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JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

June 12, 2019

Certified Mail – Return Receipt Requested
Article Number: 7016 2140 0000 3904 4298

Mr. Kurt Bausback
KB Home Coastal, Inc.
9915 Mira Mesa Blvd., Suite 100
San Diego, CA 92131

In reply/refer to:
R9-2019-0119:821759:lhonma

**Subject: Clean Water Act Section 401 Water Quality Certification No. R9-2019-0119
for the Sweetwater Village Project**

Mr. Bausback:

Enclosed find Clean Water Act Section 401 Water Quality Certification No. R9-2019-0119 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to the application submitted by KB Home Coastal, Inc. for the Sweetwater Village Project (Project). A description of the Project and Project location can be found in the Certification and site maps which are included as attachments to the Certification.

KB Home Coastal, Inc. is enrolled under State Water Resources Control Board Order No. 2003-017-DWQ as a condition of the Certification and is required to implement and comply with all terms and conditions of the Certification in order to ensure that water quality standards are met for the protection of wetlands and other aquatic resources. Failure to comply with this Certification may subject KB Home Coastal, Inc. to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring KB Home Coastal, Inc. to cease and desist from violations or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Please submit all reports and information required under this Certification 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 the San Diego Water Board, 2375 Northside Drive, San Diego, CA 92108. Each electronic document must be submitted as a single file, in Portable Document Format (PDF), 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: Certification No. R9-2019-0119:821759:lhonma.

HENRY ABARBANEL, PH.D., CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

2375 Northside Drive, Suite 100, San Diego, California 92108-2700 | www.waterboards.ca.gov/sandiego

For questions or comments regarding the Certification, please contact Lisa Honma by telephone at (619) 521-3367 or by email at Lisa.Honma@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure: Clean Water Act Section 401 Water Quality Certification No. R9-2019-0119 for the Sweetwater Village Project

DWG:db:eb:lbh

cc: via email with enclosure

U.S. Army Corps of Engineers
Regulatory Division
South Coast Branch
Mr. Chris Allen
Christopher.J.Allen@usace.army.mil

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and
Wetlands Unit
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| Tech Staff Information | |
|------------------------|--------------|
| Certification No. | R9-2019-0119 |
| Party ID | 596733 |
| Reg. Meas. ID | 404533 |
| Place ID | 821759 |
| Person ID | 596734 |
| WDID | 9 000002988 |

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

2375 Northside Drive, Suite.100, San Diego, CA 92108
Phone (619) 516-1990 • Fax (619) 516-1994
<http://www.waterboards.ca.gov/sandiego/>

**Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials**

**PROJECT: Sweetwater Village Project
Certification Number R9-2019-0119
WDID: 9 000002988**

Reg. Meas. ID: 404533
Place ID: 821759
Party ID: 596733
Person ID: 596734

**APPLICANT: KB Home Coastal, Inc.
9915 Mira Mesa Blvd., Suite 100
San Diego, CA 92131**

ACTION:

| | |
|---|---|
| <input type="checkbox"/> Order for Low Impact Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for Technically-conditioned Certification | <input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ |
| <input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ | |

PROJECT DESCRIPTION

An application dated October 25, 2018, was submitted by KB Home Coastal, Inc. (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (United States Code (USC) Title 33, section 1341) for the proposed Sweetwater Village Project (Project). The application replaces the initial application dated, January 25, 2016, and includes all supplemental information, as appropriate, submitted for the Project. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on May 19, 2016. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 Nationwide Permit No. 29 from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2016-00133).

The Project is located within the community of Spring Valley in an unincorporated portion of San Diego County, California at 2657 Sweetwater Springs Boulevard. The Project center reading is located at latitude 32.727597° and longitude -116.967394°. The Applicant has paid all required application fees for this Certification in the amount of \$12,879.00. On May 20, 2016, the San Diego Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Applicant proposes to construct 122 detached residential condominium units on 18 acres, including a 2.08-acre public active park; a series of useable greenbelt open space areas; a series of shallow water quality areas and basins; a 6- to 8-foot high sound wall atop a 3- to 4-foot high berm along the majority of project frontage adjacent to Jamacha Boulevard and Sweetwater Springs Boulevard; and an 8-foot-wide public trail along the north side of Jamacha Boulevard to enhance the public pedestrian network.

The Project will convert approximately 9.04 acres of pervious ground cover to impervious surfaces. Runoff leaving the developed Project area would be significantly greater in volume, velocity, peak flow rate, and duration than pre-development runoff from the same area without mitigation. Post-construction best management practices (BMPs) to manage and control the effects of these runoff increases will consist of bioretention and biofiltration with partial infiltration. These BMPs will be designed, constructed, and maintained to meet County of San Diego's low impact development (LID) capture volume and hydromodification treatment requirements.

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. Compliance with the Certification conditions will help ensure that construction and post-construction discharges from the Project will not cause on-site or off-site downstream erosion, damage to downstream properties, or otherwise damage stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

Project construction will permanently impact 0.39 acre (954 linear feet) of ephemeral stream channel waters of the United States and/or State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density.

The Applicant reports that compensatory mitigation for the permanent loss of 0.39 acre of jurisdictional waters will be achieved off-site through the purchase of 1.56 acres of re-establishment credits of riverine wetland waters of the United States and/or State. Compensatory mitigation purchased from the San Luis Rey Mitigation Bank is required to be protected and maintained in perpetuity by Wildlands according to the conditions of Water Quality Certification No. R9-2013-0050 and the bank enabling instrument. Compensatory mitigation options within the watershed of the affected aquatic resource were deemed inadequate. No waters of the United States and/or State will receive temporary discharges of fill associated with the Project. Therefore, compensatory mitigation to offset permanent impacts of the discharges of fill material to waters of the United States and/or State will be provided by the Applicant at the San Luis Rey Mitigation Bank located in the Mission hydrologic sub-area (HSA 903.11) at a minimum compensation ratio of 4:1 (area mitigated:area impacted).

Additional Project details are provided in Attachments 2 of this Certification.

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Attachments:

- 1. Definitions**
- 2. Project Figures and Plans**
- 3. CEQA Required Mitigation Measures**

The San Diego Water Board has independently reviewed the record of the Project to analyze the extent and nature of proposed Project impacts to the water quality and beneficial uses of waters of the United States and/or State and associated compensatory mitigation required to offset impacts attributed to the Project. In accordance with this Certification, the Applicant may proceed with the Project under the following terms and conditions:

I. STANDARD CONDITIONS

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2019-0119 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 USC Title 33, section 1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf.

- D. Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.
- E. Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 USC section 1313). The Basin Plan is accessible at:
- http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml
- F. Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water Board for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. Inspection and Entry.** The Applicant 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 under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;

3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
 4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.
- I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
 2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the unnamed tributary of Little Hansen's Creek, a tributary of the Sweetwater Reservoir or its tributaries;
 3. Obtaining this Certification 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; and
 5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

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

- K. **Duty to Provide Information.** The Applicant 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 Certification or to determine compliance with this Certification.
- L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.

- M. **Petitions.** 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 the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant 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, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant 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 Applicant 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 Applicant 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 Applicant 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. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the dumping, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such

waters in any manner which may permit its being transported into the waters, is prohibited.

- G. **Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause downstream erosion or damage to properties or stream habitat.
- H. **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.
- I. **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 water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of the receiving water quality objectives. 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.
- K. **Re-vegetation and Stabilization.** All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant shall implement and maintain BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/ip/inventory/>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused 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 through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.
- N. **Limits of Disturbance.** The Applicant shall clearly define the limits of Project disturbance to waters of the United States and/or 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. **Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of waters of the unnamed tributary of Little Hansen's Creek, Little Hansen's Creek, Sweetwater Reservoir and their unnamed tributaries. This Certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters (including rivers or streams) 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 Notification Requirement VII.B of this Certification. 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 Applicant 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 or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. **Post-Construction BMP Design.** The Project must be designed to comply with the requirements for priority development projects in section E.3 of the Regional MS4 Permit Order No. R9-2013-0001, *National Pollutant Discharge Elimination Systems Permit and Waste Discharge Requirements for Discharges of Urban Runoff from the MS4s Draining the Watersheds within the San Diego Region* (Regional MS4 Permit) as well as the most current BMP Design Manual for the County of San Diego. Where conflict exists between the referenced documents the most stringent requirements shall apply.

D. Post-Construction BMP Maintenance. The post construction BMPs must be designed, constructed, and maintained in accordance with the most recent California Storm Water Quality Association (CASQA)¹ guidance. The Applicant shall:

1. No less than two times per year, assess the performance of the BMPs to ensure protection of the receiving waters and identify any necessary corrective measures;
2. Perform inspections of BMPs, at the beginning of the wet season no later than October 1 and the end of the wet season no later than April 1, for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
3. Regularly perform preventative maintenance of BMPs, including removal of accumulated trash and debris, as needed to ensure proper functioning of the BMPs;
4. Identify and promptly repair damage to BMPs; and
5. Maintain a log documenting all BMP inspections and maintenance activities. The log shall be made available to the San Diego Water Board upon request.

V. PROJECT IMPACTS AND COMPENSATORY MITIGATION

- A. Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.
- B. Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to the unnamed tributary of Little Hansen's Creek within the Sweetwater Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

¹ California Storm Water Quality Association (*California Storm Water BMP Handbook, New Development and Redevelopment 2003*), available on-line at: <http://www.cabmphandbooks.org/> [Accessed on January 15, 2012]

| | Impacts (acres) | Impacts (linear feet) | Mitigation for Impacts (acres) | Mitigation Ratio (area mitigated :area impacted) | Mitigation for Impacts (linear feet) | Mitigation Ratio (linear feet mitigated :linear feet impacted) |
|--------------------------|------------------------|------------------------------|---------------------------------------|---|---|---|
| Permanent Impacts | | | | | | |
| Stream Channel | 0.39 ^a | 954 ^a | 1.56 ^b Re-establishment | 4:1 ^b | NA ^c | NA ^c |

NA – Not applicable

- a. Permanent fill of 0.23 acre of non-wetland waters of the U.S. and/or State and 0.16 acre of vegetated stream channel waters of the State only along the same linear-foot length for a total of 0.39 acre (954 linear feet) of stream channel waters of the State.
- b. Permanent loss of waters will be mitigated through the purchase of 1.56 acres of re-established riverine wetland credits from the San Luis Rey Mitigation Bank in Oceanside, CA, or other U.S. Army Corps of Engineers-approved mitigation bank. Mitigation purchased from the San Luis Rey Mitigation Bank is required to be protected and maintained in perpetuity by Wildlands according to the conditions of Water Quality Certification No. R9-2013-0050.
- c. Linear-foot compensatory mitigation is not calculated for mitigation bank credits. The San Luis Rey Mitigation Bank (approximately 55.8 acres) is a large, contiguous restoration area that restores aquatic resource functions, services, and values, as well as a suite of beneficial uses (WARM, WILD, and RARE). Additionally, mitigation credits are not reported in terms of feet of mitigation.

C. Mitigation Credit Purchase. The Applicant must provide the San Diego Water Board proof of mitigation credit purchase(s) for 1.56 acre of re-established riverine wetland waters of the United States and/or State from the San Luis Rey Mitigation Bank (or other United States Army Corps of Engineers-approved mitigation bank) prior to the start of construction.

VI. MONITORING AND REPORTING REQUIREMENTS

- A. **Representative Monitoring.** Any samples and measurements taken for the purpose of monitoring under this Certification shall be representative of the monitored activity.
- B. **Monitoring Reports.** Any monitoring results collected for this Project shall be reported to the San Diego Water Board at the intervals specified in section VI of this Certification.
- C. **Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Certification 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.

D. 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.

E. Geographic Information System Data. The Applicant 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.

F. Annual Project Progress Reports. The Applicant must submit annual Project progress reports describing status of BMP implementation and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. 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 on Project status and compliance reporting must include, at a minimum, the following:

1. The names, qualifications, and affiliations of the persons contributing to the report;
2. 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;
3. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
4. A 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.

G. Final Project Construction Completion Report. The Applicant must submit a Final Project Construction Completion Report to the San Diego Water Board **within 30 days of completion of the Project.** The final report must include the following information:

1. Date of construction initiation;
2. Date of construction completion;
3. BMP installation and operational status for the Project;
4. As-built drawings of the Project, no bigger than 11”X17”; and
5. Photo documentation of implemented post-construction BMPs and all areas of permanent and temporary impacts, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.

H. Reporting Authority. The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.

I. Electronic Document Submittal. The Applicant must submit all reports and information required under this Certification 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: 401 Certification No. R9-2019-0119:821759: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), converted to text searchable format using Optical Character Recognition (OCR), and not be password protected. 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: Certification No. R9-2019-0119:821759:lhonma.

- J. Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.

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.

- K. Document Certification Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be 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."

VII. NOTIFICATION REQUIREMENTS

- A. Discharge Commencement Notification.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.

- B. Twenty-Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of 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 recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- C. 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 Applicant is in violation of a Basin Plan prohibition.
- D. 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 Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.
- E. Anticipated Noncompliance.** The Applicant 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 Certification conditions or requirements.

F. **Transfers.** This Certification 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 Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification 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 Post-Construction BMP Maintenance Responsibility:** The Applicant 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 Applicant 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 Applicant must provide such notification to the San Diego Water Board **within 10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of responsibility for compliance with this Certification in the event that a transferee fails to comply.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The County of San Diego is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated December 8, 2017 for the Recirculated Mitigated Negative Declaration (MND) titled Sweetwater Place (State Clearing House Number 2015091038). The Lead Agency has determined the Project will not have a significant effect on the environment and mitigation measures were made a condition of approval for the Project.
- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's MND and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.

- D. The Lead Agency has 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 MND are implemented. The Required Mitigation Measures (RMM) are included and incorporated by reference in Attachment 3 to this Certification. The Applicant shall implement the Lead Agency's RMM described in the MND, as it pertains to resources within the San Diego Water Board's purview. The San Diego Water Board has imposed additional RMM requirements as specified in sections V and VI of this Certification.
- E. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

IX. SAN DIEGO WATER BOARD CONTACT PERSON

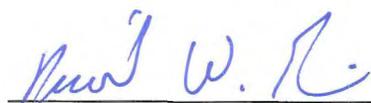
Lisa Honma, Environmental Scientist
Telephone: (619) 521-3367
Email: Lisa.Honma@waterboards.ca.gov

X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Sweetwater Village Project** (Certification No. R9-2019-0119) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2019-0119 issued on June 12, 2019.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

12 June 2019

Date

ATTACHMENT 1 – DEFINITIONS

Activity - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

Buffer - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

California Rapid Assessment Method (CRAM) - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a "field to PC" data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

Compensatory Mitigation Project - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

Discharge of dredged material – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

Discharge of fill material – means the addition of fill material into waters of the United States and/or State.

Dredged material – means material that is excavated or dredged from waters of the United States and/or State.

Ecological Success Performance Standards – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

Enhancement – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

Fill material – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

Isolated wetland – means a wetland with no surface water connection to other aquatic resources.

Mitigation Bank – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

Preservation - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Start of Project Construction - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

Uplands - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

Water quality objectives and other appropriate requirements of state law – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.

Waters of the State - means any surface water or groundwater, including saline waters, within the boundaries of the State. [Water Code section 13050, subd. (e)].

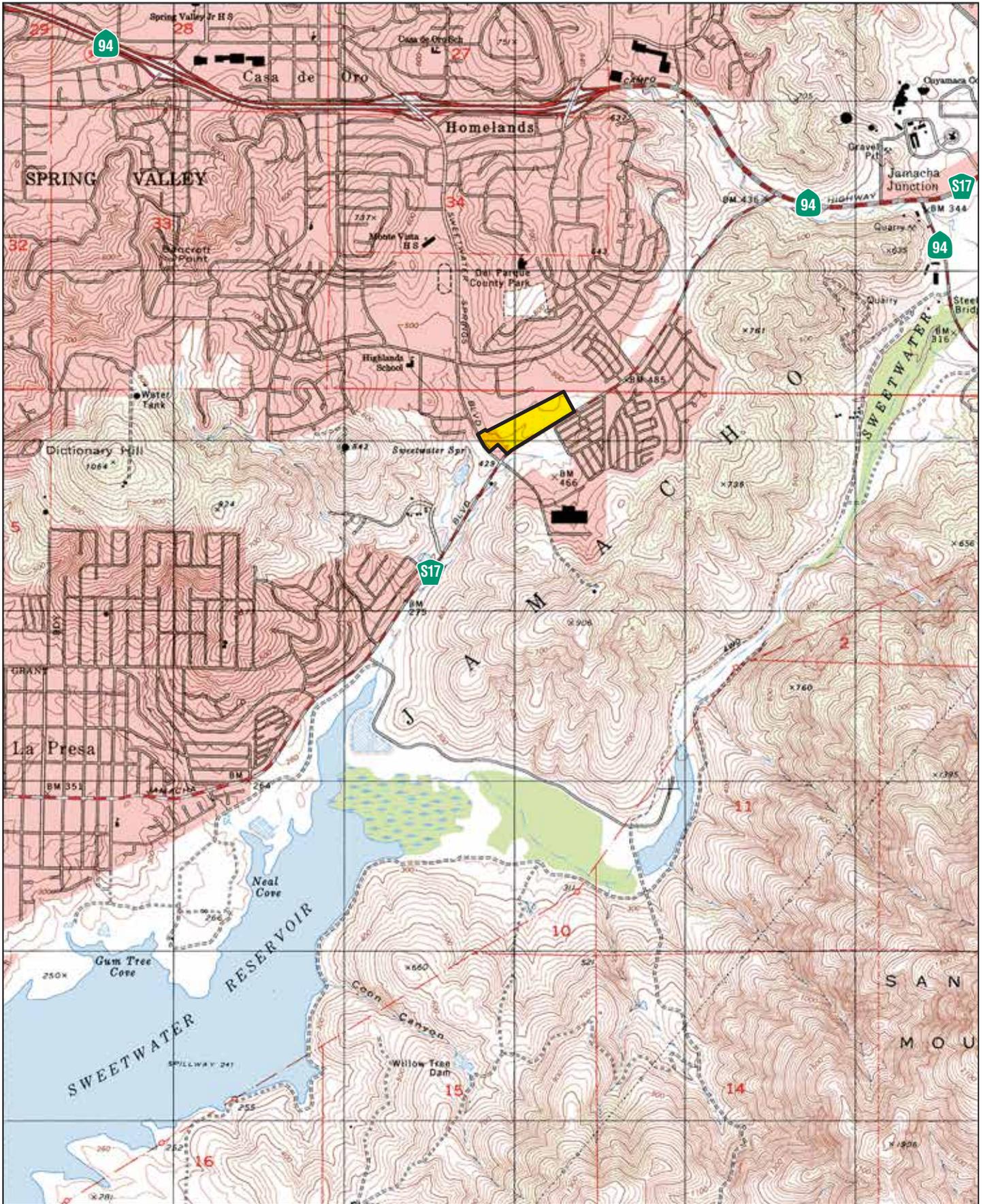
KB Home Coastal, Inc.
Sweetwater Village Project
Certification No. R9-2019-0119

ATTACHMENT 2 – PROJECT FIGURES AND PLANS

Exhibit 1 – Regional Vicinity

Exhibit 2 – Site Vicinity

Exhibit 3 – Project Site



SOURCE: USGS Jamul Mountains, CA Quadrangle, 1994.

 Project Site

KB Home Coastal, Inc.
Sweetwater Village Project
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ATTACHMENT 3 – CEQA REQUIRED MITIGATION MEASURES



County of San Diego

MARK WARDLAW
DIRECTOR
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PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

RECIRCULATED MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Sweetwater Place

RECORD ID: PDS2014-GPA-14-003, PDS2014-REZ-14-003, PDS2014-TM-5588,
PDS2014-STP-14-015

ENVIRONMENTAL LOG NO.: PDS2014-ER-14-19-005

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Recirculated Mitigated Negative Declaration is composed of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study – Environmental Checklist Form
 - b. Technical Studies and Reports as referenced
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

- 1) The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

- 2) Only natural gas fireplaces shall be installed in the proposed residences, which will be a requirement of the building permit, will mitigate the projects substantial contribution to an existing or projected air quality violation.
- 3) In order to reduce exhaust emissions, the project shall be required to ensure all non-road, diesel engine construction equipment complies with United States Environmental Protection Agency –Certified Tier 2 emission standards and include best available control technology devices certified by the California Air Resources Board which will mitigate the projects impacts on sensitive receptors.
- 4) The applicant shall purchase habitat credit, or provide for the conservation of habitat of 0.68 acre of wetland mitigation credits, located within the Rancho Jamul Mitigation Bank or other approved bank within the MSCP as indicated below.
 - a) **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 - i) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - ii) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - iii) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - iv) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
 - b) **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below:
 - i) The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PCC] before purchase or entering into any agreement for purchase.
 - ii) A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 - iii) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 - iv) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
 - v) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource

management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

- 5) There shall be no brushing, clearing and/or grading such that none will be allowed within 500 feet of nesting raptor habitat or within 300 feet of migratory bird nesting habitat during the breeding season of raptors and migratory birds. The breeding season is defined as occurring between January 15th and August 31st. The Director of PDS may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no nesting raptors or migratory birds are present in the vicinity of the brushing, clearing or grading.
- 6) The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of PDS that such an agreement or permit is not required:
 - a) A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands.
 - b) A Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Wildlife for all project related disturbances of any streambed.
- 7) A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:
 - a) The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources, and this permit. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
 - b) The Project Archeologist shall provide evidence that a Kumeyaay Native American has been contracted to perform Native American Monitoring for the project.
 - c) The cost of the monitoring shall be added to the grading bonds or bonded separately.
 - d) A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:
 - i) DPR Primary and Archaeological Site forms.
 - ii) Daily Monitoring Logs
 - e) Evidence that the disposition of all cultural materials has been completed which may include but is not limited to the following:
 - i) Prehistoric archaeological materials collected during the grading monitoring program shall be submitted and curated at a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to

other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

- ii) Historic materials shall be curated at a San Diego curation facility, as identified above and shall not be curated at a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- iii) If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

- 8) A County Approved Principal Investigator (PI) known as the "Project Paleontologist," shall be contracted to perform paleontological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The paleontological monitoring program shall include the following:
- a) Monitoring of excavation operations to discover unearthed fossil remains, generally involving monitoring of ongoing excavation activities (e.g., sheet grading pads, cutting slopes and roadways, basement and foundation excavations, and trenching). A Paleontological Resources Monitor must have at least one year of experience in field identification and collection of fossil materials.
 - b) Salvaging of unearthed fossil remains, typically involving simple excavation of the exposed specimens, but possibly also plaster-jacketing of individual large and/or fragile specimens, or more elaborate quarry excavation of richly fossiliferous deposits.
 - c) Recording of stratigraphic, geologic and geographic data to provide a context for the recovered fossil remains, including accurate plotting (mapping) on grading plans and standard topographic maps of all fossil localities, description of lithologies of fossil-bearing strata, measurement and description of the overall stratigraphic section (unless considered by the project paleontologist to be infeasible), and photographic documentation of the geologic setting.
 - d) Laboratory preparation (cleaning and repair) of collected fossil remains to the point of identification (not exhibition), generally involving removal of enclosing sedimentary rock material, stabilization of fragile specimens (using glues and other hardeners), and repair of broken specimens.
 - e) Curating of prepared fossil remains, typically involving scientific identification and cataloguing of specimens; and entry of data into one or more accredited institutional (museum or university) collection (specimen/species lot and/or locality) databases. Curation is necessary so that the specimens are available for scientific research.
 - f) Transferal, for archival storage, of cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections and photographs to an accredited institution (museum or university) in California that maintains paleontological collections, preferably:
 - i) San Diego Natural History Museum
 - ii) Los Angeles County Museum
 - iii) San Bernardino Museum of Natural History

- iv) University of California Museum of Paleontology, Berkeley
 - v) Anza-Borrego Desert State Park (if the fossils were salvaged in the desert).
 - g) Preparation of a final report summarizing the results of the field investigation, laboratory methods, stratigraphic information, types and importance of collected fossils, and any necessary graphics to document the stratigraphy and precise fossil collecting localities.
- 9) As determined in the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, A Report shall be submitted to determine the extent of any soil contamination at the reported soil sample locations detailed in the Revised Limited Phase II Environmental Soil Residue Assessment, July 2015, Petra GeoSciences INC. The ESA and any potential work plan shall be prepared and implemented pursuant to the DEH SAM Manual.
- a) Enrollment in the DEH Voluntary Assistance Program (VAP) is required to review and approve the Revised Phase II ESA report.
 - b) For the contaminated soil, a full assessment and remediation shall be completed under supervision of the VAP or LOP as required. All required grading work shall comply with the County of San Diego Grading Ordinance 87.101 et seq. If a grading permit is required for the remediation work, it shall be issued for the remediation work only.
- 10) A California Licensed Environmental Consultant company shall prepare a Soil Management Plan (SMP), for the remediation of hazardous materials as identified above. The plan shall be prepared and implemented pursuant to the DEH SAM Manual under direction from the DEH SAM:
- a) Enrollment in the DEH, Voluntary Assistance Program (VAP) is required. All soil remediation shall be completed under supervision of the SAM/VAP.
 - b) All above ground (AST) and underground storage tanks (UST) shall be removed under permit from DEH if contamination is discovered from a AST or UST, then compliance enrollment in the DEH, LOP is required.
 - c) All required grading work shall comply with the County of San Diego Grading Ordinance 87.101 et. al. If a grading permit is required for the remediation work, it shall be issued for the remediation work only.
 - d) If the Director of PDS determines the remediation work will take an enormous amount of time that would be detrimental to ultimate project implementation, approval of other engineering plans and/or issuance of other project permits may be permitted as long as there is no risk of effects to public health and safety. Concurrence from the DEH is required, and the applicant shall enter into a secured agreement for the completion of the remediation work.
- 11) A signed, stamped addendum to the Revised Limited Phase II ESA shall be prepared by a Registered Engineer or Professional Geologist. The addendum shall include the following information or as modified by DEH:
- a) Documentation that the soil sampling occurred between six inches and six feet (depending on the type of contamination) in depth.
 - b) Findings which identify whether onsite soils in this location exceed regulatory screening levels for pesticides, fertilizers, petroleum, heavy metals, or other contaminants.
 - c) If contaminated soils are detected, provide a letter from DEH stating that a VAP work plan has been prepared and approved to remediate contaminated soils.
 - d) If contaminated soils are detected, provide a copy of the contract and a signed sealed statement from the Registered Engineer or Professional Geologist, which states that

they will implement the VAP work plan. Grading required to implement the site remediation activities is permitted.

- 12) Grant to the County of San Diego a Right of Entry (ROE) to allow ongoing access to the remediation for contaminated soils on a DEH case number (to be determined), located at 2657 Sweetwater Springs Boulevard, Spring Valley, per the current agreement between the DEH and Sweetwater Spring Tentative Map (PDS2014-TM-5588). Upon completion of remediation activities, the ROE Agreement will become null and void.
- 13) All soil remediation shall be completed, and all contamination hazards removed pursuant to the Department of Environmental Health (DEH), Voluntary Assistance Program (VAP) or the DEH, Local Oversight Program (LOP) as determined.
- 14) The following noise design and noise attenuation measures shall be implemented and constructed pursuant to the approved Landscape Plans:
 - a) Sound barriers shall be installed, located facing and screening Jamacha Boulevard. Additionally, the noise walls would have a return design, running north and south, further extending the ends of the sound walls (please see Figure 2-C and Section 2.4 for a conceptual sound wall design and layout within the Noise Report prepared by LDN Consulting dated March 25, 2015) and as referenced within the Landscape Plan. The sound wall would be located on top of slope at the rear yards of the units.
 - b) Any proposed alternative methods, or the reduction and/or addition of the noise barrier(s) maybe approved if Noise Element conformance can be demonstrated while no new impacts are a result of the updated noise barrier design.
- 15) A Noise Restriction Easement shall include the entire property and shall comply with the following:
 - a) Prior to the approval of any Building Plan and issuance of any Building Permit, a County Approved Acoustical Consultant, shall perform an acoustical analysis, which demonstrates that the proposed residential dwelling units would not be exposed to present and anticipated future noise levels exceeding the allowable sound level limit of the General Plan community noise equivalent levels (CNEL) of 45 dB for interior noise, and a (CNEL) of 65 dB for exterior noise levels. Exterior noise sensitive land uses include all Group or Private Usable Open Space as defined by the General Plan Noise Element (Table N-1 & N-2).
 - i) Future traffic noise level estimates, must utilize a Level of Service "C" traffic flow for Jamacha Boulevard and Sweetwater Springs Boulevard which is its designated General Plan Mobility Element buildout roadway classification.
 - ii) The acoustical analysis shall make recommendations that shall be implemented in the project design and building plans, so the proposed structures (interior noise levels) and project site (exterior noise levels) can comply with the noise standards referenced above.
 - iii) The unauthorized removal of documented noise control measures at a future date after the initial installation of noise control measures and satisfaction of this mitigation, must be rectified before any future building permits can be approved and issued; affected noise sensitive land uses are subject to this building restriction regardless of unauthorized removal of documented noise control measures

- 16) Prior to the approval of any Building Plan and issuance of any Building Permit, the applicant shall prepare the acoustic analysis and incorporate the proposed project design recommendations and mitigation measures, into the Building Plans. The applicant shall submit the acoustical analysis along with the building plans to the [PDS, BD] for review and approval before the building permits can be issued. To the satisfaction of the [PDS, PCC], the applicant shall revise the building plans or site design to incorporate any additional noise control measures necessary to meet the requirements of this mitigation.
- a) Any proposed alternative methods, or the reduction and/or addition of the noise barrier(s) maybe approved if Noise Element conformance can be demonstrated while no new impacts are a result of the updated noise barrier design.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- 1) **Sweetwater Authority.** The applicant shall provide evidence they complied with Sweetwater Authority Resolution 84-8, as amended, to the satisfaction of the Sweetwater Authority.
- 2) **Jamacha Blvd (SR 54),** along the project frontage, in accordance with Public Road Standards for a Major Road (4.1.A) with painted median, and bike lane, to a graded width of fifty-six feet (56') from centerline and to an improved width of forty-five feet (45') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk. Face of curb at forty-five feet (45') from centerline. Provide taper transitions to meet existing improvements. Provide sandblasting and slurry seal where existing road striping will be removed.
- 3) **Jamacha Blvd (SR 54) and Folex Way's intersection,** improve the following:
 - a) Install a north leg of the existing traffic signal intersection.
 - b) Construct an eastbound left-turn lane into the project's access road, Street A on Jamacha Blvd.
 - c) Restripe the northbound left turn lane to a shared thru/left-turn lane.
- 4) **Sweetwater Springs Blvd (SA 970),** along the project frontage, in accordance with Public Road Standards for a Major Road (4.1.A) with raised median, and bike lane, to a graded width of fifty-five feet (55') from centerline and to an improved width of forty-five feet (45') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk. Face of curb at forty-five feet (45') from centerline. Provide taper transitions to meet existing improvements. All of the above shall be to the satisfaction of the Director of PDS.
- 5) **Street "A"** in accordance with Public Road Standards to a graded width of sixty feet (60') [thirty feet (30') from centerline] and to an improved width of forty feet (40') [twenty feet (20')

from centerline] with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, attached sidewalk, with face of curb at twenty feet (20') from centerline. Furthermore, improve the following:

- a) Onsite, install a sign for right-in and right-out movements only.
 - b) Construct a median on Sweetwater Springs Blvd (SA 970) that would prohibit outbound left-turn movements.
 - c) Construct a southbound left-turn lane into Street "A" on Sweetwater Springs Blvd.
 - d) All of the above shall be to the satisfaction of the Director of PDS.
- 6) **Street "A"** shall terminate with a cul-de-sac graded to a radius of forty-eight feet (48') and surfaced to a radius of thirty-eight feet (38') with asphalt concrete pavement over approved base with Portland cement concrete curb gutter and sidewalk with face of curb at thirty-eight feet (38') from the radius point to the satisfaction of the San Miguel Fire Protection District and San Diego County Fire Authority.
- a) Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.
- 7) All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the [Land Development Improvement Plan Checking Manual](#) and the [Community Trails Master Plan](#). The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. The applicant shall complete the following:
- a) Process and obtain approval of Improvement Plans to improve Jamacha Blvd, Sweetwater Springs Blvd, and Street "A".
 - b) Provide Secured agreements require posting security in accordance with [Subdivision Ordinance Sec. 81.408](#)
 - c) Upon approval of the plans, pay all applicable inspection fees.
- 8) If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- 9) Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the San Miguel Fire Protection District.
- a) The securities and improvement agreements shall be approved by the Director of PDS.
- 10) Relinquish access rights onto **Sweetwater Springs Blvd (SA 970)** along the project frontage except for one access opening as shown on the approved Tentative Map.
- 11) Relinquish access rights onto **Jamacha Blvd (SR 54)** along the project frontage except for one access opening as shown on the approved Tentative Map.

- 12) The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.
- 13) In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.E of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified.
- a) A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is _____ feet of unobstructed intersectional sight distance in both directions along **Jamacha Blvd** from the project access in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of 650 as described in Table 5 based on a speed of 60 which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
 - b) A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is _____ feet of unobstructed intersectional sight distance in both directions along **Sweetwater Springs Blvd** from Street "A" in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of 450 as described in Table 5 based on a speed of 45 which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
 - c) If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- 14) In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities.
- a) All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface.
 - b) The applicant shall sign a statement that they are aware of the County of San Diego Pavement Cut Policy and submit it to the [PDS, LDR] for review.
 - c) Prior to the approval improvement plans and the approval of the map the letters shall be submitted for approval.
- 15) In order to promote orderly development and to comply with the Community Master Trails Plan, the applicant shall improve the trail along Jamacha Boulevard to the public park,

consistent with the conceptual plans, as part of the Park Site Plan described in the requirements for PLDO-Compliance-Dedication of Public Park Lands described below.

- a) The trail shall be improved to the satisfaction of the Department of Parks and Recreation. The trail/pathway shall be constructed pursuant to the Community Trails Master Plan Design and Construction Guidelines and the Park Site Plan described in the PLDO-Compliance-Dedication of Public Park Lands requirements.
 - b) The applicant shall prepare improvement plans and provide securities for the construction of the trail in accordance with the PLDO requirements below.
 - c) Prior to the approval of the first Final Map and prior to approval of any grading permits, the applicant shall improve the trail/pathway or the trails plan, associated agreements and securities shall be approved.
- 16) In order to promote orderly development and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11\)](#), [County Watershed Protection Ordinance \(WPO\) No.10096](#), [County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed.
- 17) All the onsite private storm drain systems shall be maintained by a maintenance mechanism such as a homeowners association or other private entity to the satisfaction of the Director of PDS.
- a) Establish a maintenance agreement / mechanism (to include easements) to assure maintenance of the Category 2 post-construction best management practices (BMP's). Provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of PDS.
 - b) Prior to the approval of the Final Map, execution of the agreements and securities shall be completed.
- 18) In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10096](#) and all other applicable ordinances and standards for this priority project.
- a) The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Management Plan (SWMP) and Stormwater Protection Plan (SWPP) including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipaters, and silt control measure.
- 19) An agreement and instrument of credit shall be provided pursuant to [Subdivision Ordinance 81.408](#), for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the [County of San Diego Grading Ordinance Section 87.304\(e\)](#). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.
- a) An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw

any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed.

20) The applicant shall provide the letter of agreement and any additional security and or cash deposit to the [PDS, LDR] for approval with the final submittal of all grading and improvement plans for the subdivision and required improvements as indicated above.

- a) Prior to the approval of the subdivision map, the agreement and securities shall be executed.
- b) The [PDS, LDR] shall ensure that the agreement and the securities provided adequately satisfy the requirements of this condition to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. The [DPW, PDC] shall use the securities pursuant to the agreement to implement and enforcement the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

21) Prior to issuance of the first grading permit, the applicant shall provide evidence to PDS that they have purchased and retired carbon credits, in the amount of 995 metric tons (MT) of CO₂ equivalent (CO₂e) (note: this number reflects all the construction-related GHG emissions after applying all other mitigation and reductions along with a one-time vegetation loss) pursuant to the performance standards and requirements described below.

- a) Construction emissions include all grading, site preparation, vegetation removal, worker trips, building construction and architectural coatings related to GHG emissions. This mitigation measure would reduce the construction-related GHG emissions to zero. Carbon offsets shall be purchased through a CARB-approved registry, such as the Climate Action Reserve, American Carbon Registry, or Verified Carbon Standard. If no CARB-approved registry is in existence, then the applicant or its designee shall purchase carbon offset credits from any other reputable registry or entity that issues carbon offsets consistent with Cal. Health & Saf. Code section 38562(d)(1), to the satisfaction of the Directory of PDS.
- b) The County will consider, to the satisfaction of the Director of PDS, the following geographic priorities for GHG reduction features, and carbon offset projects: 1) project design features/on-site reduction measures; 2) off-site within the unincorporated areas of the County of San Diego; 3) off-site within the County of San Diego; 4) off-site within the State of California; 5) off-site within the United States; and 6) off-site internationally.

22) Prior the recordation of the first final map, the Project applicant or designee shall provide evidence to County PDS that the Projct applicant or designee has purchased and retired carbon offsets in a quantity sufficient to offset, for a 30-year period, the operational GHG emissions of the project to net zero.

- a) The project's operational emissions would be 1,137 MT CO₂e at the time of full buildout. Therefore, the project will need to reduce the annual emissions by 1,137 MT CO₂e/year, for a 30-year period (project life) or a total of 34,110 MT, the operational GHG emissions needed for the project to net zero. The "project life" is 30 years, which is consistent with the methodology used by the South Coast Air Quality Management

District's GHG guidance (SCAQMD 2008). Carbon offsets shall be purchased through a CARB-approved registry, such as the Climate Action Reserve, American Carbon Registry, or Verified Carbon Standard. If no CARB-approved registry is in existence, then the applicant or its designee shall purchase carbon offset credits from any other reputable registry or entity that issues carbon offsets consistent with Cal. Health & Saf. Code section 38562(d)(1), to the satisfaction of the Director of PDS.

- b) The County will consider, to the satisfaction of the Director of PDS, the following geographic priorities for GHG reduction features, and carbon offset projects: 1) project design features/on-site reduction measures; 2) off-site within the unincorporated areas of the County of San Diego; 3) off-site within the County of San Diego; 4) off-site within the State of California; 5) off-site within the United States; and 6) off-site internationally.

23) Prior to occupancy, the project applicant or its designee will construct a bus stop on Jamacha Boulevard along the project frontage as shown on the site or improvement plans in accordance with the project's conditions of approval.

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

- 1) **STORMWATER ORDINANCE COMPLIANCE:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and County Watershed Protection Ordinance (WPO) No.10096, County Code Section 67.801 et. seq. and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.
- 2) **LOW IMPACT DEVELOPMENT NOTICE:** On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):
 - a) http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf.
 - b) <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>.

- c) The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link above.
- 3) **GRADING PERMIT REQUIRED:** A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of excavation or eight feet (8') of cut/fill per criteria of [Section 87.201 of the County Code](#).
- 4) **CONSTRUCTION PERMIT REQUIRED:** A Construction Permit is required for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3284, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.
- 5) **ENCROACHMENT PERMIT REQUIRED:** An Encroachment Permit is required from the Department of Public Works for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.
- 6) In order to comply with the County of San Diego Park Lands Dedication Ordinance (PLDO) Section 810.105(a) and in order to receive PLDO credit, the public park shall be fully developed and a final Park Site Plan approved.
- a) Prior to recordation of the first Final Map, obtain approval of a final Park Site Plan (that includes construction documents and/or grading and/or improvement plans) that conforms to the concept park plan in the Conceptual Landscape Plan for Tentative Map PDS2014-TM-5588 dated July 9, 2015 and Site Plan PDS2014-STP-14-015 dated July 9, 2015, and park design and construction standards as specified by DPR.

AND

- b) The park site improvements identified in the final approved Park Site Plan shall be constructed, and fee title to public park site conveyed to the County by grant deed free of encumbrances, as evidenced by an Environmental Site Assessment and a California Land Title Association Policy provided by the applicant and approved by the Director of DPR. The applicant may satisfy the preceding requirement by entering into an agreement with the County, prior to recordation of the first Final Map, to construct the park site improvements and convey fee title to the 2.08 acre public park in the manner specified in the agreement. This agreement shall be accompanied by security sufficient to cover the cost of all improvements per the approved Park Site Plan and in the form and amount specified by the DPR Director to ensure the applicant's performance of the terms of the agreement.
- 7) The applicant shall complete the following:

- a) Process and obtain approval from the Director of Parks and Recreation of a final Park Site Plan [as mentioned above].
 - b) Submit Environmental Site Assessment and California Land Title Association Policy for approval by Director of Parks and Recreation prior to conveyance of public park fee title.
 - c) Convey fee title by Grant Deed of public park site that has been constructed in accordance with the Final Park Site Plan and is free of encumbrances.
 - d) Enter into a Secured Agreement with the County that ensures construction of park site and conveyance of public park fee title in the manner specified above prior to recordation of first Final Map.
 - e) Prior to the approval of the first Final Map and prior to approval of any grading permits.
- 8) Establish a Community Facilities District (CFD) or other funding mechanism approved by the DPR to fully fund the operation and maintenance of the 2.08 acre Public Park.
- a) The CFD or other funding mechanism shall have the capacity to generate enough revenue to fund the annual operation and maintenance of the 2.08 acre Public Park as determined by the DPR. In addition to the tax on developed parcels, this CFD or other funding mechanism shall include an "undeveloped land tax" which will allow revenue to be generated on all undeveloped parcels/lots within the CFD.
 - b) Prior to recordation of a Final Map and prior to approval of any grading permits.
- 9) In order to provide adequate Landscaping that complies with the [County of San Diego's Water Efficient Landscape Design Manual](#) and the County's Water Conservation in Landscaping Ordinance, and to meet the requirements of the B Designator, a Landscape Plan shall be prepared for the residential portion of the project. The Landscape Plan is not intended to include private building envelope areas or the dedicated public park. The park lot will have a separate Park Site Plan as described under PLDO Compliance, Dedication of Public Park Lands.
- a) The Landscape Documentation Package shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer and include the following information:
 - b) Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall obtain an Application to Plant, Remove or Trim Shrubs or Trees in County Road Right-of-Way and an Application to Encroach Upon County Highway from the Land Development Permit Counter approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit shall be submitted to PDS prior to final approval.
 - c) A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used, which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
 - d) A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.

- e) The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
 - f) Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
 - g) The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
 - h) No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
 - i) Additionally, the following items shall be addressed as part of the Landscape Plan: Please be aware that recent revisions to the ET Adjustment Factor have been made by the State that affect the Maximum Applied Water Allowance formula within the Water Efficient Landscape Worksheet. Effective June 1, 2015, the ETAF will now be 0.55 instead of 0.7, and Special Landscape Areas will now be 0.45 instead of 0.3. The new formula shall be: $MAWA = (ETo) (0.62) \{(0.55 \times LA) + (0.45 \times SLA)\}$.
 - j) Please also be aware that the California Department of Water Resources is currently updating their Model Water Efficient Landscape Ordinance with new regulations to become effective on November 1, 2015. The County will be required to update their Water Conservation in Landscape Ordinance to be at least as effective as the States. Sweetwater Village will be required to adhere to the most current version of the Landscape Ordinance at time of final approval of their Landscape Documentation Package.
 - k) No invasive or fire prone vegetation shall be planted or allowed to establish itself within the storm water basins.
 - k) The project will plant a minimum of 244 trees within the project site as referenced within the Landscape Plan, which is equivalent to two trees per unit.
- 10) The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), submit them to the [PDS, PCC], and pay all applicable review fees.
- a) Prior to the approval of the map for subdivision and prior to the approval of any plan and issuance of any permit, the Landscape Plans shall be prepared and approved.
- 11) The project shall comply with the following temporary construction noise control measures:
- a) Turn off equipment when not in use.
 - b) Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.
 - c) Use equipment with effective mufflers
 - d) Minimize the use of back up alarm.
 - e) Equipment staging areas should be placed at locations away from noise sensitive receivers.
- 12) The project shall comply with the following Air Quality measures:

- a) Two applications of water will be applied during grading between dozer/scrapper passes, as necessary. Additional watering or acceptable non-toxic SDAPCD dust control agents will be applied during dry weather or windy days until dust emissions are not visible.
 - b) Dirt storage piles will be enclosed, covered, watered three times daily, if necessary, or stabilized by chemical binders, tarps, fencing or other non-toxic erosion control according to manufacturers' specification.
 - c) A 15-mile per hour (mph) speed limit will be enforced on unpaved surfaces.
 - d) On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather.
 - e) Haul trucks hauling dirt, sand, soil, or other loose materials will be covered or two feet of freeboard will be maintained.
 - f) When active construction ceases on the site, disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the County and/or SDAPCD to reduce dust generation.
 - g) All unpaved areas on the project site where maintenance activities would occur (e.g., around PV systems) will be dust controlled through the use of a permeable soil-binding agent that shall be biodegradable, eco-safe, and contain liquid copolymers that stabilize and solidify soils or aggregates and facilitate dust suppression
 - h) After completion of grading, all internal unpaved roadways as well as the fire access road shall be covered with a permeable rock material consisting of either decomposed granite or gravel. If desired, the access roads may be paved, chip sealed, or chemically stabilized.
 - i) Sweepers or water trucks will be used to remove "track-out" at any point of public street access.
 - j) Grading will be suspended if winds exceed 25 mph or if visible dust plumes emanate from a site; disturbed areas will be stabilized if construction is delayed.
- 13) In accordance with the SDAPCD Rule 55 - Fugitive Dust Control, no dust and/or dirt will leave the property line. The following measures would be implemented to ensure the requirements of this rule are met:
- a) Airborne Dust Beyond the Property Line: No person will engage in construction or demolition activity subject to this rule in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60-minute period.
 - b) Track-out/Carry-out: Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out will be minimized by the use of any of the following erosion control measures:
 - c) Track-out grates or gravel beds at each egress point
 - d) Wheel-washing at each egress during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and for outbound transport trucks
 - e) Secured tarps or cargo covering, watering, or treating of transported material
 - f) Removed at the conclusion of each work day when active operations cease, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only particulate matter smaller than 10 microns in diameter (PM10)-efficient street sweepers certified to meet the most current South Coast Air

Quality Management District (SCAQMD) Rule 1186 requirements will be used. The use of blowers for removal of track-out/carry-out will be prohibited under any circumstances.

- g) These actions shall occur throughout the duration of the construction activities.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

San Diego County Board of Supervisors

on Hearing Date



David Sibbet, Planning Manager
Project Planning Division

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