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DEVELOPMENT SERVICES
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501

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CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24007991

SITE DEVELOPMENT PERMIT NO. PMT-2188971,
MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT, AND VERNAL POOL HABITAT
CONSERVATION PLAN MAJOR AMENDMENT
SOUTHWEST VILLAGE SPECIFIC PLAN - PROJECT NO. PRJ-0614791 [MMRP]
CITY COUNCIL

This Site Development Permit No. PMT-2188971 is granted by the City Council of the City of San Diego to Tri Point Homes IE-SD, Inc., Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0505. The project site is currently vacant land located in the Southwest Village Specific Planning Area 8 through Planning Area 14 (**Phase 1**) and includes 182.90 acres south of State Route 905 and east of Interstate 805 and is within the Agricultural—Residential (AR-1-1) Zone, the Airport Land Use Compatibility (Imperial Beach NOLF and Brown Field) Overlay Zone, ALUCP Airport Influence Area (Imperial Beach NOLF – Review Area 2 and Brown Field – Review Area 2), High to Moderate Paleontological Sensitivity Areas, Multiple Habitat Planning Area, Brush Management (Native/Naturalized Vegetation), the Very High Fire Severity Zone, and Geologic Hazard Category (21, 22, 27, and 53) of the Otay Mesa Community Plan. The project site is legally described as: A portion of the Northwest Quarter of the Southeast Quarter of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-04), together with Parcels 1, 2, 3 of Parcel Map 7065, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County March 27, 1978 (APN 645-061-06, 07, and 08), together with Parcel No. 4 of Parcel Map No. 7065 of the City of San Diego, File No. 78118945 of 27 March 1978 (APN 645-061-09), and together with Parcel 1 of Parcel Map 21823, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County December 10, 2020 as File No. 2020-70000416 (APN 667-010-34).

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct 920 multiple dwelling (condominiums) units including 92 affordable units (**Phase 1: Planning Area 8 through Planning Area 14**), Beyer Boulevard West from West Avenue to Specific Plan boundary, northern half of Beyer Boulevard East from future Caliente Avenue to West Avenue, Central Avenue from Caliente Avenue to Beyer Boulevard, Street A from west of West Avenue to the western terminus of Street A, West Avenue from Beyer Boulevard to

future Street C, Secondary Emergency Vehicle Access Road from the eastern terminus of Beyer Boulevard East to Rail Court, and rough grading within **Planning Area 15 through Planning Area 20**, in addition to other water, sewer and transportation infrastructure improvements as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

- a. **Phase 1 (Planning Area 8 through Planning Area 14):** 920 multiple dwelling (condominiums) units, including 92 affordable units:
 - Planning Area 8: 185 multiple dwelling units, including 92 affordable units.
 - Planning Area 9: 95 multiple dwelling units.
 - Planning Area 10: 130 multiple dwelling units.
 - Planning Area 11: 168 multiple dwelling units.
 - Planning Area 12: 76 multiple dwelling units.
 - Planning Area 13: 170 multiple dwelling units.
 - Planning Area 14: 96 multiple dwelling units.
- b. **Beyer Boulevard West:** A modified 4-lane urban collector configuration is proposed for the western section of Beyer Boulevard beginning at the intersection with West Avenue and extending to the San Ysidro community, with the right-of-way width reduced due to environmental constraints – biological resources and geological hazards – to the maximum extent possible. This modified version of the 4-lane urban collector (built as 2-lanes due to environmental constraints) includes one travel lane in each direction, a sidewalk on the south side only, and buffered class II bike lanes on each side. Beyer Boulevard West is required to be constructed at the 700th dwelling unit or earlier in Phase 1.
- c. **Beyer Boulevard East:** A modified 4-lane urban major with class I bike path and buffered class II bike lanes on each side is proposed for Beyer Boulevard East.
- d. **Central Avenue:** A modified 2-lane collector with buffered class II bike lanes from Caliente Avenue to Beyer Blvd.
- e. **Street A:** A modified 2-lane collector with buffered class II bike lanes from West Ave to the terminus of Street A.
- f. **West Avenue:** A modified 2-lane collector with two-way center left turn lane and class II bike lane with buffer on the west side and class I bike path on the east side from Beyer Boulevard to Street B.
- g. **Secondary Emergency Vehicle Access Road:** This road extends from the eastern terminus of Beyer Boulevard East to Rail Court and is required prior to the 201st dwelling unit if Beyer Boulevard West is not completed.
- h. Rough grading within Planning Area 15 through Planning Area 20.

- i. Deviations from the Environmentally Sensitive Lands Wetland Deviation, and Historical Resources Deviation for Important Archaeological Sites and Traditional Cultural Properties.
- j. Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA), and a Vernal Pool Habitat Conservation Plan (VPHCP) Major Amendment.
- k. Landscaping (planting, irrigation, and landscape-related improvements).
- l. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by **[ENTER DATE 3 years, AFTER THE APPEAL TIME]**.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of the Southwest Village Specific Plan and this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but

not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP] and Vernal Pool Habitat Conservation Plan [VPHCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO18394, and as provided for in Section E of Permit Number TE97791C-0, executed on August 3, 2018. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP and VPHCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the

discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

12. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

14. The mitigation measures specified in the MMRP and outlined in SUBSEQUENT ENVIRONMENTAL IMPACT REPORT NO. PRJ-0614791/SCH #2004051076 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in SUBSEQUENT ENVIRONMENTAL IMPACT REPORT NO. PRJ-0614791/SCH #2004051076, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Land Use
Biological Resources
Historical Resources
Human Health/Public Safety/Hazardous Materials
Hydrology/Water Quality
Geology/Soils

Noise
Paleontological Resources
Traffic/Circulation
Tribal Cultural Resources

16. Trail Restoration. Where project disturbance is located within 50 feet of a proposed primitive trail (100 feet total width), the Owner/Permittee shall ensure restoration of disturbed trail alignments be completed with the establishment of formal primitive trails (4 feet wide maximum) prior to dedication of land to the City or other entity for long-term management. Restoration within the 100-foot-wide trail buffer shall be limited to disturbed areas, including existing disturbed trail alignments that are not planned to be part of the formal trail network and non-native grassland and disturbed habitat areas located within the 100-foot-wide trail buffer. Habitat enhancement shall occur within disturbed maritime succulent scrub, disturbed wetlands, and vernal pools and all other native habitats and jurisdictional resources shall be left in their existing condition. Trail restoration shall occur pursuant to the Trails Restoration Plan prepared by Recon Environmental dated August 2024 for the project to the satisfaction of the City DSD's Mitigation Monitoring Coordination (MMC) and MSCP.

17. Artificial Burrows. Prior to any ground disturbance within areas containing San Diego button celery, San Diego barrel cactus, snake cholla, Quino Checkerspot butterfly host or nectar plants, vernal pools, or suitable habitat for western spadefoot, the Owner/Permittee shall ensure installation of a berm within the proposed vernal pool and Quino checkerspot butterfly (*Euphydryas editha quino*) restoration area that shall provide habitat for burrowing owl (*Athene cunicularia*). The berm is to include pilot holes offering artificial burrow locations within the project's mitigation lands in order to expand opportunities for burrowing owl nesting locations within the Otay Mesa area. Berm construction shall be completed pursuant to the Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan prepared by Recon Environmental dated November 11, 2024, for the project to the satisfaction of the DSD's MMC, MSCP, and Wildlife Agencies. The berm with artificial burrows shall be completed by the Owner/Permittee prior to dedication of land to the City or other entity for long-term management.

18. Noise - Temporary Pump Station Enclosures. The Owner/Permittee shall ensure all noise producing equipment such as electric pumps; heating, ventilation, and air conditioning units; and emergency generators associated with temporary sewer pump stations within Phase 1 be located within a masonry block building. This shall be confirmed to the satisfaction of the City Engineer prior to issuance of the first residential occupancy permit(s) in Phase 1.

19. Noise Walls. The Owner/Permittee shall ensure installation of a 6-foot barrier along the southern perimeter of the backyards along East Beyer Boulevard between West Avenue and Central Avenue in PA 10 at dwelling units 1 through 4 and buildings 35 and 36 prior to occupancy of said structures. The installation of such barriers shall be confirmed to the satisfaction of the City Engineer prior to the issuance of an occupancy permit for said structures.

20. Noise- Balcony Railings. The Owner/Permittee shall ensure installation of a 3.5-foot solid balcony railing at balconies facing Beyer Boulevard East and West, West Avenue, and Caliente Avenue in PA 8 at buildings 1, 12, 13, 16, 17, 18, 19, 20, and 21; and in PA 11 at buildings 75, 76, 80,

81, 82, and 83. The installation of such railings shall be installed to the satisfaction of the City Engineer prior to the issuance of an occupancy permit for said structures.

21. Wildfire Hazards -Alternative Compliance. Prior to occupancy of dwelling units in PA 10 (dwelling units 13 through 19, 27 through 29, and buildings 52 through 54), PA 12 (dwelling units 63 and 88 through 98), and PA 14 (dwelling units 117 through 135), the Owner/Permittee shall comply with the City's FPB Policy B-18-01, "Mitigation for Reduced Brush Management Zones" (CFC Chapter 49, CBC Chapter 7A, California Residential Code Section R337, SDMC Section 142.0412). Alternative compliance shall generally include increased fire rating of walls, upgraded openings with dual-glazed, dual-tempered panes along brush side of structures plus a 10-foot perpendicular return along adjacent fire rated wall faces. The modifications shall be recorded with the approved permit conditions if approved as part of a development permit or noted in the permit file if approved as part of a construction permit to the satisfaction of the DSD's Landscape, Fire, and Structural sections.

22. Waste Management Plan. The Owner/Permittee shall comply with the Waste Management Plan prepared by Recon Environmental dated June 14, 2024, and shall be enforced and implemented to the satisfaction of the Environmental Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

23. Prior to the issuance of any residential building permit associated with this Project, the Owner/Permittee shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

AIRPORT REQUIREMENTS:

24. Prior to issuance of a building permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING REQUIREMENTS:

25. Prior to the issuance of the 201st building permit if Beyer Boulevard West to Enright Drive is not constructed, the Owner/Permittee shall obtain a Letter of Permission from the US Border Patrol for an emergency vehicle access (EVA) route.

26. The Site Development Permit No. 2188971 and Planned Development Permit No.2188970 shall comply with all conditions of the Vesting Tentative Map No. 2188969.

27. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for all private storm drain systems and

connections, enhanced pavers, landscape, street trees, and irrigation located in the City's right-of-way, satisfactory to the City Engineer.

28. Prior to the issuance of any building permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

29. Prior to the issuance of any building permit, the Owner/Permittee shall submit a Technical Report based on the stormwater standards in effect at the time of the construction permit issuance. The report will be subject to final review and approval by the City Engineer.

30. Prior to the issuance of any building permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

31. Prior to issuance of any construction permit for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

32. Prior to issuance of any construction permit for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

33. Prior to issuance of any construction permit for building (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)(6).

34. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction Plans is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

36. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" on file in the Development Services Department.

37. The Brush Management Program shall be based on a standard Zone One of 35-ft in width and Zone Two of 65-ft in width, exercising the Zone Two reduction option and Alternative Compliance measures set forth under sections 142.0412(f), 142.0412(i), and 142.0412(j) of the Land Development Code.

38. Alternative Compliance: Where composite brush management zone(s) are less than standard minimums, alternative compliance measures shall be implemented per 142.0412(i) through (j) and shall comply with the City of San Diego FPB Policy B-18-01, "Mitigation for Reduced Brush Management Zones" to the satisfaction of the Fire Chief.

39. Prior to issuance of any construction permit for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

40. Prior to issuance of any construction permit for building, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A" on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.

41. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

42. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

VERNAL POOL MANAGEMENT AND MONITORING PLAN (VPMMP) ADMINISTRATION AND REPORTING REQUIREMENTS:

VERNAL POOL HABITAT CONSERVATION PLAN AVOIDANCE AND MINIMIZATION MEASURES

43. Section 5.2 of the VPHCP requires indirect impacts to conserved vernal pools to be minimized by requiring development projects adjacent to the hard line preserve to comply with MHPA Land

Use Adjacency Guidelines in addition to the VPHCP Section 5.2.1 avoidance and minimization measures, detailed below.

1. Any development adjacent to the MHPA shall be constructed to slope away from the extant pools to be avoided, to ensure that runoff from the project does not flow into the pools.
2. Covered projects shall require temporary fencing (with silt barriers) of the limits of project impacts (including construction staging areas and access routes) to prevent additional vernal pool impacts and prevent the spread of silt from the construction zone into adjacent vernal pools. Fencing shall be installed in a manner that does not impact habitats to be avoided. Final construction plans shall include photographs that show the fenced limits of impact and all areas of vernal pools to be impacted or avoided. If work inadvertently occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the City. Temporary construction fencing shall be removed upon project completion.
3. Impacts from fugitive dust that may occur during construction grading shall be avoided and minimized through watering and other appropriate measures.
4. A qualified monitoring biologist that has been approved by the City shall be present during project construction activities to ensure compliance with all mitigation measures identified in the CEQA environmental document. The biologist shall be knowledgeable of vernal pool species biology and ecology. The biologist shall perform the following duties:
 - a. Oversee installation of and inspect the fencing and erosion control measures within or upslope of vernal pool restoration and/or preservation areas a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately.
 - b. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
 - c. Train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training shall include (1) the purpose for resource protection; (2) a description of the vernal pool species and their habitat(s); (3) the conservation measures that must be implemented during project construction to conserve the vernal pool species, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project-level analysis area by fencing); (4) environmentally responsible construction practices as outlined in Measures 5, 6, and 7 below; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and (6) the general

- provisions of the project's mitigation monitoring and reporting program, the need to adhere to the provisions of FESA, and the penalties associated with violating FESA.
- d. Halt work, if necessary, and confer with the City to ensure the proper implementation of species and habitat protection measures. The biologist shall report any violation to the City within 24 hours of its occurrence.
 - e. Submit regular (e.g., weekly) letter reports to the City during project construction and a final report following completion of construction. The final report shall include as-built construction drawings with an overlay of habitat that was impacted and avoided, photographs of habitat areas that were avoided, and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all conservation measures was achieved.
5. The following conditions shall be implemented during project construction:
- a. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.
 - b. The project site shall be kept as clean of debris as possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site.
 - c. Disposal or temporary placement of excess fill, brush, or other debris shall be limited to areas within the fenced project footprint.
6. All equipment maintenance, staging, parking, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering the vernal pools or their watersheds and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from the vernal pools or their watersheds. Contractor equipment shall be checked for leaks prior to operation and repaired, as necessary. A spill kit for each piece of construction equipment shall be available and must be used in the event of a spill. "No fueling zones" shall be designated on construction plans.
7. Grading activities immediately adjacent to vernal pools shall be timed to avoid wet weather to minimize potential impacts (e.g., siltation) to the vernal pools unless the area to be graded is at an elevation below the pools. To achieve this goal, grading adjacent to avoided pools shall comply with the following:
- a. Grading shall occur only when the soil is dry to the touch both at the surface and 1 inch below. A visual check for color differences (i.e., darker soil indicating moisture) in the soil between the surface and 1 inch below indicates the soil is dry.
 - b. After a rain of greater than 0.2-inch, grading shall occur only after the soil surface has dried sufficiently as described above, and no sooner than 2 days (48 hours) after the rain event ends.

- c. To prevent erosion and siltation from storm water runoff due to unexpected rains, BMPs (e.g., silt fences) shall be implemented as needed during grading.
 - d. If rain occurs during grading, work shall stop and resume only after soils are dry, as described above.
 - e. Grading shall be done in a manner to prevent runoff from entering preserved vernal pools.
 - f. If necessary, water spraying will be conducted at a level sufficient to control fugitive dust but not to cause runoff into vernal pools.
 - g. If mechanized grading is necessary, grading will be performed in a manner to minimize soil compaction (i.e., use the smallest type of equipment needed to feasibly accomplish the work).
8. Prior to project construction, topsoil shall be salvaged from the impacted vernal pools or road ruts with fairy shrimp consistent with the requirements of the approved mitigation plan (e.g., free of versatile fairy shrimp). Vernal pool soil (inoculum) shall be collected when dry to avoid damaging or destroying fairy shrimp cysts and plant seeds. Hand tools (e.g., shovels and trowels) shall be used to remove the first 2 inches of soil from the pools. Whenever possible, the trowel shall be used to pry up intact chunks of soil, rather than loosening the soil by raking and shoveling, which can damage the cysts. The soil from each pool shall be stored individually in labeled boxes that are adequately ventilated and kept out of direct sunlight in order to prevent the occurrence of fungus or excessive heating of the soil and stored off-site at an appropriate facility for vernal pool inoculum. Inoculum from different source pools shall not be mixed for seeding any restored pools, unless otherwise approved by the City and Wildlife Agencies. The collected soils shall be spread out and raked into the bottoms of the restored pools. Topsoil and plant materials salvaged from the upland habitat areas to be impacted shall be transplanted to, and/or used as a seed/cutting source for, the upland habitat restoration/creation areas to the maximum extent practicable as approved by the City.
9. Permanent protective fencing shall be used along any interface with developed areas and/or other measures approved by the City to deter human and pet entrance into on- or off-site habitat shall be installed. Fencing shall be shown on the development plans and should have no gates (accept to allow access for maintenance and monitoring of the biological conservation easement areas) and be designed to prevent intrusion by pets. Signage for the biological conservation easement area shall be posted and maintained at conspicuous locations. The requirement for fencing and/or other preventative measures shall be included in the project's mitigation program.
44. **ANNUAL REPORTS AND PRESERVE MANAGEMENT PLAN** Prior to July 31 following the first year of management and annually thereafter, a brief annual report summarizing the status of the preserve, monitoring survey results, and all major management tasks will be prepared and provided to the City of San Diego City Planning Department. The report shall discuss the previous year's management and monitoring activities as well as management/monitoring anticipated in the upcoming year. It shall provide a concise and complete summary of management and monitoring

methods, monitoring results, rainfall totals, identify new management issues and the need for any adaptive management resulting from monitoring, address management issues raised in the previous year's report, report on the success or failure of management approaches (based on monitoring). New sensitive species or significant changes in status of sensitive species in the preserve should be discussed in the annual report. Photos from the photo monitoring stations shall be attached to the report. The annual report shall also provide a financial summary describing expenditures for the year, and the status of the endowment.

45. **DATA MANAGEMENT** Prior to July 31 following the first year of management and annually thereafter, the Qualified Preserve Manager shall submit monitoring data collected utilizing the City's standardized data collection method to the Planning Department. Monitoring data shall be collected by qualified City staff, consultants, nonprofits, or other trained individuals that have been approved by the City and Wildlife Agencies. Collection of the information shall be done in a standardized method, consistent with the VPMMP, and would include sufficient information needed to determine the status of a complex.

46. **BUDGET/ENDOWMENT MANAGEMENT** Implementation of the VPMMP shall be paid for by funds provided by a start-up payment for the first three years of management, as well as an annual operation fund or non-wasting cash endowment, unless otherwise approved by the City or similar secure funding method in an amount approved by the City and Wildlife agencies. Lincoln Property Company, or their successors and assigns, would be responsible for funding that generates a minimum of \$8,300 annually, which is the annual cost identified by the City for Level 1 management (City 2020). If an endowment is used for the funding, the endowment shall be held by a qualified entity, such as The San Diego Foundation. The Preserve Manager shall have a duty of loyalty and shall not use the funds for its own personal benefit. The entity is expected to act as a prudent investor of the funds. These safeguards shall ensure that the funds shall be available for long-term management in perpetuity.

47. **OPERATIONS AND STAFFING** A City-approved Preserve Manager who meets the City's qualifications shall be responsible for implementation of in the field management and monitoring efforts. Weeding and specific management efforts requiring significant labor shall be conducted by landscape maintenance crews overseen by the Preserve Manager. The Preserve Manager shall oversee implementation of the VPMMP, as well as provide budget oversight.

48. Prior to issuance of any construction permits for extension of Beyer Boulevard West to Enright Drive, a Major Amendment to the VPHCP to address impacts within West Otay A and West Otay B properties and the Furby-North Preserve due to the proposed Beyer Boulevard extension shall be processed as a Permit Amendment in accordance with all applicable Federal and State statutory and regulatory requirements.

PLANNING/DESIGN REQUIREMENTS:

49. Prior to issuance of any construction permit, construction documents shall demonstrate compliance with the approved Exhibit "A", including the Southwest Village Specific Plan.

50. Prior to the issuance of any construction permit, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands

that are outside the allowable development area on the premises shown on Exhibit "A" for Sensitive Biological Resources and Steep Hillides in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on "Exhibit A".

51. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the SDMC's requirements. All on-site parking stalls and aisle widths shall be in compliance with the City's Land Development Code and shall not be converted and/or utilized for any other purpose unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

52. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

53. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

54. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS:

55. The total average daily trips (ADT) resulting from the Southwest Village Specific Plan shall not exceed 57,225 ADT with 4,777 AM (1,569 in, 3,208 out) peak hour trips and 5,948 PM (3,695 in, 2253 out) peak hour trips at project buildout. A traffic Monitoring Worksheet shall be included with each development project within the Southwest Village Specific Plan submitted for review, documenting total trips, peak hour trips (AM and PM and both inbound and outbound) associated with the specific development and the accumulated total traffic and accumulated total peak hour trips (AM and PM and both inbound and outbound) associated with all development within Southwest Village Specific plan up to date, to the satisfaction of the City Engineer. The traffic Monitoring Worksheet shall be updated and submitted by each applicant until the full development of the Southwest Village Specific Plan has been completed.

56. Prior to the issuance of any building permit, the Owner/Permittee shall record reciprocal access easements in favor of all affected parcels within the VTM-1 to the satisfaction of the City Engineer.

57. Prior to the issuance of any building permit, the Owner/Permittee shall record a Joint Use Driveway/Mutual Access Agreement (DS-3248) in favor of all affected parcels within the VTM-1, to the satisfaction of the City Engineer.

58. Prior to the issuance of any building permit, the Owner/Permittee shall pay the Active Transportation In Lieu fee to the City of San Diego.

PHASE 1A IMPROVEMENTS: Phase 1a represents 200 dwelling units within Planning Areas 8-10 of VTM-1.

59. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of two (2) 26-foot-wide driveways along Central Ave within Planning Areas 8, 9, and 10 as shown on Exhibit "A" per current City standards, to the satisfaction of the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 1a.

60. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of Caliente Ave from the southern terminus to Central Ave as a 6 lane Major (striped as a 5 lane Major with 2 southbound lanes and 3 northbound lanes due to the southbound 2 Lane pavement width constraint alongside the San Ysidro High School parcel) with a 22-foot wide parkway with non-contiguous sidewalk and buffered Class II bike lanes and Class I bike path (Class I on the east side only) per current City standards to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1a.

61. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a T-intersection at Caliente Ave/Central Ave as a three-leg all-way stop-controlled intersection with a single approach lane in the eastbound and westbound directions, and two approach lanes in the southbound direction, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1a.

62. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of Central Ave from Caliente Avenue to the entrance of Planning Areas 8, 9, and 10 as 45 ft on 69 ft (Sta. 10+50 to 19+50) of ROW and 38 ft on 62 ft (Sta. 19+50 to 27+00) of ROW 2 Lane Collector with a 12-foot wide parkway with non-contiguous sidewalk and buffered Class II bike lanes on each side per current City standards, to the satisfaction of the City Engineer. This segment will end with a temporary cul-de-sac immediately south of the intersection of Central Ave/PA 8-9-10 access. These improvements shall be completed and operational prior to first occupancy of Phase 1a.

63. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond a traffic signal modification to upgrade the traffic controller to provide City current 2070 signal controller, including software update and communications equipment at the intersection of Caliente Ave/Ocean View Hills/Otay Mesa Road per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1a.

64. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond a traffic signal modification to upgrade the traffic controller to provide City current 2070 signal controller including software update and communications equipment at the intersection of Caliente Ave/SR-905 EB on ramp per current City standards and Caltrans standards, to the satisfaction of the City Engineer and Caltrans Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1a.

65. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond a traffic signal modification to upgrade the traffic controller to provide City current 2070 signal controller including software update and communications equipment at the intersection of Caliente Ave/Airway Road per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1a.

PHASE 1B IMPROVEMENTS: Phases 1a and 1b represents a total of 699 dwelling units within Planning Areas 8-10 and 11-14 of VTM-1.

66. Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall construct a 20 ft wide secondary emergency only access with rolled curb, gate, and Knox box at the eastern end of Beyer Boulevard East (at the intersection of Beyer Blvd East and future Caliente Ave) as shown on Exhibit "A", to the satisfaction of the City of San Diego City Engineer and Fire Marshal. All improvements shall be completed and operational prior to first occupancy in Phase 1b (201st dwelling unit).

67. Prior to issuance of the first building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall reconstruct an existing utility road as a 20 ft wide secondary emergency access only road from the eastern end of Beyer Boulevard (at the intersection of Beyer Blvd East and future Caliente Av) to an existing border access road as shown on Exhibit "A", satisfactory to the City Engineer and Fire Marshal. All improvements shall be completed and operational prior to first occupancy in Phase 1b (201st dwelling unit).

68. Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of two (2) 26-foot wide driveways and one (1) 26-foot wide emergency access only driveway with removable bollards along Beyer Boulevard East within Planning Areas 8 and 10, as shown on Exhibit "A" per current City standards, to the satisfaction of the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 1b (201st dwelling unit).

69. Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of a 26-foot-wide driveway along West Avenue within Planning Area 11 as shown on Exhibit "A" per current City standards, to the satisfaction of the City Engineer. All improvements shall be completed and operational prior to the first occupancy in Phase 1b (201st dwelling unit).

70. Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of four (4) 26-foot-wide driveways along Street A within Planning Areas 11, 12, 13 and 14 as shown on Exhibit "A" per current City standards, to the satisfaction of the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 1b (201st dwelling unit).

71. Prior to issuance of the first building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the intersection reconfiguration of Caliente Ave/SR-905 WB Ramps to install a second northbound left turn lane (through re-striping on the bridge over SR-905), widen and construct a second receiving lane to the westbound (WB) on-ramp

and ensure the merge taper to the freeway main lanes from the additional lane comply with HDM Topic 504.3(d)(e), re-stripe the number one left turn lane from 100 feet of storage to 300 feet of storage to a trap left turn lane that in conjunction with the existing left turn lane will become the dual left turn lanes, upgrade the traffic controller to provide City current 2070 signal controller including software update and communications equipment and any required signal modifications per current City standards, to the satisfaction of the City Engineer and Caltrans. These improvements shall be completed and operational prior to first occupancy of Phase 1b (201st dwelling unit).

72. Prior to issuance of the first building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of Central Ave from the temporary cul-de-sac (to be removed) just south of the entrance of Planning Areas 8-9-10 south to Beyer Blvd as a 45 ft on 69 ft of ROW 2 Lane Collector with a 12-foot wide parkway with non-contiguous sidewalk and buffered Class II bike lanes per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1b (201st dwelling unit).

73. Prior to issuance of the first building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of half width improvements (on the north side only) of Beyer Blvd East from West Avenue to Caliente Ave (with a temporary cul-de-sac at the eastern terminus) as an interim 38 ft on 58 ft of ROW modified 2-lane collector roadway with a 20-foot wide parkway with non-contiguous sidewalk and buffered Class II bike lane and Class I bike path per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1b (201st dwelling unit).

74. Prior to the issuance of any building permit within Planning Areas 11, 12, 13, or 14 (south of Beyer Blvd), the Owner/Permittee shall assure by permit and bond the construction of West Ave from Beyer Blvd to Street A as a an interim 39 ft on 53 ft of ROW 2 lane collector with center left turn lane and 14-foot wide parkway with non-contiguous sidewalk and buffered Class II bike lane (on the west side only) and the intersection of West Ave/Beyer Blvd per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of any dwelling unit within PAs 11, 12, 13, or 14 (south of Beyer Boulevard).

75. Prior to the issuance of any building permit within Planning Areas 11, 12, 13, or 14 (south of Beyer Blvd), the Owner/Permittee shall assure by permit and bond the construction of West Ave from Street A to the southern cul-de-sac terminus as an interim 39 ft on 51 ft of ROW 2 lane collector and 12-foot wide parkway with non-contiguous sidewalk (on the west side only) and buffered Class II bike lane (on the west side only) and a permanent cul-de-sac per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of any dwelling unit within PAs 11, 12, 13, or 14 (south of Beyer Boulevard).

76. Prior to the issuance of any building permit within Planning Areas 11, 12, 13, or 14 (south of Beyer Blvd), the Owner/Permittee shall assure by permit and bond the construction of Street A from West Ave to the western cul-de-sac terminus as a 52 ft on 76 ft of ROW 2-lane collector roadway and 12-foot wide parkway with non- contiguous sidewalk and buffered Class II bike lanes, permanent cul-

de-sac at the terminus of Street A per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of any unit within Planning Areas 11, 12, 13, or 14 (south of Beyer Boulevard).

77. Prior to the issuance of any building permit within Planning Areas 11, 12, 13, or 14 (south of Beyer Blvd), the Owner/Permittee shall assure by permit and bond the construction of West Ave/Beyer Blvd with a temporary cul-de-sac bulb west of the intersection of West Ave/Beyer Blvd per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of any unit within Planning Areas 11, 12, 13, or 14 (south of Beyer Boulevard)

78. Prior to the issuance of any building permit within Planning Areas 11, 12, 13, or 14 (south of Beyer Blvd), the Owner/Permittee shall assure by permit and bond the construction of Central Ave/Beyer Blvd as a three-leg all way stop-controlled intersection with a single lane on each approach per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of any unit within Planning Areas 11, 12, 13, or 14 (south of Beyer Boulevard)

79. Prior to issuance of the first building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of West Ave/Street A as a three-leg side-controlled (west leg) intersection with a single lane on each approach per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy in Phase 1b (201st dwelling unit)

PHASE 1C IMPROVEMENTS: Phases 1a, 1b and 1c represent a total of 920 dwelling units within Planning Areas 8-10 and 11-14 of VTM-1.

80. Prior to the issuance of any building permit in Phase 1c (700th dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of four (4) 26-foot-wide driveways along West Avenue within Planning Areas 11, 12, and 14 as shown on Exhibit "A" per current City standards, to the satisfaction of the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 1c (700th dwelling unit).

81. Prior to issuance of the first building permit in Phase 1c (700th dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of Beyer Blvd West (including installation of wildlife crossings) from West Avenue to Enright Drive as a 44 ft on 53 ft of ROW modified 4 lane collector (built with 2 lanes due to environmental constraints) with an 8-foot wide parkway with non-contiguous sidewalk (on the south side only) and buffered Class II bike lanes to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy in Phase 1c (700th dwelling unit).

82. Prior to issuance of the first building permit in Phase 1c (700th dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of asphalt berm on the north side of Beyer Boulevard from Old Otay Mesa Road/E. Beyer Boulevard to Enright Drive and restripe Beyer Boulevard to provide a 2-lane collector and buffered Class II bike lanes per current City

standards, to the satisfaction of the City Engineer. This will require the elimination of on-street parking on the south side of Beyer Boulevard in this area. These improvements shall be completed and operational prior to first occupancy in Phase 1c (700th dwelling unit).

83. Prior to issuance of the first building permit in Phase 1c (700th dwelling unit), the Owner/Permittee shall assure by permit and bond the installation of bicycle detector loops in the westbound approach at the intersection of Otay Mesa Road/East Beyer Blvd and Beyer Blvd via a traffic signal modification plan per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1c (700th dwelling unit).

84. Prior to issuance of the first building permit in Phase 1c (700th dwelling unit), the Owner/Permittee shall assure the restriping/reconfiguration of the Enright Dr/Beyer Blvd intersection with a separate eastbound right turn lane, separate westbound left turn lane, with an existing stop sign on the minor south leg (Enright Drive) via a signing and striping plan per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy in Phase 1c (700th dwelling unit).

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

85. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.

86. Prior to the issuance of any construction permit for building, the Owner/Permittee shall assure, by permit and bond, the design and construction of new public water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the public right of way adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer.

87. Prior to the issuance of any construction permit for building, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private Backflow Prevention Device(s) [BFPDs], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Department and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

88. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private sewer facilities encroaching into the Public Right-of-Way.

89. Prior to the construction of the 801st unit, the Owner/Permittee shall submit a condition assessment report for the analysis of the Princess Park and Ocean View Hills Pump Stations in a manner satisfactory to the Public Utilities Department.

90. Prior to the construction of the 31st dwelling unit, the Owner/Permittee shall assure, by permit and bond the design and construction of the dual 16" public water mains within the right-of-

way as depicted on the approved water study titled Addendum No. 1 to the Water System Analysis for the Southwest Village VTM 1 Water Study in the City of San Diego, in a manner satisfactory to the Public Utilities Department and the City Engineer.

91. Prior to the construction of the 801st dwelling unit, the Owner/Permittee shall assure, by permit and bond, the design and construction of the 16" public water mains within Otay Mesa Road and Beyer Boulevard right-of-way as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Department and the City Engineer.

92. Prior to the construction of the PA-11, PA-12, PA-13, and PA-14 development, the Owner/Permittee shall assure, by permit and bond the abandonment of the easterly pipe of the dual water mains within the Caliente Avenue, Central Avenue, and Beyer Boulevard right-of-way, as depicted on the approved water study titled Addendum No. 1 to the Water System Analysis for the Southwest Village VTM 1 Water Study in the City of San Diego, in a manner satisfactory to the Public Utilities Department and the City Engineer.

93. After the City's operational acceptance for the public backbone water system for the Southwest Village Specific Plan, as depicted on the approved water study titled Addendum No. 1 to the Water System Analysis for the Southwest Village VTM 1 Water Study in the City of San Diego, the Owner/Permittee shall abandon the easterly pipe on the dual water main within the West Avenue right-of-way, in a manner satisfactory to the Public Utilities Department and the City Engineer.

94. Prior to the construction of the 801st dwelling unit, the Owner/Permittee shall assure, by permit and bond the design and construction of all necessary public water mains and upgrades to the Princess Park Pump Station as depicted on the approved water study titled Water System Analysis for the Southwest Village VTM 1 Project in the City of San Diego, in a manner satisfactory to the Public Utilities Department and the City Engineer.

95. Prior to the construction of the 801st dwelling unit, the Owner/Permittee shall assure, by permit and bond, the design and construction of 8", 12", 15", and 18" public sewer mains within right-of-way as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Department and the City Engineer.

96. Prior to the construction of the 801st dwelling unit, the Owner/Permittee shall assure, by permit and bond the design and construction of 27" and 30" public sewer mains within the right-of-way south of Beyer Blvd, as depicted on the approved sewer study titled Sewer Study for the Southwest Village VTM 1 Project in the City of San Diego, in a manner satisfactory to the Public Utilities Department and the City Engineer

97. Prior to the occupancy of the 801st dwelling unit, the Owner/Permittee shall abandon the private lift station and force mains in a manner satisfactory to the Public Utilities Department and the City Engineer.

98. The Owner/Permittee shall be responsible for any damage caused to the City of San Diego water and sewer facilities within the vicinity of the project site due to the construction activities

associated with this project in accordance with San Diego Municipal Code Section 142.0607. Should such damage occur, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Department and the City Engineer.

99. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

100. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

GEOLOGY REQUIREMENTS:

101. The Owner/Subdivider shall submit an as-graded geotechnical report prepared in accordance with the City's Guidelines for Geotechnical Reports following the completion of grading. Given the proximity of landslides and bedding plane shears in the area of the proposed development on and adjacent to the County of San Diego property that was not investigated, cut slopes in this area must be mapped during grading. The as-graded report should verify that cut slopes were observed and mapped during grading by an engineering geologist to verify that the soil and geologic conditions do not differ significantly from those anticipated. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of Development Services prior to the recordation of the Final Map, exoneration of the bond, and grading permit close-out.

102. Prior to the issuance of any construction permits (either grading or building permit), the Owner/Permittee shall record a Notice of Geologic and Geotechnical Conditions against the property or parcel containing the proposed emergency vehicle access roadway alignment regarding the underlying landslide.

PARKS AND RECREATION REQUIREMENTS:

103. The Owner/Permittee shall ensure that no invasive trees or plants are planted adjacent to City fee-owned open space or open space parcels to be conveyed to the City in the future.

104. The Owner/Permittee shall ensure that there is no overspray or irrigation runoff on adjacent City fee-owned open space or open space parcels to be conveyed to the City in the future.

105. The Owner/Permittee shall ensure that there are no temporary or permanent construction impacts to adjacent City fee-owned open space that are not part of the off-site improvements for the extension of Beyer Boulevard West.

106. The Owner/Permittee shall ensure that no private easements, encroachments, remedial grading or sub-surface infrastructure occur on adjacent City-fee owned open space parcels that are not part of the off-site improvements for the extension of Beyer Boulevard West or open space parcels to be conveyed to the City in the future.

107. The Owner/Permittee shall ensure that all project brush management requirements are addressed on private property and do not impact City fee-owned open space or open space parcels to be conveyed to the City in the future.

108. The Owner/Permittee shall ensure Parks and Recreation Department review and approval of any grading plans or public improvement plans prior to permit issuance.

109. The Owner/Permittee shall provide yearly maintenance and monitoring of the stormwater discharge facilities located on Lot 3 that outfall onto City-fee owned open space on the east side of the property to ensure that no erosional impacts occur on the City land. If erosional impacts do occur onto adjacent City land, Owner/Permittee shall be responsible for any damage on City land and shall make adjustments to the stormwater outfall facilities to prevent further erosional impacts from occurring to the satisfaction of the Parks and Recreation Department Director.

110. Prior to final inspection of the first building permit, the Owner/Permittee shall provide public pedestrian and vehicular access through the project Covenants, Conditions and Restrictions (CC&R's) over the private driveways as indicated on the approved Exhibit A plans Sheets titled Recreation Easement South and Recreation Easements North. All public pedestrian pathways and vehicular access drives shall be maintained by the Owner/Permittee, Homeowners Association or other private maintaining party.

111. Prior to final inspection of the first dwelling unit in the development, the Owner/Permittee shall prepare and obtain Parks and Recreation Department Director or designee approval of General Development Plans for 5.61 acres of recreational facilities satisfying population-based requirements including trail amenity areas, pocket parks, paseos and trails as indicated on the approved Exhibit A plan sheets titled Recreation Easement South and Recreation Easements North. The General Development Plans shall be in conformance with the City of San Diego Park Design Manual, and the City of San Diego Council Policy 600-33 COMMUNITY NOTIFICATION AND INPUT FOR CITY-WIDE PARK DEVELOPMENT PROJECTS, which requires community input, recommendation for approval from the Community Recreation Group, and final approval by the City of San Diego Parks and Recreation Board.

112. The Owner/Permittee shall agree to comply with the Park Development Standard Terms and Conditions or prior to final inspection of the first dwelling unit in the development, enter into a fully executed Park Development Agreement (PDA) with the City for the design and construction of 5.61 usable acres of privately owned and privately maintained recreational facilities satisfying population-based park requirements in accordance with all of the following:

- a. The Owner/Permittee shall ensure Parks and Recreation review and approval of park construction plans prior to submittal of the plans to Development Services Department for permitting.
- b. The Owner/Permittee shall provide a performance and payment bond for the design and construction of the population-based parks and recreational facilities to the satisfaction of the City Engineer.
- c. The construction of the population-based parks and recreational facilities is subject to prevailing wages in accordance with Article IV in the Park Development Standard Terms and Conditions and sections 1720-through 1861.

113. Prior to final inspection of the first dwelling unit in the development, the Owner/Permittee shall enter into a fully executed Park Maintenance Agreement (PMA) for the long-term maintenance of 5.61 recreational facilities satisfying population-based requirements including trail amenity areas, pocket parks, paseos and trails as indicated on the approved Exhibit A plan sheets titled Recreation Easement South and Recreation Easements North.

114. The Parks and Recreation Department shall retain responsibility for the permitting and operations of 5.61 acres of recreational facilities satisfying population-based requirements.

115. All parks, recreational facilities and public urban trails within the project boundaries with a recorded Recreation Easement shall be designed and constructed in accordance with all Disability Access Laws, all federal, state and local accessibility laws, regulations and standards including but not limited to the applicable version of the Americans with Disabilities Act (ADA), Title II Regulations 28 CFR Part 35 and 35.151, including the 2010 ADA Standards for Accessible Design, (Appendix A of 28 CFR PART 36) (ADAS); The State of California Code of Regulations (CCR), including the current California Building Code (CBC) and the current California Access Compliance Reference Manual; and City of San Diego Access Memorandums.

116. The Owner/Permittee shall ensure that all storm water facilities on land satisfying population-based park requirements shall not impede the public recreational use of the facilities, except as reasonably necessary to perform routine or remedial maintenance. The Owner/Permittee, Homeowners Association, or other private maintaining party may conduct such maintenance, including temporary, limited closures, provided that public access is restored promptly upon completion.

117. Any substantial deviations from the approved General Development Plans for 5.61 acres of recreational facilities satisfying population-based requirements may require the Owner/Permittee to process a General Development Plan Amendment in accordance with Council Policy 600-33.

118. Prior to issuance of any construction permit for parks, recreational facilities, and public urban trails within the project boundaries with a recorded Recreation Easement, the Parks and Recreation Department shall review and approve of grading, public improvement, and park construction plans.

119. The Owner/Permittee shall ensure that any Substantial Conformance Review (SCR) construction permit for parks, recreational facilities, and public urban trails within the project boundaries with a recorded Recreation Easement shall be reviewed by Parks and Recreation for consistency with the approved Permit Conditions.

120. The Owner/Permittee shall ensure that the public right of way for street purposes for the extension of Beyer Boulevard West through designated parkland parcel APN 638-070-71 do not exceed 1.82 acres.

121. Within 3 months of issuance of this discretionary permit, the Owner/Permittee shall provide to the Parks and Recreation Department an engineered exhibit of the Beyer NP park parcel APN 638-

070-71 with a final legal description of the limits of the public right of way for the future Beyer Boulevard West road within this park parcel for the City's use in recording a grant deed restriction to satisfy California State Parks Office of Grants and Local Services (OGALS) grant funding requirements of which the City is awarded approximately \$13,694,205.

122. Prior to issuance of a construction permit for the Beyer Boulevard West Road, the Owner/Permittee shall provide the Parks and Recreation Department with a rendered General Development Plan Amendment for the Beyer Community Park with the Beyer Boulevard West Road extension included to the satisfaction of the Parks and Recreation Director or designee.

123. The Owner/Permittee shall ensure that all off-site improvement construction plans for the extension of Beyer Boulevard West project do not adversely impact the Beyer Community Park future improvements and stay within the limit of grading boundary indicated on the approved Exhibit A drawings.

124. The Owner/Permittee shall ensure that all stormwater drainage associated with the construction of the extension of Beyer Boulevard West including the drainage from the manufactured slopes and wildlife undercrossing is directed, channeled, and treated separately in a manner that ensure the project does not adversely impact the Beyer Community Park drainage facilities. Beyer Boulevard West Road improvements including the regional basin adjacent to the park shall not modify any improvements constructed with Cal State Grant funding associated with the Beyer Community Park improvements.

125. The Owner/Permittee shall ensure that any contractor doing work on City fee-owned parkland enters into a Right of Entry Permit to the satisfaction of the Parks and Recreation Director or designee prior to entering dedicated parkland in accordance with all of the following:

- a. Parks and Recreation review and approval of off-site improvement construction plans on City fee owned land prior to submittal to Development Services Department and that the plans accommodate the City's planned improvements at Beyer Community Park.
- b. A performance and payment bond for the design and construction of the off-site improvements be provided to the satisfaction of the City Engineer.
- c. The construction of the off-site improvements is subject to prevailing wages in accordance with Article IV in the Park Development Standard Terms and Conditions and sections 1720-through 1861.

126. Any project off site mitigation that occurs on land that will be conveyed to the City of San Diego in fee title shall meet all of the following requirements:

- a. Long Term Management Plan and Estimate, and Property Analysis Record (PAR) are executed to the satisfaction of the City of San Diego Parks and Recreation Director or designated appointee.
- b. Lot(s) are free and clear of all private easements, private encroachments, private agreements and/or liens.
- c. All trash, illegal use and associated structures on the lot(s) are removed to the satisfaction of the City of San Diego Parks and Recreation Director or designated appointee prior to the City acceptance.

- d. For the duration of the maintenance and monitoring period, submit quarterly inspection reports to the City of San Diego Parks and Recreation Open Space Division
- e. Continue to provide plant establishment and maintenance periods until all success criteria requirements are met to the satisfaction of the City of San Diego Parks and Recreation Director or designated appointee.
- f. Lot(s) to be deeded to the City are inspected and accepted by the City of San Diego Parks & Recreation Department, Open Space Division.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on [INSERT Approval Date] and [Approved Resolution Number].

Site Development Permit No. PMT-2188971,
Date of Approval: XX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Oscar Galvez
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**