conformance with the Long-Term Management Plan and the final ecological success performance standards identified in the Mitigation Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:

1. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited,
2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the compensatory mitigation project,
3. The Mitigation site(s) must be maintained, in perpetuity, free of untreated perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation site(s), and
4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Discharger must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Discharger to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.

H. Long-Term Management Plan

The Discharger must submit a copy of the final Long-Term Management Plan approved by the County of San Diego. The final Long-Term Management Plan and any subsequently County-approved versions of the plan must be submitted in accordance with Monitoring and Reporting Requirement VII.R of this Order.

I. Timing of Mitigation Site Construction

The construction of proposed mitigation must be concurrent with project grading and completed no later than 12 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.

J. Mitigation Site(s) Preservation Mechanism

Within 120 days from the issuance of this Order, the Discharger must provide the San Diego Water Board with a draft preservation mechanism (e.g., deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. **Within 5 years of the start of Project construction**, the Discharger must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the United States and/ or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

VI. RECEIVING WATER LIMITATIONS

A. Receiving Water Limitations

The receiving water limitations set forth below for the San Diego River and its unnamed tributaries are based on applicable water quality standards contained in the Basin Plan and applicable federal regulations and are a required part of this Order. Project activities shall not cause or contribute to violation of these receiving water limitations.

1. **Water Quality Objectives.** Water Quality Objectives applicable to the San Diego River and its unnamed tributaries are established in Chapter 3 of the San Diego Water Board's Water Quality Control Plan for the San Diego Basin (Basin Plan) and shall not be exceeded.
2. **Priority Pollutant Criteria.** Priority pollutant criteria applicable to the San Diego River and its unnamed tributaries are promulgated by the USEPA through the a) National Toxics Rule (NTR) (40 CFR 131.36 promulgated on December 22, 1992 and amended on May 4, 1995) and b) California Toxics Rule (CTR) (40 CFR 131.38, (65 Fed. Register 31682-31719), adding section 131.38 to Title 40 of the Code of Federal Regulations, on May 18, 2000), and shall not be exceeded.

VII. MONITORING AND REPORTING REQUIREMENTS

A. Discharge Commencement Notification

The Discharger must notify the San Diego Water Board in writing at least 5 days prior to the start of initial Project construction ground disturbance activities.

B. Representative Monitoring

Any samples and measurements taken for the purpose of monitoring under this Order shall be representative of the monitored activity.

C. Monitoring Reports

Any monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VII of this Order.

D. Monitoring and Reporting Revisions

The San Diego Water Board may make revisions to any monitoring program(s) at any time during the term of this Order and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.

E. Records of Monitoring Information

Any records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements,
2. The individual(s) who performed the sampling or measurements,
3. The date(s) analyses were performed,
4. The individual(s) who performed the analyses,
5. The analytical techniques or methods used, and
6. The results of such analyses.

F. Geographic Information System Data

The Discharger must submit Geographic Information System (GIS) shape files of the Project impact sites within 30 days of the start of project construction and GIS shape files of the Project mitigation sites within 30 days of mitigation installation. All impact and mitigation site shape files must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

G. California Rapid Assessment Method

California Rapid Assessment Method (CRAM)³ monitoring must be performed to assess the ecological condition(s) (ecological integrity and function of aquatic resource) of aquatic resources. The Discharger shall conduct a quantitative function-based condition assessment of the aquatic resources (e.g., standard/episodic riverine, depressional, and vernal pools, as appropriate) by a trained CRAM practitioner to document the condition of aquatic resources to be impacted and to establish pre-project baseline conditions and assess the mitigation site(s) progress towards and achievement of CRAM success criteria.

1. **Monitoring Locations and Frequency.** CRAM monitoring must be performed at the impact and mitigation site(s). For impact site(s), CRAM monitoring must be conducted prior to the start of Project construction authorized under this Order. For mitigation site(s), CRAM monitoring must be conducted in years 1, 3 and 5 following the completion of mitigation site construction for a monitoring period of at least 5 years. If the final CRAM performance standards are not met at the compensatory mitigation site by year 5, CRAM monitoring shall continue on an annual basis until final performance standards are met.
2. **Data Storage.** All CRAM assessment data shall be uploaded to the CRAM Wetlands website.⁴
3. **Monitoring Reports.** The CRAM monitoring results shall be submitted with the respective Annual Project Progress Report. Additionally, an evaluation, interpretation, and tabulation of all CRAM assessment data, including impact site data and compensatory mitigation site data, shall be submitted with the Year 5 Annual Project Progress Report, and any subsequent reports following, if required. If the aquatic resources at the impact site do not meet the minimum requirements to conduct CRAM, a justification statement must be provided, and a qualitative assessment may be used in place of impact site CRAM monitoring.

³ The most recent versions of the California Rapid Assessment Method (CRAM) Field Books for Episodic Riverine, Depressional, and Individual Vernal Pool/Vernal Pool Systems and additional information regarding CRAM can be accessed on the California Wetland monitoring Workgroup's [California Rapid Assessment Method website](https://www.cramwetlands.org/) (<https://www.cramwetlands.org/>).

⁴ The California Wetlands Monitoring Workgroup maintains EcoAtlas, an interactive publicly available mapping tool that provides wetland condition information. CRAM data can be entered using the CRAM Wetlands Data Entry webpage titled [Assessment List](https://www.cramwetlands.org/dataentry) (<https://www.cramwetlands.org/dataentry>).

H. Jurisdictional Delineation

By the end of year 5, the Discharger shall perform a jurisdictional delineation of the permittee-responsible mitigation described in the Mitigation Plan for the purpose of demonstrating that the Project has provided the quantity of compensatory mitigation in terms of the acreage required in section V.B. of this Order. The jurisdictional delineation shall be performed using the methodologies set forth in the 1987 *U.S. Army Corps of Engineers Wetland Delineation Manual*, 2008 *Regional Supplement to the U.S. Army Corps of Engineers Wetland Delineation Manual: Arid West Region*, and 2008 *Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States Delineation Manual*. The jurisdictional delineation results must be submitted with the Year 5 Annual Project Progress Report. The Discharger may be required to submit additional jurisdictional delineation results if the required amount of jurisdictional area is not verified by Year 5.

I. Annual Project Progress Reports

The Applicant must submit annual Project progress reports describing status of BMP implementation, compensatory mitigation, and compliance with all requirements of this Order to the San Diego Water Board prior to **March 1** of each year following the issuance of this Order, until the Project has reached completion. The Annual Project Progress Reports must contain compensatory mitigation monitoring information sufficient to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1st through December 31st of each year. Annual Project Progress Reports must include, at a minimum, the following:

1. **Project Status and Compliance Reporting.** The Annual Project Progress Report must include the following Project status and compliance information:
 - a. The names, qualifications, and affiliations of the persons contributing to the report,
 - b. The status, progress, and anticipated schedule for completion of Project construction activities, including the installation and operational status of best management practices project features for erosion and storm water quality treatment, and mitigation project activities,
 - c. A description of Project construction delays encountered or anticipated that may affect the schedule for Project construction completion, or mitigation project completion,
 - d. A summary and copies of the qualified biologist's records and field notes required under section III.O of this Order, and

- e. A summary description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
2. **Compensatory Mitigation Monitoring Reporting.** Mitigation monitoring information must be submitted as part of the Annual Project Progress Report for a period of not less than 5 years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives, met ecological success performance standards contained in the Mitigation Plan, and is self-sustaining. Following Project implementation, the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely the San Diego Water Board may extend the monitoring period beyond 5 years upon a determination that the performance standards have not been met or the compensatory mitigation project is not on track to meet them. The Annual Project Progress Report must include the following compensatory mitigation monitoring information:
- a. Names, qualifications, and affiliations of the persons contributing to the report,
 - b. A tabulation and evaluation of monitoring data for the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field,
 - c. Monitoring data interpretations and conclusions as to how the compensatory mitigation project(s) is progressing towards meeting performance standards and whether the performance standards have been met,
 - d. A description of the measures completed in preparation for implementing the Long-Term Management Plan , including, but not limited to, long-term financing mechanisms, the party responsible for long-term management, preservation mechanism status, and a timetable for future steps,
 - e. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results,
 - f. Photo documentation, including all areas of permanent and temporary impact, prior to and after mitigation site construction. Photo documentation must be conducted in accordance with the [San Diego Water Board Stream Photo Documentation Procedures for 401 Water Quality Certifications](https://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf) (https://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf). In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced,

- g. The results of the California Rapid Assessment Method (CRAM) monitoring required under section VII.G of this Order,
- h. An evaluation, interpretation, and tabulation of all California Rapid Assessment Method (CRAM) assessment data collected throughout the term of Project in accordance with section VII.G of this Order,
- i. The results of the jurisdictional delineation required under section VII.H. of this Order,
- j. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17", and
- k. A GPS survey report documenting boundaries of the compensatory mitigation site(s).

J. Final Project Construction Completion Report

Within 30 days of Project completion, the Discharger must submit a Project Completion Report to the San Diego Water Board containing the following information:

1. The dates for initiation of Project construction and completion of Project construction,
2. An evaluation, interpretation and tabulation of Project activities detailing the completion of construction and compliance with all requirements of this Order and all applicable mitigation measures contained in the Project's certified Final Environmental Impact Report,
3. As-built Project drawings no bigger than 11" x 17", and
4. Photos of the completed Project including post-construction BMPs.

K. Noncompliance Reports

The Discharger must report to the San Diego Water Board any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the incident and its cause, the period of the noncompliance including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The San Diego Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours.

L. Hazardous Substance Discharge

Except as provided in Water Code section 13271(b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Discharger is in violation of a Basin Plan prohibition.

M. Oil or Petroleum Product Discharge

Except as provided in Water Code section 13272(b), any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean.

N. CEQA Mitigation Monitoring and Reporting Program (MMRP)

The Discharger shall implement the MMRPs described in the *Upper San Diego River Improvement Project Final Programmatic Environmental Impact Report*, dated August 2000 (date revised), the Addendum to the Previously Adopted Environmental Impact Report for the *Upper San Diego River Improvement Project (USDRIP) for Purposes of Consideration of Hillside Meadows, TM5203RPL¹*, Log No. 00-14-016, dated September 13, 2002 (date revised), and the *Final Initial Study/Mitigated Negative Declaration for Hillside Meadows Wetlands Mitigation Area Project* as they pertain to resources within the San Diego Water Board's purview. The Mitigation Monitoring and Reporting Programs are included and incorporated by reference in Attachment D to this Order.

O. Signatory Requirements

All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice president, or
2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively, or
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

P. Duly Authorized Representative

Applications, reports, or information submitted to the San Diego Water Board may be signed by a duly authorized representative of that person described in Reporting Requirement F, above, if:

1. The authorization is made in writing by a person described above,
2. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity; and
3. The written authorization is submitted to the San Diego Water Board.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

Q. Certification

All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

R. Electronic Document Submittal

The Discharger must submit all reports and information required under this Order in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board
San Diego Region
Attn: R9-2021-0014:849664:lhonma
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: R9-2021-0014:849664:lhonma.

VIII. PROVISIONS

A. Duty to Comply

The Discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.

B. Duty to Comply

The Discharger must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the San Diego Water Board) to support this Order and all subsequent submittals required under this Order and as described herein. The conditions within this Order shall supersede conflicting provisions within such plans, specifications, technical reports, and other submittals required under this Order.

C. Anticipated Noncompliance

The Discharger shall give advance notice to the San Diego Water Board of any planned changes in the Project or the compensatory mitigation project which may result in noncompliance with the terms and requirements of this Order.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.

E. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

F. Property Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

G. Inspection and Entry

The Discharger must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to:

1. Enter upon the Discharger's premises, where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order,
2. Access and copy, at reasonable times, any records that must be kept under the conditions of this Order,
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this Order, and
4. Sample or monitor, at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code, any substances, or parameters at any location.

H. Retention of Records

The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. Records may be maintained electronically. This period may be extended during the course of any unresolved enforcement action or litigation regarding this discharge or when requested by the San Diego Water Board.

I. Duty to Provide Information

The Discharger shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Discharger shall also furnish to the San Diego Water Board, upon request, copies of records required to be kept by this Order.

J. Duty to Provide Updated Information

The Discharger shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Discharger shall also furnish to the San Diego Water Board, upon request, copies of records required to be kept by this Order.

K. Reopener Provision

1. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following.
2. Violation of any terms or conditions of this Order.
3. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.
4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

L. Reopener Provision

The filing of a request by the Discharger for the modification, revocation, reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

M. Reopener Provision

The San Diego Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Discharger, if the San Diego Water Board determines that the Project fails to comply with any of the terms or requirements of this Order or if the results of the Project have unintended impacts to water quality.

N. Transfer of Responsibility

This Order is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:

1. **Transfer of Property Ownership.** The Discharger must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, at a minimum, a statement that the Discharger has provided the purchaser with a copy of this Order and that the purchaser understands and accepts the Order requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board within 10 days of the transfer of ownership.
2. **Transfer of Compensatory Mitigation Responsibility.** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Order must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13350. Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board within 10 days of the transfer date.
3. **Transfer of Post Construction BMP Maintenance Responsibility.** The Discharger assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Discharger must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Discharger must provide such notification to the San Diego Water Board within 10 days of the transfer of BMP maintenance responsibility.

O. Hydroelectric Facility

This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent ROWD application was filed pursuant to Cal. Code Regs., title 23, section 3855, subdivision (b), and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

P. Payment of Fees

This Order is conditioned upon total payment of any fee required under California Code of Regulations, Title 23 section 2200, and owed by the Discharger.

Q. Order Availability

A copy of this Order, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. A copy of this Order must also be provided to the contractor and all subcontractors working at the Project site.

R. Enforcement Authority

In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law.

S. Investigation of Violations

In response to a suspected violation of any condition of this Order, the San Diego Water Board may, pursuant to Water Code section 13267, require the Discharger to investigate, monitor, and report information on the violation. The only restriction is that the burden, including costs of preparing the reports, must bear a reasonable relationship to the need for and the benefits to be obtained from the reports.

IX. NOTIFICATIONS

- A.** These waste discharge requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to CWA section 402.
- B.** The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
- C.** This Order becomes effective on the date of adoption by the San Diego Water Board.
- D.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code Section 13320 and the California Code of Regulations, title 23, sections 2050-2056 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after adoption of this order. Copies of the law and regulations applicable to filing petitions may be found on the State Water Board's webpage titled [Water Quality Petitions](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) (https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) or will be provided upon request.

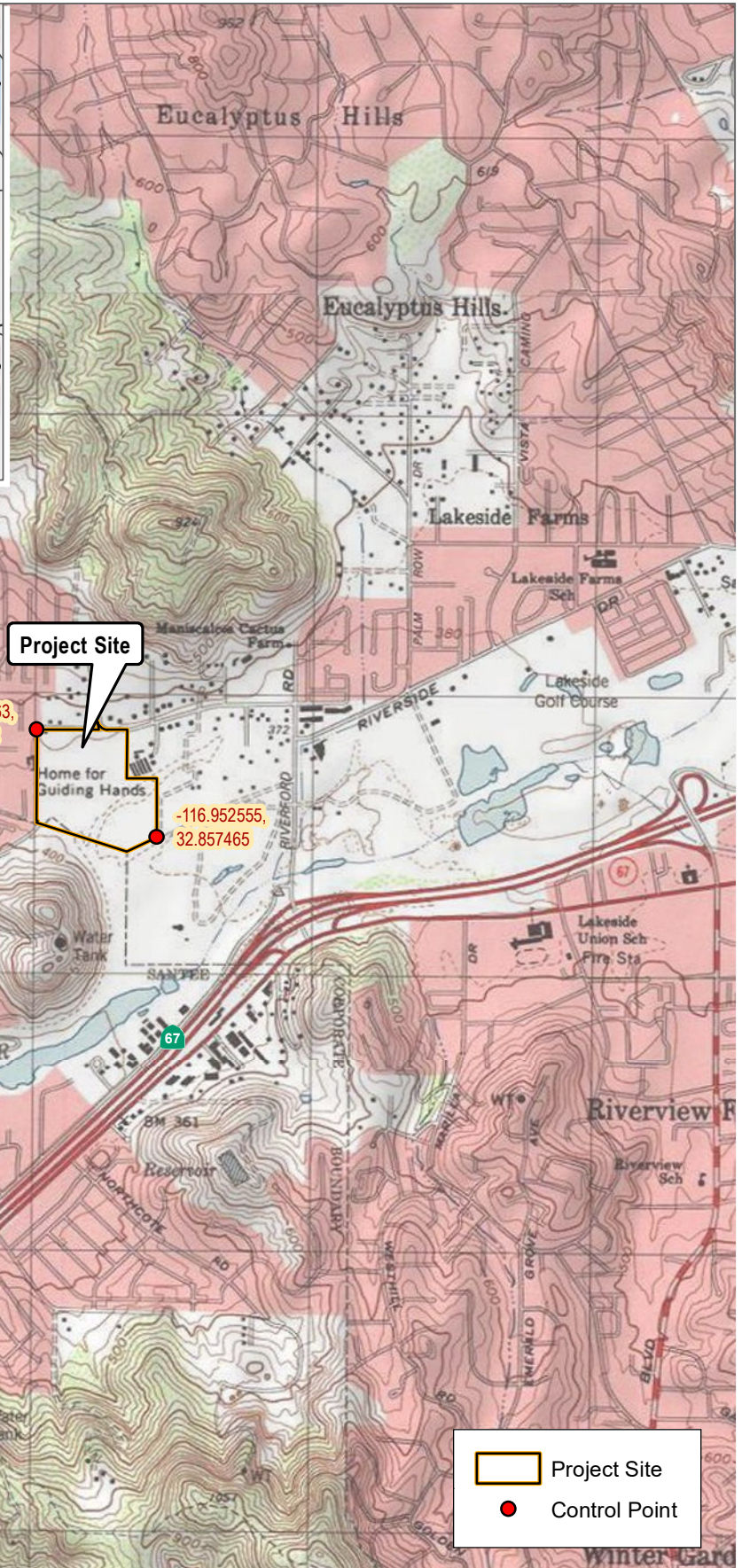
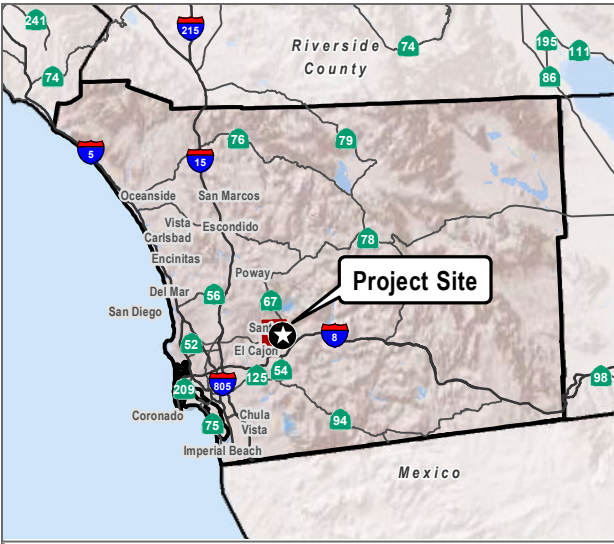
Lakeside Investment Co., LP and Gleich Properties, LLC
Hillside Meadows Development Project
Order No. R9-2021-0014

ATTACHMENT A
PROJECT SITE MAPS AND PLANS

Figure 1 – Project Location

Figure 2 – Jurisdictional Delineation Map

Figure 3 – Hillside Meadows Maintenance Exhibit, Site Plan



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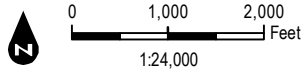
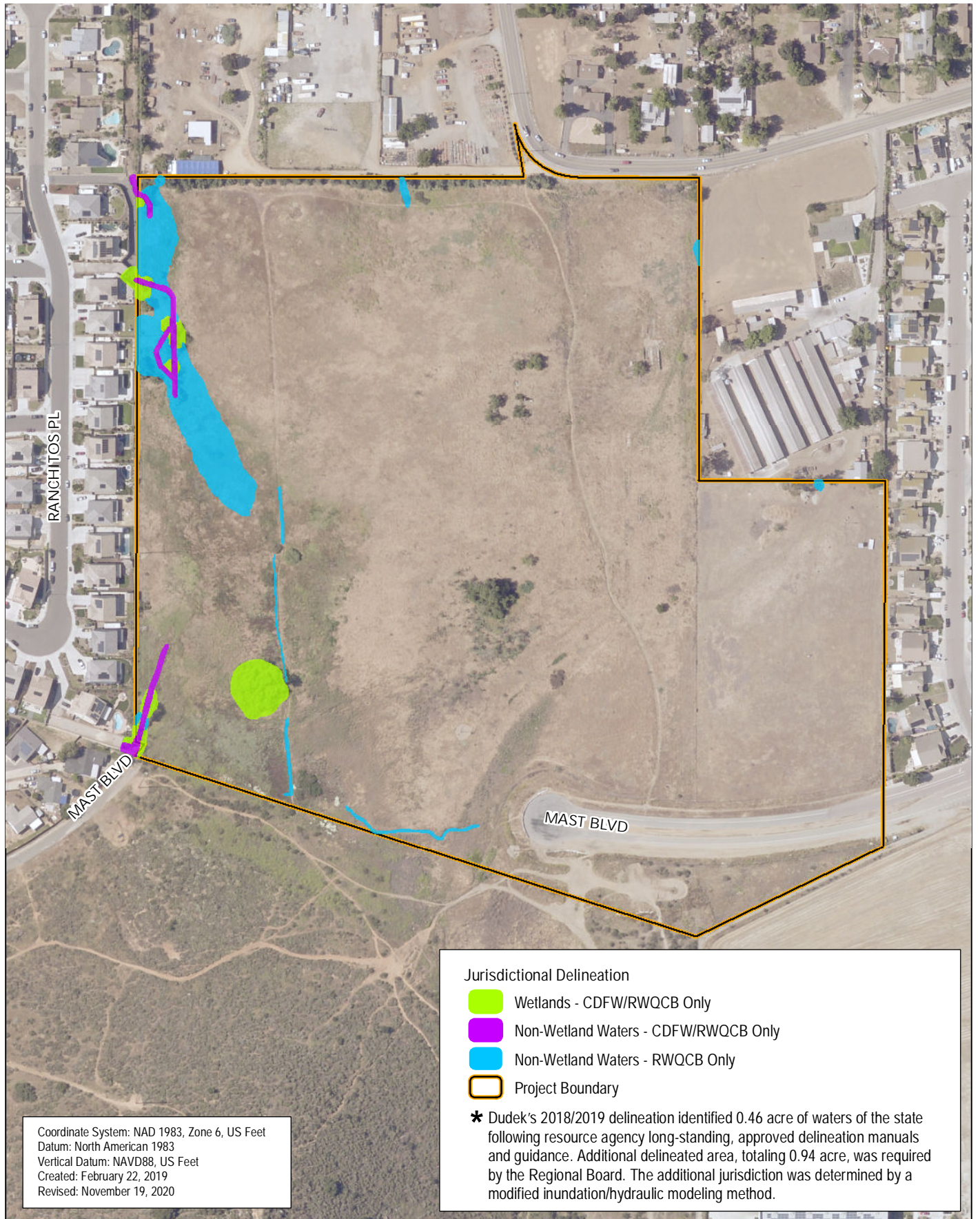


FIGURE 1
Project Location

Jurisdictional Delineation for the Hillside Meadows Project



Coordinate System: NAD 1983, Zone 6, US Feet
 Datum: North American 1983
 Vertical Datum: NAVD88, US Feet
 Created: February 22, 2019
 Revised: November 19, 2020

Jurisdictional Delineation

- Wetlands - CDFW/RWQCB Only
- Non-Wetland Waters - CDFW/RWQCB Only
- Non-Wetland Waters - RWQCB Only
- Project Boundary

* Dudek's 2018/2019 delineation identified 0.46 acre of waters of the state following resource agency long-standing, approved delineation manuals and guidance. Additional delineated area, totaling 0.94 acre, was required by the Regional Board. The additional jurisdiction was determined by a modified inundation/hydraulic modeling method.

HILLSIDE MEADOWS MAINTENANCE EXHIBIT

SITE PLAN

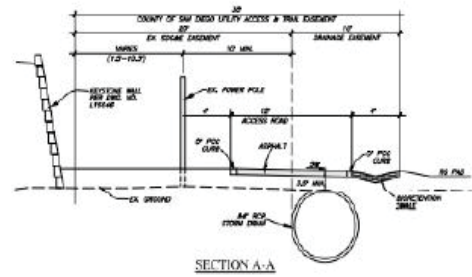
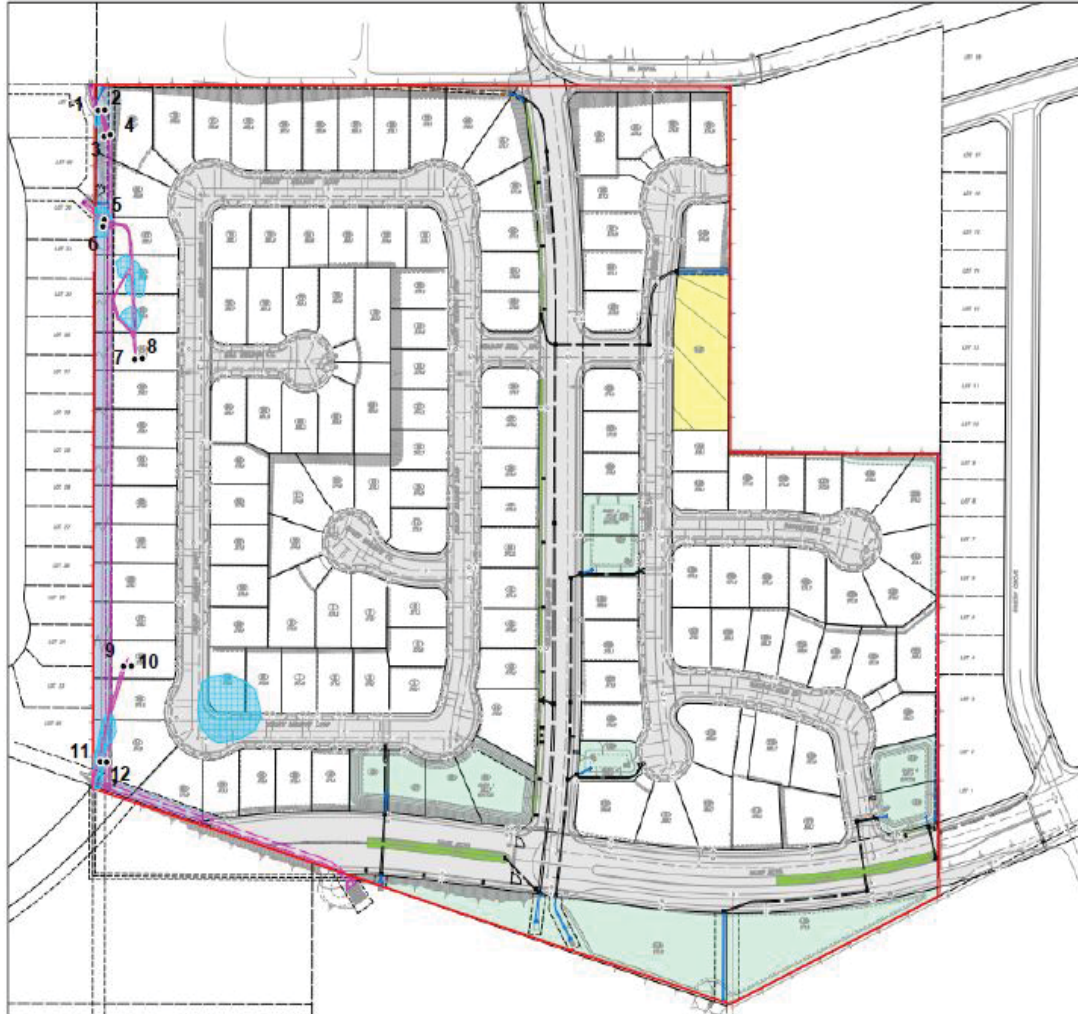





Figure 3

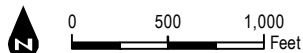
**ATTACHMENT B
MITIGATION FIGURES**

Figure 2 – Vicinity Site Map

Figure 4 – Proposed Mitigation Site



-  Hidden Meadow Project Boundary
-  Parkside Project Boundary
-  Proposed Mitigation Site

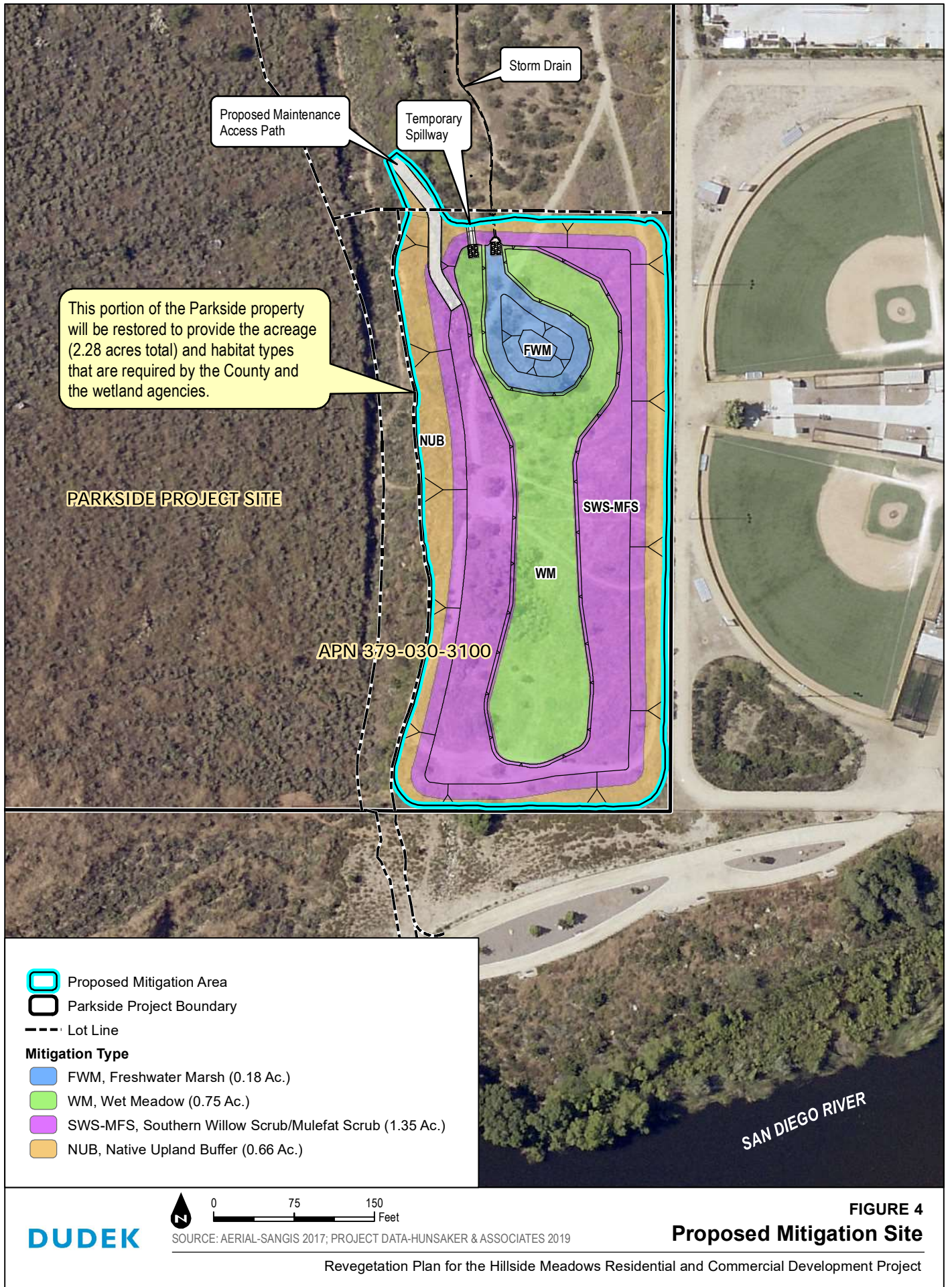


DUDEK

SOURCE: AERIAL-SANGIS 2017; PROJECT DATA-HUNSAKER & ASSOCIATES 2018

FIGURE 2
Vicinity Site Map

Revegetation Plan for the Hillside Meadows Residential and Commercial Development Project



ATTACHMENT C PROHIBITIONS

The Water Quality Control Plan for the San Diego Basin (9) (Basin Plan), adopted on September 8, 1994 as amended, establishes the following Waste Discharge Prohibitions pursuant to California Water Code section 13243 applicable to the Discharge:

- Prohibition No. 1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code section 13050, is prohibited.
- Prohibition No. 2. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code section 13264 is prohibited.
- Prohibition No. 3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code section 13376) is prohibited.
- Prohibition No. 7. The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited unless authorized by the San Diego Water Board.
- Prohibition No. 14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

ATTACHMENT D
CEQA MITIGATION MONITORING AND REPORTING PROGRAMS

- Upper San Diego River Improvement Project Final Programmatic Environmental Impact Report, County of San Diego, Department of Planning and Land Use, Prepared by P&D Environmental, July 2000, Revised August 2000, Log No. 98-10-014, SCH# 98041146, Table S-1 Summary of Project Impacts and Mitigation Measures, pp. S-7 through S-11.
- An Addendum to the Previously Adopted Environmental Impact Report for the Upper San Diego River Improvement Project (USDRIP) for Purposes of Consideration of Hillside Meadows, TM 5203RPL¹, Log No. 00-14-016, County of San Diego, Department of Planning and Land Use, July 13, 200, Revised September 13, 2002, Section 4 (Additional Required Mitigation Measures), pp. 2 through 12.
- Final Hillside Meadows Wetlands Mitigation Area Project, Initial Study/Mitigated Negative Declaration, Prepared for Gleich Properties, LLC, Prepared by Dudek, December 2020, Excerpts of adopted mitigation measures on pp. 27, 31, and 32.

TABLE S-1
SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

IMPACTS	MITIGATION MEASURES	CONCLUSIONS
Significant Unavoidable Impacts		
<p><u>Transportation/Circulation (see Section 2.1)</u></p> <p>The results of the intersection and street segment capacity analyses indicate that 8 intersections and 5 street segments would be significantly impacted by project-generated traffic. However, it should be recognized that at Plan to Plan level of analysis (Riverway Specific Plan to the proposed General Plan/Zoning Project), the traffic impacts are similar because the project would allow uses that are substantially similar to those already allowed under the existing Specific Plan.</p>	<p>Signalization of the intersections and modifications to lane configurations and intersection approaches at the impacted intersections would improve the LOS at these intersections to acceptable levels. Additionally, widening of impacted street segments would improve the LOS at these locations to acceptable levels.</p> <p>Since the County lacks the financial means to implement mitigation measures that would reduce traffic impacts to below a level of significance, traffic impacts would remain unmitigable and unavoidable.</p>	<p>Implementation of the mitigation measures recommended in Section 2.1 would result in the reduction of all traffic impacts to less than significant levels. However, because the County does not have adequate funds to fully finance the improvements, traffic impacts to the intersections and street segments identified in this section would remain significant and unavoidable.</p>
<p><u>Public Services (see Section 2.4)</u></p> <p>The proposed project would result in the need for additional fire protection staff and fire equipment to maintain the current level of service, which is already deemed inadequate by the Lakeside Fire Protection District; this would be a significant impact to fire protection services. Similarly, current police staffing and personnel do not adequately serve the project area. Implementation of the proposed project would further diminish the level of service to the remainder of the unincorporated area of the County, resulting in a significant impact to police protection services.</p>	<p>There are no feasible mitigation measures available at this time to reduce impacts to fire and police protection services.</p>	<p>Impacts to fire and police protection services would remain significant and unavoidable.</p>

TABLE S-1
SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

IMPACTS	MITIGATION MEASURES	CONCLUSIONS
Potentially Significant Unless Mitigated		
<p><u>Biological Resources (see Section 2.2)</u></p> <p>Development in the project area would result in the removal of on-site plant communities, including sensitive wetland and riparian habitats, and the wildlife habitat that they represent, which would be considered a significant impact.</p> <p>Construction activity would disturb all wildlife in the vicinity. Many species can be expected to move to adjacent areas of similar habitat. However, species of low mobility, particularly burrowing reptiles and mammals, will probably be eliminated by site preparation. Migration of on-site species, would cause temporary increased stress on nearby wildlife populations as competition for food, water, and nesting sites increased.</p> <p>Additionally, night lighting in the allowed development areas adjacent to the flood way may be detrimental to animals in nearby natural areas.</p> <p>The San Diego ambrosia, a federal species of concern, was observed within the boundaries of the project area; therefore, there is a potential impact to sensitive plant species. Also, a variety of habitats can be found on-site, including riparian and coastal sage scrub, which may support threatened or endangered species.</p> <p>Future development projects would have to comply with the County Biological Mitigation Ordinance which requires site surveys, avoidance of sensitive biological resources, and mitigation where impacts cannot be</p>	<p>Impacts to wetlands caused by the County flood control plan shall be mitigated in accordance with the County Biological Mitigation Ordinance. All wetland restoration, revegetation, and creation activities will be conducted within the San Diego River floodplain. Impacts to all wetland resources will be mitigated by creation and restoration of wetlands which replace the functions and values of the resources disturbed. For all impacts, there will be no net loss of wetland acreage in addition to a replacement of the functions and values. The mitigation plan must be prepared to the satisfaction of the Department of Planning and Land Use. In addition, appropriate wetland permits shall be obtained from the U.S. Army Corps of Engineers and the California Department of Fish and Game. The project applicant shall also comply with all applicable permit requirements.</p>	<p>Site-specific impacts to biological resources can be mitigated to below a level of significance.</p>

TABLE S-1
SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

IMPACTS	MITIGATION MEASURES	CONCLUSIONS
<p>avoided. Compliance with the BMO would mitigate all impacts to sensitive habitat and species.</p> <p>Because the County flood control plan relied on the RiverWay Specific Plan for mitigation to wetlands and the Specific Plan would be repealed by the project, impacts to wetlands would be significant.</p>		
<p><u>Noise (see Section 2.3)</u></p> <p>The proposed project would allow the development of commercial and/or industrial uses adjacent to residential uses, which may result in a significant noise impact on sensitive receptors, specifically on the residential uses.</p>	<p>As a requirement of environmental review of any discretionary permit, any commercial and/or industrial use projects to be located adjacent to residential uses shall prepare a site-specific detailed noise study. These residential uses are located as follows:</p> <ul style="list-style-type: none"> • The northwestern portion of the site where RS7 Residential is located in proximity to M54 Industrial Zone; • The northern portion of the site where M54 Industrial is located adjacent to existing residential uses, namely the Willowbrook Mobile Estates; • The northern portion of the site where RS3 Residential is located in proximity to C34 Commercial; and • The southern pocket of the site where RU29 is located adjacent to C36 Commercial. <p>The noise study shall evaluate specific activities to be conducted at the individual project sites to ensure that the projects conform to the property</p>	<p>With implementation of site-specific mitigation measures, noise impacts can be mitigated to below a level of significance.</p>

TABLE S-1
SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

IMPACTS	MITIGATION MEASURES	CONCLUSIONS
	<p>line noise regulations of the County's Noise Ordinance and, in particular, the sound level averaging provision of the Noise Ordinance. The noise study shall include site-specific mitigation measures, including building design and orientation, site layout, placement of noise-generating uses away from residential property lines, limitation of the hours of operation, placement of buffers, noise walls, and setbacks, as needed.</p>	
<p><u>Cultural Resources (see Section 2.5)</u> Development under the proposed project would potentially affect cultural resource sites that may exist in the project area. The areas most susceptible to project impacts are those in zones above the floodplain, where extensive subsurface disturbances, such as sand mining, have not been conducted. Direct impacts would result from construction activities, particularly excavation and grading activities, which could disturb existing unidentified cultural resource sites or artifacts. This may result in a significant impact.</p> <p>However, compliance with the RPO prohibits development, trenching, clearing and grubbing, or any other activity or use damaging to significant prehistoric or historic sites.</p> <p>It should be recognized that at Plan to Plan level of analysis (Riverway Specific Plan to the proposed General Plan/Zoning Project), the physical impacts are similar because the project would allow land uses that are substantially similar to those already allowed under the existing Specific Plan.</p>	<p>As a condition of any Subdivision Map proposed for the RS7 area in the northwest portion of the site, a monitoring or survey/monitor program would be required. Figure 2.5-1 depicts the requirements.</p> <p>For parcels located in the eastern portion of the site designated as Industrial or Commercial, the appropriate cultural resources program (monitoring or survey/monitor) identified in Figure 2.5-1, will be required as part of any development proposal.</p> <p>In the event that potentially significant resources are identified during cultural resource investigations, evaluation programs shall be implemented to assess resource significance and the need for mitigation, which may include avoidance and data recovery. These programs will be completed in accordance with County guidelines for cultural resources surveys and mitigation.</p>	<p>Site-specific impacts to cultural resources can be mitigated to below a level of significance.</p>

TABLE S-1
SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

IMPACTS	MITIGATION MEASURES	CONCLUSIONS
	<p>In accordance with County Guidelines for the Implementation of the California Environmental Quality Act, all archaeological and cultural resource investigations shall be conducted by certified Society of Professional Archaeologists personnel. The results of these investigations shall be documented in reports acceptable to the County.</p>	
<p><u>Aesthetics (see Section 2.6)</u> Because new development would replace mining operations, new development would be compatible with existing industrial uses, and the Lakeside Design Guidelines would apply to the new commercial and industrial development, it is expected that the aesthetic quality of the project area would improve from the existing condition. Impacts are not considered significant. However, from an aesthetic standpoint, implementation of the RiverWay Design Guidelines is more likely to result in more aesthetically appealing development proposals. Removal of these site-specific guidelines are considered an adverse impact to the County's desire to establish an aesthetically pleasing industrial area.</p>	<p>Prior to issuance of a building permit for properties bordering the river, the applicant shall take the aesthetic value of the river into account by implementing the following: no construction of buildings shall be approved within 25 feet of the exterior bank of the flood control channel; landscaping with the buffer shall be done in accordance with the Lakeside Design Guidelines requirements; parking shall be allowed in conjunction with a 10-foot screened landscaping buffer. designed to the satisfaction of the Director of the Department of Planning and Land Use.</p>	<p>The adverse aesthetic impact can be eliminated by implementation of the recommended mitigation measure.</p>
<p><u>Hazards (see Section 2.7)</u> Public exposure to hazardous materials and/or waste associated with existing site conditions may occur during project construction. This may result in a significant impact.</p>	<p>Prior to construction of each individual development allowed under the proposed project or by right, a project-specific assessment of the site's condition and characteristics shall be required to determine the presence or absence of environmental contamination and concerns resulting from existing uses.</p>	<p>Public exposure to hazardous materials and/or wastes can be eliminated by implementation of the identified mitigation measure.</p>

Drive will bisect the project site and connect Mast Boulevard and El Nopal. All of the lots will receive public water and sewer service. The project will involve the grading of 156,000 cubic yards onsite including the import of 102,000 cubic yards of imported fill. A Stormwater Management and Maintenance Plan have been completed for the proposed project and this plan demonstrates conformance with the County of San Diego Watershed Protection, Stormwater Management, and discharge Control Ordinance through the use of appropriate BMPs. For further information on this project description refer to the completed Initial Study Form dated September 13, 2002 and Environmental Analysis Form dated September 13, 2002.

4. To the Required Mitigation Measures add the following:

Hillside Meadows, TM 5203RPL¹; Log No 00-14-006

Biological Resources

Prior to approval of grading permits, clearing permits or improvement plans, and prior to recordation of any Final Map for any unit, the applicant shall:

1. Provide evidence that 17.75 acres of non-native grassland habitat credit has been secured in a County approved mitigation bank within or adjacent to the Lakeside area. This will constitute acceptable off-site mitigation for the impacts to 35.5 acres of non-native grassland (0.5:1 mitigation). Provide an accounting of the status of the Mitigation Bank, land trust or conservancy lands. 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. This shall also identify the entity responsible for the maintenance and management of this bank and must include information regarding how the land will be protected in perpetuity.
2. Provide evidence that 1.53 acres of wetland habitat credit has been secured in a County approved location within the San Diego River floodplain, as required by the Upper San Diego River Improvement Project Final Programmatic EIR certified August 9, 2000. This will constitute acceptable off-site mitigation for the impacts to Southern Willow Scrub/Mulefat Scrub and Freshwater Marsh (3:1 mitigation). These credits shall consist of at least 0.51 acres of creation or restoration credits. The remaining 1.02 acre credits shall be either creation/restoration credits or wetland enhancement credits. Provide an accounting of the status of the Mitigation Bank, land trust, conservancy lands or other approved mitigation site. 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. This shall also identify the entity responsible for the maintenance and management of this bank and must include information regarding how the land will be protected in perpetuity.

3. Provide evidence that 0.75 acres of wetland habitat credit has been secured in a County approved location within the San Diego River floodplain, as required by the Upper San Diego River Improvement Project Final Programmatic EIR certified August 9, 2000. This will constitute acceptable off-site mitigation for the impacts to Wet Meadow (1:1 mitigation). These credits shall consist of 0.75 acres of creation or restoration credits. Provide an accounting of the status of the Mitigation Bank, land trust, conservancy lands or other approved mitigation site. 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. This shall also identify the entity responsible for the maintenance and management of this bank and must include information regarding how the land will be protected in perpetuity.
4. Provide the Director of Planning and Land Use with a copy of a Clean Water Act, Section 404 permit issued by the U.S. Army Corps of Engineers for all project related disturbances of wetlands or provide evidence satisfactory to the Director of Planning and Land Use that such permit is not required.
5. Provide the Director of Planning and Land Use with a copy of a Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed or provide evidence satisfactory to the Director of Planning and Land Use that such an agreement is not required.

Noise

Prior the recordation of the Final Map for Unit 1, the applicant shall:

1. Grant to the County of San Diego a Noise Protection Easement over the entire area of Lots 1, 2, 3, 4, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50. This easement is for the protection of "noise sensitive" residential land uses from traffic noise. The Noise Protection Easement shall be shown on the Final Map.

No residential uses are allowed within the Noise Protection Easement until evidence is provided by the applicant's acoustical consultant that traffic noise levels in outdoor and indoor "noise sensitive" areas would comply with current noise level limits of the County of San Diego. The evidence should be provided to the satisfaction of the Director of Planning and Land Use prior to approval of a Site Plan or prior to issuance of a Building Permit for residences on Lots 1-4 and 30-50.

Prior the recordation of the Final Map for Unit 2, the applicant shall:

2. Grant to the County of San Diego a Noise Protection Easement over the entire area of Lots 51, 52, 53, 54, 55 and 90,. This easement is for the protection of "noise sensitive"

residential land uses from traffic noise. The Noise Protection Easement shall be shown on the Final Map.

No residential uses are allowed within the Noise Protection Easement until evidence is provided by the applicant's acoustical consultant that traffic noise levels in outdoor and indoor "noise sensitive" areas would comply with current noise level limits of the County of San Diego. The evidence should be provided to the satisfaction of the Director of Planning and Land Use prior to approval of a Site Plan or prior to issuance of a Building Permit for residences on Lots 51-55, and 90.

Prior the recordation of the Final Map for Unit 3, the applicant shall:

3. Grant to the County of San Diego a Noise Protection Easement over the entire area of Lots 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, and 120. This easement is for the protection of "noise sensitive" residential land uses from traffic noise. The Noise Protection Easement shall be shown on the Final Map.

No residential uses are allowed within the Noise Protection Easement until evidence is provided by the applicant's acoustical consultant that traffic noise levels in outdoor and indoor "noise sensitive" areas would comply with current noise level limits of the County of San Diego. The evidence should be provided to the satisfaction of the Director of Planning and Land Use prior to approval of a Site Plan or prior to issuance of a Building Permit for residences on Lots 91-120.

Cultural Resources

Prior to approval of grading permits, clearing permits or improvement plans, and prior to recordation of any Final Map for any unit, the applicant shall:

1. Provide written verification to the Director of Planning and Land Use that a County certified archaeologist has been retained to implement the monitoring program. All persons involved in the monitoring program shall be approved by the Director prior to any pre-construction meeting.

The archaeological monitor(s) shall attend pre-construction meetings to consult with grading and excavation contractors. The requirement for archaeological monitoring shall be noted in the final grading plan.

During the original cutting of previously undisturbed deposits, the archaeological monitor(s) shall be onsite full-time to perform periodic inspections of the excavations. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features.

In the event that artifacts and/or features are found, the archaeological monitor(s) shall have the authority to divert, direct or temporarily halt grading activities in the area of discovery to allow recovery and analysis of exposed artifacts and/or features in a timely manner. At the time of discovery, the archaeological monitor(s) shall immediately notify the County archaeologist of such finding.

Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) shall determine the amount of material to be recovered for an adequate artifact sample for analysis.

All cultural material collected during the grading monitoring program shall be processed and curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.

Transportation/Circulation

Plans and Specifications (Street Improvements and Access)

1. Standard Conditions 1 through 10, and 12.
2. Specific Conditions:
 - a. Prior to recordation of the Final Map for any unit, improve or agree to improve and provide security for Mast Boulevard (SA 880.2), on-site, to a graded width of ninety-eight feet (98') with seventy-eight feet (78') of asphaltic concrete pavement over approved base, with portland cement concrete curb, gutter, and sidewalks with curb at thirty-nine feet (39') from centerline (Provide transitions, tapers, and A.C. dike to existing pavement), and a raised median with Portland cement concrete curbs, gutters at seven feet (7') from centerline; from the east subdivision boundary to the most southwesterly subdivision boundary. Note: There is an existing parking prohibition on both sides of Mast Blvd within the project boundary.
 - b. Prior to recordation of the Final Map for any unit, improve or agree to improve and provide security for Hillside Meadows Drive (SC 1775) from Mast Boulevard to El Nopal to a graded width of seventy-two feet (72') with fifty-two feet (52') of asphaltic concrete pavement over approved base with Portland cement concrete

- curb, gutter and side walks with the curb twenty-six feet (26') from centerline. Provide tapers, transitions and asphaltic dike to existing pavement.
- c. Prior to recordation of the Final Map for Unit 1 improve or agree to improve and provide security for Meadowhill Drive, Shady Meadow Loop, on-site to a graded width of fifty-six feet (56') with thirty-six feet (36') of asphaltic concrete pavement over approved base with Portland cement concrete curb, gutter and side walks with the curb eighteen feet (18') from centerline.
 - d. Prior to the recordation of the Final Map for Unit 1, improve or agree to improve and provide security for Quiet Meadow Court to a graded width of fifty-two feet (52') with thirty-two feet (32') of asphaltic pavement over approved base with Portland cement concrete curb, gutter, and sidewalks with the curb at sixteen feet (16') from centerline.
 - e. Prior to recordation of the Final Map for Unit 2, improve or agree to improve and provide security for Shady Meadow Loop to a graded width of fifty-six feet (56') with thirty-six feet (36') of asphaltic concrete pavement over approved base with Portland cement concrete curb and gutter, and sidewalks and the curb at eighteen feet (18') from centerline.
 - f. Prior to recordation of the Final Map for Unit 2, improve or agree to improve and provide security for Hill Meadow Court to a graded width of fifty-two feet (52') with thirty-two feet (32') of asphaltic concrete pavement over approved base with Portland cement concrete curb and gutter and sidewalks and the curb at sixteen feet (16') from the centerline.
 - g. Prior to recordation of the Final Map for Unit 3, improve or agree to improve and provide security for Meadowhill Drive and Riverhill Lane and Meadowfield Lane to a graded width of fifty-six feet (56') with thirty-six feet (36') of asphaltic concrete pavement over approved base with Portland cement concrete curb and gutter and sidewalks and the curb at eighteen feet (18') from the centerline.
 - h. Prior to recordation of the Final Map for Unit 3, improve or agree to improve and provide security for Brookfield Court to a graded width of fifty-two feet (52') with thirty-two feet (32') of asphaltic concrete pavement over approved base with Portland cement concrete curb and gutter and sidewalks and the curb at sixteen feet (16') from the centerline.
 - i. The cul-de-sacs shall terminate with a graded radius of forty-eight feet (48') and surfaced to a radius of thirty-eight feet (38') with asphaltic concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalks with the curb thirty-eight feet (38') from the radius point.

- j. The knuckles on Shady Meadow Loop, Riverhill Lane, and Meadowfield Lane shall be in conformance with San Diego County Design Standards Number DS-15.
- k. Provide a left-turn lane (including striping) for left turning movements from El Nopal southbound to El Nopal; and from Hillside Meadows Drive southbound to Meadow Hill Drive and northbound to Meadow Hill Drive; and from Hillside Meadows Drive southbound to Mast Boulevard; and from Mast Boulevard northbound to Hillside Meadows Drive. All of the foregoing is to the satisfaction of the Director of Public Works.
- l. Provide a temporary turn-around in conformance with San Diego County Design Standards Number DS-5 for the west end of Mast Boulevard (provide 8" high Type "C" A.C. Dike at this location) and east end of Riverhill Lane. All of the foregoing is to the satisfaction of the Director of Public Works.
- m. Prior to recordation of the Final Map for Unit 3, improve or agree to improve and provide security for El Nopal to a one-half graded width of thirty feet (30') with twenty feet (20') of asphaltic concrete pavement over approved base with Portland cement concrete curb, gutter and side walk with the curb twenty feet (20') from centerline. Provide transitions, tapers and A.C. dike to existing pavement.
- n. Intersectional sight distance along Mast Boulevard in both directions from Meadowfield Lane and Hillside Meadows Drive shall be five hundred and fifty (550') to the satisfaction of the Director of Public Works.
- o. Intersectional sight distance along Hillside Meadows Drive in both directions from El Nopal and in both directions from Meadowhill Drive shall be four hundred and fifty (450') to the satisfaction of the Director of Public Works.
- p. Unless stated otherwise, improve roads or agree to improve and provide security for them, with the recordation of the unit the road is within, abuts or provides access to.
- q. Barricades, Standard Drawing M-9, shall be provided at the west end of Mast Boulevard, located adjacent to the DS-5 temporary turnaround. The foregoing shall all be to the satisfaction of the Director of Public Works.

Development Impact Fees

3. Specific Conditions

- a. Participate in the cost of road improvements for a portion of Riverford Road by paying a construction fee of \$33,709.00. The Planning and Environmental Review Board hereby determines that:
- (1) The fee is to assist in financing the improvement for Riverford Road located in the vicinity of Riverside Drive to State Route 67.
 - (2) The fee will be used to contribute toward the construction of street facilities such as pavements, realignments of horizontal and vertical curves, storm drains, grading, etc., for Riverford Road.
 - (3) The road improvements will help mitigate the additional traffic impact on Riverford Road caused by the residential subdivision.
 - (4) This residential subdivision will contribute additional traffic to Riverford Road.
 - (5) The fee of \$33,709.00 is based on an estimate of the percentage of traffic this project will contribute to Riverford Road.

Final Map Recordation
(Streets and Dedication)

4. Specific Conditions:

- a. With the recordation of the Final Map for any unit, dedicate Mast Boulevard (SA 880.2) from the east subdivision boundary to the most southwesterly subdivision boundary, along the ultimate alignment, to a right-of-way width of ninety-eight feet (98').
- b. With the recordation of the Final Map of any Unit, dedicate Hillside Meadows Drive from Mast Boulevard to El Nopal to a right of way width of seventy-two feet (72').
- c. With the recordation of the Final Map for Unit 1, dedicate Meadow Hill Drive and Shady Meadow Loop on-site to a width of fifty-six feet (56').
- d. With the recordation of the Final Map for Unit 1, dedicate Quiet Meadow Court on-site to a width of fifty-two feet (52').
- e. With the recordation of the Final Map for Unit 2, dedicate Shady Meadow Loop on-site to a width of fifty-six feet (56').

- f. With the recordation of the Final Map for Unit 2, dedicate Hill Meadow Court on-site to a width of fifty-two feet (52').
- g. With the recordation of the Final Map for Unit 3, dedicate Meadowhill Drive, Riverhill Lane and Meadowfield Lane on-site to a width of fifty-six feet (56').
- h. Provide a one foot (1') wide strip placed at the end of Riverhill Lane and Mast Boulevard at the subdivision boundary; the one foot (1') wide strip is to be made a portion of the adjacent lots and designated as "reserved for future streets" on the face of the map; access rights in and to Riverhill Lane and Mast Boulevard shall be granted to the County.
- j. The cul-de-sacs shall terminate with a forty-eight foot radius.
- k. Relinquish access rights into El Nopal, Mast Boulevard and Hillside Meadows Drive to the satisfaction of the Director of Public Works, except for: Meadowfield Lane, Meadowhill Drive, and two (2) thirty foot (30') openings on the south side of Mast Boulevard, as shown on the tentative map, and a thirty foot (30') opening for the off-site private road adjacent to Lot 30.
- l. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- m. With the recordation of the Final Map for Unit 3, dedicate Brookfield Court to a width of fifty-two feet (52').
- n. With the recordation of the Final Maps, dedicate on-site and off-site drainage easements to the satisfaction of the Director of Public Works.
- o. Contact Public Works to determine the desired location of the centerline for Mast Boulevard and Hillside Meadows Drive, which are shown on the Circulation Element of the County General Plan as a Major road (plus bike lanes) and Light Collector road, respectively. The following shall be shown on the Final Map:
 - (1) The centerline location as approved by the Department of Public Works.
- p. Road widths less than thirty-six feet (36') improved widths may require posting and red striping to the satisfaction of the Lakeside Fire Protection District. This information shall be shown on the Final Maps on "Non-Title Information."

- q. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control stations with first order accuracy to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811).

Prior to the issuance of any grading permits, or approval of improvement plans in lieu of a grading permit, whichever comes first, the applicant shall:

Submit to the satisfaction of the Director of Public Works a Traffic Management Plan. The plan should address construction traffic associated with the import of material to the property. The plan should limit the import operations to off peak traffic hours (9:00 AM to 3:00 PM), and provide standard traffic control measures such as flagmen, warning signs, etc., as necessary to create a safe work zone. The plan should also address measures to ensure that all public roadways are kept clear of construction debris.

5. To the Required Environmental Design Considerations add the following:

Hillside Meadows, TM 5203RPL¹; Log No 00-14-006

Land Use

Prior to approval of the any Final Map for any unit:

1. The applicant shall provide evidence satisfactory to the Director of the Department of Planning and Land Use that an application for a Final Public Report has been submitted to the State of California, Department of Real Estate that discloses that there will be hazards or unusual conditions in or near this subdivision related to surrounding agricultural uses. The application must fully disclose to potential purchasers of the property all inconveniences and irritations arising from agricultural operations. The following statement must be included: "The subdivision lots are located within a quarter mile radius of a commercial poultry ranch. Occupants of each lot may be exposed to inconveniences or irritation arising from agricultural activities in the form of intermittent odor, insects, dust, rodents, and the use of agricultural chemicals." The information to be included in the application for the Final Public Report shall be submitted to and approved by the Director of Planning and Land Use prior to submittal to the State of California, Department of Real Estate.

Water Resources

(Drainage and Flood Control)

1. Standard Conditions 13 through 18.
2. Specific Conditions:
 - a. Construct facilities 5, 6, 7, and 11 (E. Santee Basin) shown on Plate 9 of the Zone 2 Flood Control Comprehensive Plan. The facilities shall be designed to convey a 100-year design flood without ponding, flooding, or diversion onto adjacent property. Facility 5 shall be constructed as an underground facility to a point southerly of Mast Boulevard. Facility 5 shall also be constructed to accommodate the Mast Boulevard road alignment and traffic loading. The alignment for facility 6 may be constructed off-site provided: a 15 foot off-site drainage easement is dedicated by separate document, and an adjacent on-site 15 foot flood control access easement is dedicated, and the drainage facilities are designed to capably support public road traffic loading. All the foregoing to is the satisfaction of the Director of Public Works.
 - b. The 100-year flood line of the natural channels crossing all lots with drainage watersheds in excess of twenty-five (25) acres shall be clearly delineated on the non-title information sheet of the Final Map.
 - c. A Waiver and Release Agreement shall be obtained from each property owner who receives diverted runoff as a result of the subdivision, to the satisfaction of the Director of Public Works.

(Grading Plans)

3. Standard Conditions 19(a-d).
4. Specific Conditions:
 - a. Obtain letters of permission for any off-site grading.
 - b. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the San Diego County Stormwater Ordinance. On all such operations, the property owner must ensure compliance with all applicable stormwater regulations at all times. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 5 acres require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

- c. Implement and maintain Best Management Practices (BMPs) to effectively prevent potentially negative impact on stormwater quality by the proposed operations. Information on BMPs is available at the DPW Land Development counter. The property owner shall repair, restore and/or replace with acceptable alternates, all or portions of the installed BMPs that fail. Failure to properly install and maintain the BMPs will result in enforcement action by the County of San Diego or other agencies. The minimum performance goals for the post-construction BMPs to control pollution from the project are no net increase in pollutants above pre-construction levels. The developer shall install grease/oil traps or other filtration systems to collect pollutants in all the storm drain inlets. Sources of potentially significant post-construction pollutant loading shall be identified and the introduction of pollutants from these sources into stormwater and non-stormwater discharges shall be prevented or reduced to the maximum extent practicable. Post-construction pollutant loads in stormwater and non-stormwater discharges shall not cause or contribute to the degradation of receiving waters or other environmentally sensitive areas. Post-construction peak runoff flow rates and velocities from the project site shall be maintained at levels which will not cause or contribute to the scouring or erosion of receiving waters or other environmentally sensitive areas (wetlands, vernal pools, etc.) above pre-development rates. Post-construction minimum runoff flow rates, velocities, and volumes from the project site shall be maintained as necessary to prevent the degradation of receiving waters, other environmentally sensitive areas, or flow-dependent BMPs (e.g., constructed wetlands, etc.). BMPs that incorporate natural systems or approaches (e.g., constructed wetlands, retention of existing habitat, inclusion of natural buffer zones, etc.) shall be considered and shall be utilized to the maximum extent practicable. Post-construction structural BMPs shall be operated and maintained to ensure their long-term functioning as designed.

~~**DRAFT**~~

FINAL

**Hillside Meadows Wetlands Mitigation Area Project
Initial Study / Mitigated Negative Declaration**

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~~SEPTEMBER~~ DECEMBER 2020

Hillside Meadows Wetlands Mitigation Area Project

**Table 3.4-1
Vegetation Communities Within the Wetland Mitigation and Channel Area**

General Vegetation Community/Land Cover Category	General Vegetation Type (Holland/Oberbauer Code)	Wetland Area Existing Acreage	Drainage Channels for the Mitigation Area
	Diegan Coastal Sage Scrub - Baccharis dominated (or Broom Baccharis) (disturbed) (32530)	0.40	
<i>Scrub and Chaparral Total</i>		<i>0.54</i>	<i>0.01</i>
Grasslands, Vernal Pools, Meadows, and Other Herb Communities (40000)	Non-native Grassland (or Annual Grassland) (42200)	0.99	1.47
<i>Grasslands, Vernal Pools, Meadows, and Other Herb Communities Total</i>		<i>0.99</i>	<i>1.47</i>
Riparian and Bottomland Habitat (60000) Not jurisdictional	Southern Willow Scrub (63320)	0.06	
	Tamarisk Scrub (63810)	0.07	
<i>Riparian and Bottomland Habitat Total</i>		<i>0.13</i>	<i>0.0</i>
Total		2.99	1.66

¹ Totals may not sum due to rounding.

The impacts to disturbed coastal sage scrub and broom baccharis scrub would be **potentially significant**. The follow mitigation measure would be required to reduce impacts to less than significant.

M-BIO-1 All impacts to native habitat (disturbed forms of coastal sage scrub and baccharis scrub) will be replaced within the mitigation area with the Revegetation Plan implementation as shown below.

Proposed Impact and Proposed Restoration for the Wetland Mitigation Area

General Vegetation Type (Holland/Oberbauer Code)	Total Impacts Within the Proposed Wetland Mitigation Area (Acres)	Proposed Wetland Mitigation for Hillside Project (Acres)
Disturbed Habitat (11300)	0.37	0.05
Ruderal (N/A)	0.96	—
<i>Disturbed and Developed Areas Total</i>		<i>0.05</i>
Diegan Coastal Sage Scrub	—	0.57
Diegan Coastal Sage Scrub (disturbed) (32500)	0.13	—
Diegan Coastal Sage Scrub - Baccharis dominated (or Broom Baccharis) (32530)	0.01	—
Diegan Coastal Sage Scrub - Baccharis dominated (or Broom Baccharis) (disturbed) (32530)	0.40	—
<i>Scrub and Chaparral Total</i>		<i>0.57</i>

Hillside Meadows Wetlands Mitigation Area Project

With implementation of the Revegetation Plan, there will be restoration of the existing disturbed communities to non-disturbed native coastal sage scrub within the boundaries of the mitigation area. Impacts would be reduced to **less than significant**.

Implementation of the proposed project would have the potential to indirectly impact surrounding plant communities and species identified in Table 3.4-1 during construction due to noise and other construction-related activities. Indirect impacts would be **potentially significant**.

M-BIO-2 To avoid impacts to nesting migratory birds and raptors and other nesting birds, which are a sensitive biological resources pursuant to the California Environmental Quality Act, the Migratory Bird Treaty Act, and the California Fish and Game Code, breeding season avoidance shall be implemented and included on all construction plans.

To the extent feasible, there shall be no brushing, clearing and/or grading allowed during the breeding season of migratory birds or raptors (between January 15 and September 15) or coastal California gnatcatcher (between February 15 and August 15). If vegetation is to be cleared during the nesting season, all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by the qualified biologist no earlier than 72 hours prior to clearing. The survey results shall be submitted to the City of Santee Director of Development Services. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with an initial 300-foot buffer for coastal California gnatcatcher and up to a 500-foot maximum buffer for raptors. The nests shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. The final appropriate buffer distance, as well as cycle completion or nest failure, shall be determined by an approved biologist. Factors used to determine and guide the appropriate buffer distance shall include individual pair behavior responses, amount of buffering topography, proximity to existing disturbance, and ambient noise levels. In addition, an approved biologist shall be present on the project site to monitor the vegetation removal to ensure that nests not detected during the initial survey are not disturbed (see Mitigation Measure BIO-3). If the monitoring biologist determines that the nesting activities are being substantially disrupted by adjacent construction activity, the City of Santee shall be notified and measures to avoid or minimize such impacts shall be developed. Such measures might include installation of noise barriers, increased buffering, stopping construction in the area, or other measures, as developed.

Hillside Meadows Wetlands Mitigation Area Project

M-BIO-3 Prior to vegetation clearing, grubbing, and/or grading, a qualified biologist shall supervise the placement of temporary construction fencing at the limits of disturbance adjacent to sensitive biological habitats. The biologist shall attend the pre-construction meeting, educate workers about the need to avoid impacts outside the approved development area, shall be present during pre-construction activities such as clearing and grubbing, and shall notify the City if any such encroachment occurs.

With implementation of M-BIO-2 and M-BIO-3, potentially significant indirect impacts to the surrounding native habitat areas would be reduced to **less than significant**.

b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

See above discussion. Impacts would be **potentially significant**. With implementation of M-BIO-1, potentially significant impacts to any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service would be reduced to **less than significant**.

c) *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

An evaluation of jurisdictional resources was conducted within the proposed mitigation site. This evaluation of aquatic resources was accomplished by focusing on the identification of a bed and bank, and evidence of an ordinary high water mark within the southern willow scrub and tamarisk scrub mapped on site. There was no discernible channel morphology within the project site that would indicate that either area was part of a regulated stream channel or jurisdictional area. The landscape position was flat and otherwise disturbed. Since there were no signs of an ordinary high water mark, no bed and bank, and no signs of surface hydrology, these areas are assumed to be non-jurisdictional.

There are impacts to non-jurisdictional willows and tamarisk; however, this area would be replaced with jurisdictional southern willow scrub and freshwater marsh. There are no impacts of the proposed wetland mitigation area to jurisdictional wetland resources; therefore, no permits are required. Impacts to wetlands would be **less than significant**.