

RESOLUTION NUMBER R- 316859

DATE OF FINAL PASSAGE JUL 06 2026

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT
NO. PMT-2188971 AND MULTI-HABITAT PLANNING AREA
BOUNDARY LINE ADJUSTMENT FOR THE SOUTHWEST
VILLAGE SPECIFIC PLAN - PROJECT NO. PRJ-0614791
(MMRP).

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. Tri Pointe Homes IE-SD, Inc., Owner, submitted an application to the City of San Diego for Site Development Permit No. PMT-2188971 to construct 920 multiple dwelling (condominium) units, including 92 affordable units in Southwest Village Specific Plan Phase 1 (Planning Area 8 through Planning Area 14), Beyer Boulevard West from West Avenue to the 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 Phase 2 (Planning Area 15 through Planning Area 20) and a portion of Phase 4 (Planning Area 1, Planning Area 2, and Planning Area 7), in addition to other water, sewer, and transportation infrastructure improvements (as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval), for the Southwest Village Specific Plan project (Project).

B. The 182.90 acre site is located north of the United States/Mexico international border; east of Interstate 805 (I-805); south of State Route 905 (SR-905); and west of the Central Village Specific Plan area 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, Vernal Pools, Brush Management (Native/Naturalized Vegetation), the Very High Fire Hazard 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 City of San Diego, County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-04), together with Parcels 1, 2, 3 and 4 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 on March 27, 1978 (APN 645-061-06, 07, 08 and 09), 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 on December 10, 2020 as File No. 2020-70000416 (APN 667-010-34), together with the Northeast Quarter of the Southwest Quarter of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-02), together with Government Lots 3 and 4 of Section 31, Township 18 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-10), together with the Southeast Quarter of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter, both in Section 36, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 638-070-74) and together with the Southwest Quarter of the Southeast Quarter of Section 36, Township 18 South, Range 2 West, San Bernardino

Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 638-070-71).

C. The Project includes a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment.

D. On May 7, 2026, the Planning Commission of the City of San Diego considered Site Development Permit No. PMT-2188971 and voted to recommend Council approval of the Project pursuant to Resolution No. 5380-PC.

E. On July 6, 2026, the Council considered Site Development Permit No. PMT-2188971 pursuant to the Land Development Code of the City of San Diego.

F. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

G. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council adopts the following findings with respect to Site Development Permit No. PMT-2188971 (SDP):

A. SITE DEVELOPMENT PERMIT – San Diego Municipal Code (SDMC) Section 126.0505(a), Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan.

The proposed Southwest Village Specific Plan (Specific Plan) includes approximately 490 acres within the Otay Mesa Community Plan Area and is generally bordered by State Route 905 to the north, State Route 125 to the east, the United States/Mexico border to the south, and Interstate 805 to the west. The Southwest Village Specific Plan is divided into 30 planning areas (Specific Plan, Figure 2.1).

The Project site includes 182.90 acres of vacant land located in the Specific Plan area and proposes the construction of 920 multiple dwelling (condominium) units, including 92 affordable units (Specific Plan Phase 1: Planning Area 8 through Planning Area 14), Beyer Boulevard West from West Avenue to Enright Drive in the San Ysidro Community Plan area, 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 Street A's western terminus, 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 Specific Plan Phase 2 (Planning Area 15 through Planning Area 20) and a portion of Specific Plan Phase 4 (Planning Area 1, Planning Area 2, and Planning Area 7), in addition to other water, sewer, and transportation infrastructure improvements.

The Otay Mesa Community Plan Update (Community Plan) identifies the Specific Plan area as one of two opportunities for village areas within the Community Plan and designates the project site as "Neighborhood Village" (Community Plan, Figure 2-1) with future roadway connections via Caliente Avenue and Beyer Boulevard.

The Specific Plan Land Use Plan includes the proposed land uses for Southwest Village and the location of the planning areas (PAs). The Specific Plan proposes a maximum of 5,130 residential units—both "for-sale" and/or "for rent" opportunities and a mix of housing types such as town homes, flats, row homes, courtyard units, lofts, shopkeeper units, senior housing, and assisted care units.

The Project has been designed to implement the policies of the Community Plan including the Land Use Element of the Community Plan (Page LU-14) which includes several policies and recommendations for the Southwest Village area.

Community Plan Policy 2.1-2(b) states: "Provide a land use map that illustrates the detailed land use designations, including any lands set aside for resource conservation, consistent with the MSCP Subarea Plan and any future Vernal Pool Habitat Conservation Plan."

Various land use types are designated throughout the Specific Plan. Figure 2.1 depicts the various land use designations, including open space areas that have been conserved under the Multiple Species Conservation Program (MSCP) and Vernal Pool Habitat Conservation Plan (VPHCP).

The Project has been designed to locate development on mesa areas and avoid landslide hazard areas, steep slopes, and canyons in the Specific Plan area. Sensitive habitats are identified in the Multi-Habitat Planning Area (MHPA) and VPHCP areas.

Project roadways, Caliente Avenue and Beyer Boulevard, were designed with respect to the topography and location of conserved open space in the Specific Plan, which identifies preserved areas of open space. Most of the eastern areas in the Specific Plan identified as open space are included in the VPHCP. However, the Project and Specific Plan would involve a proposed MHPA boundary line adjustment (BLA) and a future VPHCP Major Amendment (MA) requiring approval of the City and United States Fish and Wildlife Service (USFWS) and modifications of California Department of Fish and Wildlife (CDFW) conservation easements due to encroachment to MHPA and VPHCP 100% conserved lands.

As detailed in Table 5.1-8 of the Southwest Village Specific Plan Subsequent Environmental Impact Report No. 0614791 (SCH No. 2004051076) (SEIR), MHPA and VPHCP 100% conserved lands deletions of sensitive vegetation communities would total 30.36 acres, while overall MHPA additions of conserved sensitive vegetation communities would total 44.25 acres, resulting in a net increase of 13.89 acres of conserved sensitive vegetation communities.

Overall, the BLA would result in a net increase of 8.65 acres of Diegan coastal sage scrub and a net increase of 7.46 acres of non-native grassland areas suitable for vernal pool restoration. Wetland vegetation community acreages would increase after the BLA, including the enhancement of disturbed wetlands to create vernal pools and increase the quality of wetland resources within the additional areas.

The Project includes extension of Beyer Boulevard West through two parcels that are subject to conservation easements held by California Department of Fish and Wildlife (CDFW) (APNs 645-061-1000 and 645-061-0200). The Project includes a future amendment of these easements to allow the proposed Beyer Boulevard West to cross these two parcels. This amendment process would comply with California Fish and Game (Fish and Game) Code section 1348.3, which allows for modifications to conservation easements provided a sufficient land exchange is provided. The final requirements of the proposed exchange would include negotiations with CDFW and comply with the Wildlife Conservation Board approval process.

The Project has been conditioned to demonstrate compliance with applicable California laws, procedures, and agency approvals pertaining to the modification, amendment, and/or vacation of conservation easements, including, but not limited to applicable provisions of the California Government Code, Code of Civil Procedure

and Fish and Game Code, for the amendment, modification, or vacation of Conservation Easements affecting real properties designated as APN 645-061-10 and APN 645-061-02, granted in favor of the State of California (SDP Condition No. 51).

Community Plan Policy 2.1-2(c) states: “Illustrate the complete circulation system that, where possible, follows a grid pattern, and indicate how the system will relate to the overall Otay Mesa circulation system.”

Community Plan Policy 3.4-1(c) recommends “Class I bikeways along Caliente Road, Beyer Boulevard and the south side of Airway Road.” The Project implements these policies with permit conditions requiring the construction of the following public roads, which include Class I bike paths along Beyer Boulevard East from Caliente Avenue to West Avenue.

The Project would also require amendments to the City of San Diego General Plan (General Plan) and the Mobility Element of the Community Plan to modify Beyer Boulevard and Caliente Avenue as noted below:

- a. Caliente Avenue, between Beyer Boulevard East and Central Avenue, would be modified from a Six-Lane Major Arterial to a Modified Four-Lane Urban Collector during Phase 2 of the Specific Plan.
- b. Beyer Boulevard West, between Enright Drive and West Avenue, would be modified from a Four-Lane Major to a Modified Four-Lane Urban Collector built with two lanes and Class II bike lanes. The Project is conditioned to require provision of 53 feet of right-of-way for Beyer Boulevard West from West Avenue to Enright Drive for the construction of a 44-foot curb-to-curb width with an 8-foot parkway (on the south side only) concurrent with recordation of the first final map in Phase 1c (at 700th dwelling unit) (Vesting Tentative Map No. PMT-2188969 (VTM) Condition No. 39 and SDP Condition No. 88).
- c. Beyer Boulevard East, between West Avenue and Caliente Avenue, would be modified from a Four-Lane Major to a Modified Four-Lane Urban Major Street with Class I Bike Path and Class II bike lanes. The Project is conditioned to require dedication of 58 feet (half width) of right-of-way for Beyer Boulevard East from West Avenue to future Caliente Avenue for the construction of a 38-foot curb-to-centerline (with a temporary cul-de-sac at the eastern terminus) and 20-foot parkway concurrent with recordation of the first final map (VTM Condition No. 37).

Community Plan Policy 2.1-2(e) states: “Illustrate a separate system of pedestrian and bicycle facilities and pathways linking the activity centers with the residential areas, public facilities, and open space systems.”

The Project implements this policy per the Specific Plan which indicates the Project will provide “an interconnected system of paths, sidewalks, paseos, and walkways that create a safe and pleasant pedestrian environment, connect residential buildings and common areas, are integrated with surrounding developments, and provide multiple pedestrian access points” (Specific Plan, Section 3.2.1).

Specific Plan Figure 4.2, Bicycle Facility Network, illustrates the Class II bike lane with buffer and Class I bike paths for the Project. In addition, Figure 4.5, Pedestrian Facility Network, illustrates the perimeter trails, paseos, and proposed public sidewalks included for the Project.

Community Plan Policy 2.1-2(f) states: “Distribute parks comprehensively throughout the village area.”

The Specific Plan provides recommended locations for parks within each PA but defers determination of location to subsequent development approvals for each planning area to ensure that recreational value-based parks and trails are provided concurrently with each phase of development. The concept outlined as part of the Specific Plan provides linkages between parks through a system of paseos, multi-use paths, trails, sidewalks, and bike lanes, and provides connections between the village core and surrounding neighborhoods.

Specific Plan Phase 1 will provide a series of pocket parks and paseos and an amenitized perimeter trail. These amenities will include active recreational opportunities. Approximately 4.33 acres of pocket parks may occur in Specific Plan Phase 1 (Specific Plan, Table 5.1) which shall be designed through a public input process per Council Policy 600-33.

Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

Sensitive land uses include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities. Sensitive receptors near the Project include existing residential uses and a school to the north of the Specific Plan area.

As discussed in the SEIR, the excess cancer risk would be less than the screening threshold of 10 in 1 million, and adverse effects to sensitive receptors from exposure to construction-related diesel particulate matter (DPM) would not occur.

Additionally, the Project is located more than 500 feet from I-805 and SR-905. Roadways within 500 feet of the Project area would carry less than 100,000 vehicles per day. Therefore, the Project would not expose sensitive receptors to substantial pollutant concentrations from heavily traveled roadways.

As discussed in the SEIR, the Project would generate less traffic than the adopted land uses (SEIR, Table 5.3-3). Thus, intersection volumes would be less than those modeled in the carbon monoxide (CO) hot spot analysis and far less than the 31,600 vehicle trips per hour screening threshold recommended by the Sacramento Metropolitan Air Quality Management District. San Diego County and the Sacramento Metropolitan area share similar urban characteristics, including high traffic volumes, freeway-dominated transportation networks, and comparable vehicle emission profiles; as a result, the Sacramento Metropolitan Air Quality Management District's threshold is used to assess the potential for CO hotspots in the Project vicinity in the absence of a local standard.

The Project is adjacent to natural open space areas and is subject to risk of wildfire hazards based on the climate, topography, and vegetation. The Wildfire Evacuation Study (WES) prepared for the Project noted that the wildfire potential within the Project area is considered moderate; however, as the surrounding areas to the east continue to develop, direct exposure to unmaintained fuels would be reduced (SEIR, Appendix E).

As detailed in SEIR Sections 3.5.5.3 and 5.1.5.2.c, the Project would be consistent with the City's Brush Management Regulations, which ensure adequate fire buffers are provided between development areas and native and naturalized vegetation. Brush management along the western portions of Phase 1 is depicted on SEIR Figures 3-37 and Figure 3-38.

The Project includes Brush Management Zones (BMZs) incorporating a 35-foot Zone 1 and a 65-foot Zone 2, where feasible. For some residential units, the width of Zone 2 is reduced to less than 65 feet with the incorporation of required alternative compliance measures. Final alternative compliance measures are determined by the Fire Chief in conjunction with the final layout of residential structures based on zone reduction provisions set forth in SDMC sections 142.0412(f), and 142.0412(i), which require alternative compliance where composite BMZs are less than standard minimums.

Alternative compliance measures shall be implemented per SDMC section 142.0412(i), including upgraded window openings with dual-glazed, dual-tempered panes along the brush side of structures, plus a typical 10-foot perpendicular return along adjacent wall faces.

As detailed in the SEIR project description, Phase 1 development would occur in three subphases (1a, 1b, and 1c). During each of these phases, emergency access has been identified in the Wildfire Evacuation Study (WES) (SEIR, Figure 5-6-6).

Phase 1a would involve the development of the first 200 proposed residential units with access to be provided from an extension of Caliente Avenue and Central Avenue in the northwestern part of the Specific Plan area (SEIR, Figure 5.6-4). A temporary cul-de-sac would be installed at the southern end of Central Avenue. Caliente Avenue and Central Avenue would provide emergency and wildfire evacuation throughout Phase 1a.

Phase 1b would involve the development of 499 units for a total of 699 dwelling units, and development into areas in the western part of the Specific Plan. As shown in SEIR Figure 5.6-5, Phase 1b Evacuation Routes, emergency evacuation would be provided by the construction of portions of Central Avenue and Beyer Boulevard East. The temporary cul-de-sac in Phase 1a would be removed within Central Avenue, and temporary cul-de-sacs would be installed at the western and eastern ends of Beyer Boulevard East.

Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), the Project includes conditions that require a secondary access route to be available and constructed by the Project, which would be satisfied by the construction of the emergency vehicle access (EVA) road at the easterly terminus of Beyer Boulevard East to Rail Court (SDP Condition Nos. 73 and 74). The EVA road would be gated at the eastern terminus of Beyer Boulevard East. Primary evacuation would remain via Central Avenue and Caliente Avenue to SR-905, and the EVA road would serve as access for emergency vehicles and first responders and could be used as an evacuation route under the discretion of the San Diego Fire-Rescue Department.

The EVA road would extend along the future alignment of South Caliente Avenue from the Specific Plan area southward along an existing dirt road to the southern border road, then westward to existing Rail Court and a variety of surface and arterial roadways. It is noted that the EVA road would provide additional emergency plan flexibility by providing another option for firefighter ingress and potentially, public evacuation in some emergency evacuation scenarios (SEIR, Figure 5.6-6). The temporary cul-de-sac west of the intersection of West Avenue/Beyer Boulevard in Phase 1b would be removed, and the cul-de-sac and access gate would remain at Beyer Boulevard East and future Caliente Avenue.

Specific Plan Phase 1c would include the construction of the remaining 221 residential dwelling units for a total of 920 dwelling units in Specific Plan Phase 1. The Project includes conditions that prior to the issuance of any building permit in Phase 1c (700th dwelling unit) the Beyer Boulevard West connection to Enright Drive would be required by the Project (VTM Condition No. 39 and SDP Condition No. 88).

The drainage system design for the Project is shown on SEIR Figure 5.7-2. The drainage system would be designed to utilize natural drainage courses to the extent feasible, with the exception noted for Basins 400 and 500, where flows would be routed to Basin 300 to avoid the San Ysidro landslide area. Storm drain lines, channels, detention basins, water quality treatment features, and other components of the drainage system are based on the existing drainage patterns of the Specific Plan area, where feasible and the anticipated needs of the drainage system to serve the Project.

As discussed in the SEIR, the Project would generally maintain the same drainage patterns as in the existing condition, where possible. While the Project would increase impervious surfaces, it is not in an area that uses wells and wells for groundwater

extraction are not proposed. As a result, the buildout of the Project and Specific Plan would not result in a net deficit of aquifer volume or a reduction in the local groundwater table.

Drainage flows would be maintained per the drainage design and requirements reflected in the conceptual drainage system design for the Specific Plan (Figure 5.7-2), and groundwater recharge would continue. However, due to the presence of the San Ysidro Landslide complex, the basins previously draining to the west in the existing condition (Basin 400, 500, 700, and parts of 800) are now being proposed for diversion to either the north and would be piped down the proposed storm drain along the future Beyer Boulevard West alignment or down the proposed storm drain into Spring Canyon to the south.

Diversion of drainage flows from the San Ysidro Landslide complex would protect biological resources west of the project site, as landsliding could result in changes to biological resource conditions. There are ephemeral drainages that originate near the west edge of the Project area and lead west into the MHPA; however, no drainages within the Project area contribute to these flows. These unnamed drainages would continue to capture rainfall and flow during storm events, regardless of the Project or diversion.

The Beyer Boulevard West drainage basin is proposed on the western extent of the Project area and drains in a westerly direction. A proposed storm drain connects with an existing storm drain system on Enright Drive. The existing storm drain system along Enright Drive eventually outlets to the Tijuana River, which extends to the Pacific Ocean within the vicinity of Imperial Beach.

The Project includes conditions for the construction of Beyer Boulevard and Caliente Avenue per Site Development Permit No. PMT-2188971. The Project also includes a condition for General Development Plans for 5.61 acres of recreational facilities satisfying population-based park requirements including trail amenity areas, pocket parks, paseos, and trails.

Caliente Avenue, Beyer Boulevard East, and West Avenue would include Class I bike paths and Class II bike lanes with buffers, consistent with Community Plan Policy 3.4-1, which encourages the refinement and implementation of the Bicycle Master Plan.

Sidewalks would be provided on all streets and private drives. These sidewalks would be lined with street trees per the Specific Plan Landscape Palette and landscaping that uses native, drought-tolerant species, consistent with Community Plan Policy 3.1-5. Paseos would facilitate connections to the trails, public sidewalks, future parks, and centers of activity, consistent with Community Plan Policy 3.1-1.

Park space has been integrated into the Project with the Specific Plan framework for parks. The Specific Plan would provide 4.33 acres of pocket parks, 1.18 acres of paseos, and 0.10 acres of trail amenities. Parks would be developed in phases concurrent with the development of the residences and managed by the Homeowner

Association. Official trails proposed for implementation as part of the Project include a perimeter trail bordering the western boundary of the Project at PA 9 through PA 14.

The proposed development would be required to comply with all applicable land development codes, building codes, and fire codes. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The Specific Plan was prepared pursuant to Land Development Code (LDC) Section 122.0107. “The Specific Plan should be used in conjunction with the goals and policies contained within the General Plan, the Otay Mesa Community Plan, and the regulations in the Land Development Code (LDC), which form the planning framework for this Specific Plan” (Specific Plan, Section 1.2).

A base zone designation from the City’s LDC is identified for each Specific Plan land use category (Specific Plan, Figure 2.1). The development regulations and allowable uses from each of the base zones are incorporated by reference from the City’s LDC.

The Project includes affordable housing to be provided consistent with the requirements of the LDC, which requires affordable units to be constructed or in-lieu fees for residential development projects to be paid (SDMC section 142.1302). The Project proposes to construct 920 multiple dwelling (condominiums) units, including 92 affordable units in Specific Plan Phase 1 within Planning Area 8 through Planning Area 14.

As detailed in SEIR Sections 3.5.5.3 and 5.1.5.2.c, the Project would be consistent with the City’s Brush Management Regulations, which ensure adequate fire buffers are provided between development areas and native and naturalized vegetation. Brush management along the western portions of Phase 1 is depicted on SEIR Figure 3-37 and Figure 3-38.

BMZs incorporate a 35-foot Zone 1 and a 65-foot Zone 2, where feasible. For some units, the width of Zone 2 is reduced to less than 65 feet with the incorporation of alternative compliance measures. Final alternative compliance measures are determined by the Fire Chief in conjunction with the final layout of residential structures based on zone reduction provisions set forth in the LDC Section 142.0412(f), and 142.0412(i) which require alternative compliance where composite BMZs are less than standard minimums.

LDC Section 142.0401 requires the use of drought-tolerant landscaping as a means of reducing water consumption. The Landscape Regulations encourage the use of reclaimed water for irrigation and implement the Model Water Efficient Landscape Ordinance, which provides a standard for the design, installation, management, and maintenance of landscapes to use water efficiently without water waste. Specific Plan

Section 3.6 includes the landscaping design policies for the Project, which include, but are not limited to, the following:

- a. Incorporate biofiltration and bioretention measures in parking and road design, edges of paved areas, and other landscaped areas to slow and treat stormwater runoff.
- b. Use rain gardens, open tree grates, green roofs, and pockets of open space to slow stormwater flow rates, allow natural percolation of runoff, and reduce the heat island effect.
- c. Utilize permeable paving to capture and treat stormwater to the maximum extent possible. Examples of permeable paving include porous asphalt, reinforced grass, semi-impervious concrete paving blocks, and reinforced gravel with grass.

The Project includes requested deviations from the Environmentally Sensitive Lands (ESL) Wetlands Regulations under the Essential Public Projects and Biologically Superior Options due to wetland impacts resulting from the proposed Beyer Boulevard and Caliente Road extensions and residential development.

The Project would encroach into steep hillsides and is therefore subject to the ESL Regulations and was evaluated for conformance with the Steep Hillside Guidelines. According to the ESL Regulations, for areas outside of the MHPA, the allowable development area includes all portions of the premises without slopes greater than 25 percent (steep slopes). All graded slopes would be revegetated in accordance with ESL Regulations. Steep slopes would be preserved in their natural state, except where development is permitted in steep slopes if necessary to achieve a maximum development area of 25 percent of the premises.

Project grading would encroach into 8.9 acres of steep slopes for erosion control and 0.6 acres for development grading. The overall steep slope encroachment would be 22.4 percent of the project site and is within the encroachment allowance as permitted by the City's ESL ordinance.

Due to ESL impacts (e.g., steep slopes), a SDP is required for the Project, although exceptions and deviations may be allowed by the City if certain findings can be made. The Project has been designed to minimize impacts to ESL; however, encroachment into some steep slopes is unavoidable due to the existing site conditions and the need for erosion control. As allowed by LDC Section 143.0142(g), the temporary encroachment areas would be graded for erosion control, but the slope grades would be restored and vegetation reestablished to the City's satisfaction once slopes are backfilled. Therefore, a deviation is not required.

Deviations from the Environmentally Sensitive Lands Wetland Deviation

The purpose of the ESL Regulations is to protect, preserve, and, where damaged, restore the environmentally sensitive lands of San Diego and the viability of the species supported by those lands. The ESL Regulations apply to all proposed

development when ESL, including sensitive biological resources, steep hillsides, floodplains, or coastal bluffs, are present. These regulations are intended to assure that development occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form of development, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to flooding in specific areas while minimizing the need for construction of flood control facilities.

Specific Plans where environmentally sensitive lands are present are subject to the regulations in SDMC section 143.0115(b) to ensure adequate analysis of the constraints and opportunities of the planning area relative to environmentally sensitive lands.

As depicted in SEIR Figure 5.4-12, the Project includes and impacts Disturbed Wetland in portions of Beyer Boulevard West, Beyer Boulevard East, the Secondary Emergency Vehicle Access Road, Planning Areas 8, 9, and 12, and Wetland in the western portion of Beyer Boulevard West. The construction of the Caliente Avenue extension south of Central Avenue would impact 0.01 acres of disturbed wetlands inside the MHPA. Residential development would impact 0.12 acres of disturbed wetlands inside the MHPA. Residential development would also impact 0.03 acres of vernal pool inside the MHPA.

Impacts to wetland habitat located outside of the Coastal Overlay Zone shall not be allowed per the ESL Regulations unless the development qualifies to be processed as one of the three options in accordance with the Biology Guidelines in the LDC.

Deviations from the wetland regulations require processing one or more of the following three options: Essential Public Projects (EPP) Option, Economic Viability Option, and Biologically Superior Option (BSO) (SDMC section 143.0150). Impacts to wetlands within the Beyer Boulevard and Caliente Avenue alignments would be processed under the EPP Option because these roadways are identified in the Community Plan with regional function. Impacts to vernal pools outside of the MHPA do not require a deviation from the wetland regulations, as all impacts would be mitigated consistent with the VPHCP.

The remainder of the resources subject to a wetland deviation are processed under the BSO. The BSO analysis documented in the SEIR shows how the proposed project would be biologically superior to avoiding the wetland resources. The low quality of the impacted resources was considered in light of the proposed superior mitigation for vernal pools and wetlands that would provide higher functions and values than the impacted resources.

The majority (0.36 acre) of the requested deviation would qualify under the EPP Option for the development of the proposed Beyer Boulevard and Caliente Avenue extensions. These roadways are City Mobility Element roadways identified in the

Community Plan. Per the City's Biology Guidelines, a deviation to the ESL wetland regulations under the EPP Option may be granted, provided the project serves the community at large and not just a development project or property. Both Caliente

Avenue and Beyer Boulevard are linear infrastructure identified as Mobility Element roadways in the Community Plan, which meets the first two qualifications of the EPP Option under SDMC section 143.0150(d)(1)(B).

These roadways would also include bicycle facilities and water and sewer infrastructure that will serve the entirety of the Specific Plan area. Therefore, they qualify as Essential Public Projects. A deviation under this option is only allowed where no feasible alternative exists that would avoid impacts to wetlands. An analysis (Southwest Village Specific Plan Caliente Avenue Alternatives Analysis) of five different alternatives was prepared by RECON for the project applicant, Tri Pointe Homes (Alternatives Analysis). The Alternatives Analysis was provided in the SEIR in Chapter 9. In summary, the No Caliente Avenue North of Central Avenue Alternative and the Avoidance of Conserved Parcels Alternative (a Beyer Boulevard alternative) were both found to be infeasible wetland avoidance alternatives. The No Caliente Avenue North of Central Avenue Alternative was found infeasible because that segment of roadway is required to provide access to the Specific Plan area and the alignment for this segment was already approved as a part of the Candlelight Tentative Map 114999. The Candlelight Tentative Map is reasonably expected to be completed regardless of the proposed project and that construction is already underway. The Avoidance of Conserved Parcels Alternative that avoids impacts due to Beyer Boulevard was rejected because the alternative alignments would be more impactful than the proposed Project, and due to infeasibility of other alignments due to landslide issues, location of Beyer Community Park, inability to meet design standards and conflicts with other conserved lands. The proposed Beyer Boulevard design includes minimization of wetland impacts to the extent feasible, as detailed in Attachment 10 of SEIR Appendix C.

A small amount (<0.01 acre) of wetland would be impacted by the residential development, which was analyzed under the BSO for a deviation. The technical analysis demonstrated the Project as a BSO based on the low quality of the existing impacted wetland resources and the high-quality restoration proposed as mitigation for the impacts.

Residential development would impact 0.12 acres of disturbed wetlands inside the MHPA, which was analyzed under BSO for a deviation. Residential development would also impact 0.03 acres of vernal pool inside the MHPA, which was analyzed under BSO for a deviation.

The City of San Diego Wetlands Subject to a Wetland Deviation are included in the following table.

Wetland Vegetation Community	Caliente Avenue (EPP)	Beyer Boulevard (EPP)	Remainder of Project Area (BSO)	Total Acres Subject to Wetland Deviation
Wetland	0.01	0.35	<0.01	0.36
Distributed Wetland	0.01	-	0.12	0.13
Vernal Pool	-	-	0.03	0.03
Total	0.02	0.35	0.15	0.52

Per SEIR and Mitigation Monitoring and Reporting Program (MMRP) Mitigation Measure PR-BIO-16a, “Prior to issuance of any construction permits, such as grading permits, that impact jurisdictional waters, the project impact to 0.004 acre of riparian forest (southern willow scrub and disturbed southern willow scrub) wetlands shall be mitigated at a 3:1 ratio and impacts to 0.36 acre of mule fat scrub shall be mitigated at a 2:1 ratio (mule fat scrub, disturbed riparian, disturbed wetlands, natural flood channel) with a total of 0.73 acre of mitigation consistent with a Final Wetlands Plan and a Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan as approved by the City, USACE, RWQCB, and CDFW. The Final Wetlands Plan and Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan shall be approved prior to the issuance of the first Phase 1 grading permit. To ensure no net loss, the mitigation shall include a 1:1 creation or restoration component in accordance with the City’s Biology Guidelines.” (SEIR, Page 5.4-113).

Per MMRP Mitigation Measure PR-BIO-16b, “Prior to the issuance of any construction permits, such as grading permits, to compensate for the loss of vernal pool and disturbed wetland resources, the applicant shall implement the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan to provide a minimum of 2.18 acres or 2.1 acres (without Southwind mitigation) of vernal pool creation.”

Historical Resources Deviation for Important Archaeological Sites and Traditional Cultural Properties

Historical Resource site CA-SDI-22,936 (“Resource”) is a Native American archaeological site in the Otay Mesa Community Plan area. The Resource was designated by the Historical Resources Board on September 26, 2024, as HRB #1537 under San Diego Historical Resources Board Criterion A. Under Criterion A, CA-SDI-22,936 was historically designated as a special element of the City’s and Otay Mesa’s archeological and cultural development. Specifically, CA-SDI-22,936 likely functioned as a tool manufacturing location and could provide enough data to answer regional research questions regarding site function, chronology and subsistence due to its high density subsurface cultural deposit and minimal disturbance within the central portion of the site.

The purpose of the Historical Resources Regulations (SDMC section 143.0201) is to protect, preserve, and, where damaged, restore San Diego's historical resources, which include historical buildings, structures or objects, important archaeological sites, historical districts, historical landscapes, and traditional cultural properties. These regulations are intended to ensure that development occurs in a manner that protects the overall quality of historical resources.

The entire boundary of CA-SDI-22,936 (100% of the site) is within Project impacts, specifically the proposed Caliente Avenue alignment and related utilities, and would therefore exceed standard encroachment limits under SDMC section 143.0253 for important archaeological sites. Because 100% of an important archaeological site would be impacted, a deviation would need to be considered in accordance with the SDMC. A recommendation from the Historical Resources Board is required, and was provided on March 26, 2026, as well as a supplemental finding pursuant to SDMC section 126.0505(g). On March 26, 2026, the HRB recommended to the City Council approval of the historical resources section, recommendations, findings, and mitigation measures of the environmental document and findings associated with the SDP related to the important archaeological site (HRB #1537, CA-SDI-22,936).

The SEIR and proposed MMRP include two mitigation measures (PR-HIST-1 and PR-HIST-2) that would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance:

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, the applicant shall provide a letter of completion prepared by the Qualified Archaeologist (as defined in the Historical Resources Guidelines) that oversaw the recovery program that demonstrates, to the satisfaction of Mitigation Monitoring and Compliance (MMC), that the Archaeological Data Recovery Program (ADRP) for archaeological site (CA-SDI-22,936) was completed. This letter shall include the Final Archaeological Data Recovery Program (ADRP) Report with documentation of the Acceptance Verification from the curation institution for all recovered materials. The ADRP with Native American participation shall consist of a statistical sample and shall be implemented in accordance with the Results of the Historical Resources Investigation of the Southwest Village Specific Plan prepared by RECON Environmental dated March 2026 for the Project (PR-HIST-1). In addition, project-specific mitigation measures shall be implemented to reduce impacts to unknown or buried historical resources per PR-HIST-2 (SEIR, Page 5.5-34).

Implementation of mitigation measures PR-HIST-1 and PR-HIST-2 would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance. The presence of an archaeological and Native American monitor during ground disturbing activities would allow for the identification of buried resources to occur so that work can stop, and any resources be evaluated. If significant resources are recovered, implementation of a Research Design and Data Recovery Program would ensure that significant resources are treated properly to reduce significant impacts.

However, even with the implementation of mitigation measures PR-HIST-1 and PR-HIST-2, impacts associated with future development would remain significant, considering the nature of the loss (e.g., loss of a minimally disturbed habitat site in Otay Mesa where such resources are scarce), and 100% of the site would continue to be impacted. As noted in the SEIR, no additional feasible mitigation or project alternative has been identified that could reduce this impact.

No other ESL, including coastal beaches, sensitive coastal bluffs or Special Flood Hazard Areas exist within the Project. Therefore, with approval of the proposed, allowable deviations to the ESL regulations and Historical Resources regulations, the proposed development will comply with the regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

B. SITE DEVELOPMENT PERMIT – San Diego Municipal Code (SDMC) Section 126.0505(b), Environmentally Sensitive Lands

- 1. The site is physically suitable for the design and siting of the proposed development, and the development will result in minimum disturbance to environmentally sensitive lands.**

See Finding A.3 incorporated by reference.

The Community Plan identifies the Specific Plan area as one of two opportunities for village areas within the Community Plan and designates the project site as Neighborhood Village (Community Plan, Figure 2-1). The Southwest Village Specific Plan has been designed to locate development on mesas and avoid landslide hazard areas, as well as steep slopes and canyons within the Specific Plan area.

The Project is proposing to construct 920 multiple dwelling (condominiums) units, including 92 affordable units (Specific Plan Phase 1: Planning Area 8 through Planning Area 14).

The Specific Plan sites the highest intensity uses within the center of the Specific Plan, with lower intensity uses around the perimeter, providing consistency with the surrounding development and open space areas. The Specific Plan policy framework would ensure that future development would present a visually consistent, architecturally interesting community that would still be consistent with allowable height, outdoor lighting, and bulk regulations of the LDC and Specific Plan Supplemental Development Regulations (SDR).

As discussed in the Biological Resources Report, encroachments into the MHPA boundary would occur with the implementation of the Project specifically associated with the Specific Plan Phase 1 and Phase 4 residential development areas, the Spring Canyon drainage outfall associated with Phase 2, and an EVA road connecting to the southern boundary (Biological Resources Report, Figure 36.2) and require a MHPA Boundary Line Adjustment (BLA) and the addition of MHPA sensitive habitat lands.

MHPA encroachments total 14.88 acres and are associated with MHPA deletions within the proposed Specific Plan Phase 1 and 4 residential development areas, the Spring Canyon drainage outfall, the EVA road, and MHPA deletions associated with Beyer Boulevard slopes. Of this total, 12.82 acres are sensitive vegetation communities (SEIR Figure 5.1-6).

Land proposed to be added into the MHPA following a BLA would include 16.88 acres of sensitive habitats comprising maritime succulent scrub, disturbed maritime succulent scrub, Diegan coastal sage scrub, disturbed coastal sage scrub, non-native grassland, natural flood channel, disturbed wetland, and vernal pool (SEIR Figure 5.1-7). This represents a net gain of 4.06 acres of sensitive vegetation communities into the MHPA (SEIR Table 5.1-6) and is located outside of the Specific Plan area, south of PA 18.

Per MMRP Mitigation Measure PR-BIO-15, "To mitigate impacts to 63.32 acres for Phase 1, 39.17 acres for Phase 2, 38.47 acres for Beyer Boulevard, 10.48 acres for Phase 4, 1.79 acres for the Emergency Vehicle Access Road, the Owner/Permittee shall provide a minimum of 153.23 acres of upland mitigation lands to offset impacts to sensitive upland vegetation in accordance with the Biology Guidelines. Prior to issuance of the first grading permit for Phase 1, the Owner/Permittee shall either dedicate all upland mitigation lands in fee title to the City or otherwise protect the mitigation lands through a Covenant of Easement. In total, the project shall dedicate 160.94 acres of sensitive uplands, consisting of 89.94 acres of maritime succulent scrub, 24.82 acres of disturbed maritime succulent scrub, 24.93 acres of Diegan coastal sage scrub, 2.36 acres of disturbed Diegan coastal sage scrub, and 18.89 acres of non-native grassland in fee title or otherwise protect the lands through a Covenant of Easement to the City. This mitigation package includes 7.71 acres of additional mitigation beyond required mitigation ratios. If the Southwind project were to proceed ahead of this project, the mitigation obligation would be reduced by 0.34 acre (0.05 acre of maritime succulent scrub, 0.12 acre of disturbed coastal sage scrub, and 0.17 acre of non-native grassland mitigation)."

An additional 95.29 acres of upland preservation are required to address impacts to CDFW conservation easements (APNs 645-061-1000 and 645-061-0200) considered VPHCP 100% conserved lands (Biological Resources Report, Table 10).

Impacts to wetlands within the Beyer Boulevard and Caliente Avenue alignments would be processed under the EPP Option to the ESL regulations because these roadways are identified in the Community Plan with regional function. Impacts to vernal pools outside of the MHPA do not require a deviation from the wetland regulations, as all impacts would be mitigated consistent with the Vernal Pool Habitat Conservation Plan (VPHCP).

The remainder of the resources subject to a wetland deviation are processed under the BSO to the ESL regulations. The BSO analysis documented in the SEIR shows how the proposed project would be biologically superior to avoiding the wetland

resources. The low quality of the impacted resources was considered in light of the proposed mitigation for vernal pools and wetlands that would provide higher functions and values than the impacted resources.

As depicted in SEIR Figure 5.4-12, Resources Subject to City of San Diego Wetland Deviations, the Project includes Disturbed Wetland in portions of Beyer Boulevard West, Beyer Boulevard East, the Secondary Emergency Vehicle Access Road, Planning Areas 8, 9, and 12, and Wetland in the western portion of Beyer Boulevard West.

Project grading would encroach into 8.9 acres of steep slopes for erosion control and 0.6 acres for development grading. The overall steep slope encroachment would be 22.4 percent of the project site and is within the encroachment allowance as permitted by the City's ESL ordinance.

Due to ESL impacts (e.g., steep slopes), a SDP is required for the Project, although exceptions and deviations may be allowed by the City if certain findings can be made. The Project has been designed to minimize impacts to ESL; however, encroachment into some steep slopes is unavoidable due to the existing site conditions and the need for erosion control. As allowed by LDC Section 143.0142(g), the temporary encroachment areas would be graded for erosion control, but the slope grades would be restored and vegetation reestablished to the City's satisfaction once slopes are backfilled. Therefore, a deviation is not required.

The Project will implement MMRP mitigation measure PR-LU-1: All project-level components that are implemented in accordance with the Specific Plan, which are adjacent to designated MHPA areas, shall comply with the MHPA Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements. Mitigation measures include but are not limited to: sufficient buffers and design features, barriers (rocks, boulders, signage, fencing, and appropriate vegetation) where necessary, lighting directed away from the MHPA, and berms or walls adjacent to commercial or industrial areas and any other use that may introduce construction noise or noise from future development that could impact or interfere with wildlife utilization of the MHPA. The project biologist for each proposed project shall identify specific mitigation measures needed to reduce impacts to below a level of significance. Subsequent environmental review shall be required to determine the significance of impacts from land use adjacency and compliance with the MHPA Land Use Adjacency Guidelines of the MSCP. Prior to approval of any subsequent development project in an area adjacent to a designated MHPA, the City shall identify specific conditions of approval to avoid or reduce potential impacts adjacent to the MHPA (SEIR, Page 10-32).

No other ESL, including coastal beaches, sensitive coastal bluffs or Special Flood Hazard Areas exist within the Project.

Based on the results of the record search, surveys, and evaluation excavations in the SEIR, implementation of the Project would impact CA-SDI-22,936, which would constitute a significant effect to a known historical resource. The entire boundary of CA-SDI-22,936 (100% of the site) is within Project impacts, specifically the proposed Caliente Avenue alignment and related utilities, and would therefore exceed standard encroachment limits under SDMC section 143.0253 for important archaeological sites. Because 100% of an important archaeological site would be impacted, a deviation is considered in accordance with section 143.0260 (a) and section 126.0502(d) of the SDMC.

The SEIR and MMRP include two mitigation measures (PR-HIST-1 and PR-HIST-2) that would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance. The presence of an archaeological and Native American monitor during ground disturbing activities would allow for the identification of buried resources to occur so that work can stop, and any resources can be evaluated. If significant resources are recovered, implementation of a Research Design and Data Recovery Program would ensure that significant resources are treated properly to reduce significant impacts.

However, even with the implementation of measures PR-HIST-1 and PR-HIST-2, impacts associated with future development at the project-level would remain significant considering the nature of the loss (e.g., loss of a minimally disturbed habitat site in Otay Mesa where such resources are scarce) and 100% of the site would continue to be impacted. This impact would remain significant and unmitigated. Because 100% of an important archaeological site would be impacted, a deviation is considered in accordance with section 143.0260 (a) and section 126.0502(d) of the SDMC.

Therefore, the site is physically suitable for the design and siting of the proposed development, and the development will result in minimal disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

In accordance with SEIR and MMRP Mitigation Measure PR-PALEO-1, geotechnical reports were prepared for review and approval by the City in accordance with the SDMC and are included as part of the environmental analysis for the project-level areas.

As discussed in the SEIR, landslide areas and deflected drainages are evident within the San Ysidro landslide area, west and south of the Community Plan. Portions of the slide may be developing and indicate active movement. A deep-seated landslide complex has been identified along the western and southern mesa rim by the City of San Diego Seismic Safety Element and the Geological Study prepared for the

Southwest Village Emergency Vehicle Access Road. This landslide complex, also known as the *San Ysidro Landslide*, is located within the hillside area where the EVA roadway is planned.

During previous field investigations, large-diameter exploratory borings were performed along the mesa rim to establish the position of the landslide head scarp. More recent borings were performed east of the roadway alignment for the Southwest Village development. Three continuous cores (Geological Study, Figure 2 as B-22, B-23, and B-24) were excavated to establish the basal shear zone and obtain samples for laboratory testing.

The landslide debris is expected to be suitable to support the EVA roadway; however, remedial grading will be required at the toe of proposed fill slopes to remove compressible surficial soils. In addition, slope excavations exposing landslide debris may require a stability fill. The need for stability fills will be determined during grading.

The geotechnical reports prepared for the Project concluded that the risk associated with ground rupture is low. Additionally, although no active, potentially active, or activity unknown faults are mapped crossing the site or are trending toward the Project, a major earthquake in the region would result in moderate to severe ground shaking.

Potential impacts associated with earthquake ground shaking would be reduced through compliance with applicable California Building Code (CBC) regulations and through compliance with the seismic design recommendations presented in the geotechnical reports prepared for the Project. The project-level geotechnical reports recommendations are required as standard conditions of approval and would be implemented consistent with SEIR and MMRP Mitigation Measure PR-PALEO-1.

The Project would encroach into steep hillsides and is therefore subject to the ESL Regulations and was evaluated for conformance with the Steep Hillside Guidelines. According to the ESL Regulations, for areas outside of the MHPA, the allowable development area includes all portions of the premises without slopes greater than 25 percent (steep slopes). All graded slopes would be revegetated in accordance with ESL Regulations. Steep slopes would be preserved in their natural state, except where development is permitted in steep slopes if necessary to achieve a maximum development area of 25 percent of the premises.

Project grading would encroach into 8.9 acres of steep slopes for erosion control and 0.6 acres for development grading. The overall steep slope encroachment would be 22.4 percent of the project site and is within the encroachment allowance as permitted by the City's ESL ordinance.

Due to ESL impacts (e.g., steep slopes), a SDP is required for the Project, although exceptions and deviations may be allowed by the City if certain findings can be made. The Project has been designed to minimize impacts to ESL; however, encroachment into some steep slopes is unavoidable due to the existing site conditions and the need

for erosion control. As allowed by LDC Section 143.0142(g), the temporary encroachment areas would be graded for erosion control, but the slope grades would be restored and vegetation reestablished to the City's satisfaction once slopes are backfilled. Therefore, a deviation is not required.

As detailed in SEIR Sections 3.5.5.3 and 5.1.5.2.c, the Project would be consistent with the City's Brush Management Regulations, which ensure adequate fire buffers are provided between development areas and naturalized vegetation. Brush management along the western portions of Phase 1 is depicted on SEIR Figures 3-37F. Brush Management Zones (BMZs) incorporate a 35-foot Zone 1 and 65-foot Zone 2, where feasible. For some units, the width of Zone 2 is reduced to less than 65 feet with the incorporation of alternative compliance measures. Final alternative compliance measures are determined by the Fire Chief in conjunction with the final layout of residential structures based on zone reduction provisions set forth in the San Diego Municipal Code (SDMC) sections 142.0412(f), and 142.0412(i) which require alternative compliance where composite BMZs are less than standard minimums.

Alternative compliance measures shall be implemented per SDMC sections 142.0412(i) through (j), including upgraded window openings with dual-glazed, dual-stempered panes along the brush side of structures, plus a typical 10-foot perpendicular return along adjacent wall faces.

As detailed in the project description of the SEIR, development of Phase 1 would occur in three subphases. Emergency access has been identified in the WES during each of these subphases. Phase 1a would involve the development of the first 200 proposed residential units with access to be provided from an extension of Caliente Avenue and Central Avenue in the northwestern part of the Specific Plan area (see SEIR Figure 5.6-4). A temporary cul-de-sac would be installed at the southern end of Central Avenue. Caliente Avenue and Central Avenue would provide emergency and wildfire evacuation throughout Phase 1a.

Phase 1b would involve the development of 499 units for a total of 699 dwelling units, and development into areas in the western part of the Specific Plan. As shown in SEIR Figure 5.6-5, emergency evacuation would be provided by the construction of portions of Central Avenue and Beyer Boulevard East. The temporary cul-de-sac in Phase 1a would be removed within Central Avenue, and temporary cul-de-sacs would be installed at the western and eastern ends of Beyer Boulevard East. Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), SDP conditions No. 73 and 74 require a secondary access route to be available and constructed by the Project, which would be satisfied by the construction of the EVA road along South Caliente Avenue. The EVA road would be gated at the eastern terminus of Beyer Boulevard East. Primary evacuation would remain via Central Avenue and Caliente Avenue to SR-905, and the EVA road would serve as access for emergency vehicles and first responders and could be used as an evacuation route under the discretion of the San Diego Fire Rescue Department.

The EVA road would extend along the future alignment of South Caliente Avenue from the Specific Plan area southward along an existing dirt road to the southern border road, then westward to existing Rail Court and a variety of surface and arterial roadways. It is noted that the EVA road would provide additional emergency plan flexibility by presenting another option for firefighter ingress and potentially, public evacuation in some emergency evacuation scenarios (SEIR, Figure 5.6-6). The temporary cul-de-sac west of the intersection of West Avenue/Beyer Boulevard in Phase 1b would be removed, and the cul-de-sac and access gate would remain at Beyer Boulevard East and future Caliente Avenue.

Phase 1c would include the construction of the remaining 221 residential units for a total of 920 dwelling units in Phase 1. Prior to the issuance of any building permit in Phase 1c (700th dwelling unit), the construction of the Beyer Boulevard West from West Avenue to Enright Drive would be required by the Project.

No coastal beaches, sensitive coastal bluffs or Special Flood Hazard Areas exist within the Project.

Therefore, with implementation of the MMRP, compliance with applicable CBC regulations, seismic design recommendations presented in the geotechnical reports, and the City's Brush Management regulations, and provision of evacuation and emergency access, the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

See Findings A.3. and B.1 incorporated by reference.

As stated in the MSCP Section 1.4.3, land uses adjacent to the MHPA are to be managed to ensure minimal impacts to the MHPA. The MSCP establishes adjacency guidelines to be addressed on a project-by-project basis to minimize direct and indirect impacts and maintain the function of the MHPA. The Land Use Adjacency Guidelines are incorporated as project conditions of approval, which would preclude indirect impacts to the MHPA.

The Project has been conditioned to comply with MHPA Land Use Adjacency Guidelines. Per Section 5.2 of the VPHCP, indirect impacts to conserved vernal pools shall be minimized and development projects adjacent to the hardline preserve shall comply with MHPA Land Use Adjacency Guidelines in addition to the VPHCP Section 5.2.1 avoidance and minimization measures (SDP Condition No. 43).

MHPA Land Use Adjacency Guidelines are cited below and included in the Biological Resources Report and MMRP mitigation measure PR-LU-1:

Drainage. All new and proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods, including natural detention basins, grass swales, or mechanical trapping devices. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate.

Toxins. Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures should include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement should be incorporated into leases on publicly owned property as leases come up for renewal.

Lighting. Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.

Noise. Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.

Barriers/Access. New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.

Invasives. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

Brush Management. New residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate BMZ 1 areas on the development pad and outside of the MHPA. BMZ 2 may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. BMZs would not be greater in size than is currently

required by the City's regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. For all new development, regardless of the ownership, brush management in the BMZ 2 area would be the responsibility of a homeowners' association or other private party.

Grading/Land Development. Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

Per MMRP mitigation measure PR-BIO-15, "To mitigate impacts to 63.32 acres for Phase 1, 39.17 acres for Phase 2, 38.47 acres for Beyer Boulevard, 10.48 acres for Phase 4, 1.79 acres for the Emergency Vehicle Access Road, the Owner/Permittee shall provide a minimum of 153.23 acres of upland mitigation lands to offset impacts to sensitive upland vegetation in accordance with the Biology Guidelines. Prior to issuance of the first grading permit for Phase of 1, the Owner/Permittee shall either dedicate all upland mitigation lands in fee title to the City or otherwise protect the mitigation lands through a Covenant of Easement. In total, the project shall dedicate 160.94 acres of sensitive uplands, consisting of 89.94 acres of maritime succulent scrub, 24.82 acres of disturbed maritime succulent scrub, 24.93 acres of Diegan coastal sage scrub, 2.36 acres of disturbed Diegan coastal sage scrub, and 18.89 acres of non-native grassland in fee title or otherwise protect the lands through a Covenant of Easement to the City. This mitigation package includes 7.71 acres of additional mitigation beyond required mitigation ratios. If the Southwind project were to proceed ahead of this project, the mitigation obligation would be reduced by 0.34 acre (0.05 acre of maritime succulent scrub, 0.12 acre of disturbed coastal sage scrub, and 0.17 acre of non-native grassland mitigation)."

Per MMRP mitigation measure PR-BIO-16b: "Prior to the issuance of any construction permits, such as grading permits to compensate for the loss of vernal pool and disturbed wetland resources, the applicant shall implement the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan to provide a minimum of 2.18 acres or 2.1 acres (without Southwind mitigation) of vernal pool creation."

Therefore, with implementation of the MMRP mitigation measures, compliance with the LUAG, and allowable deviations under the LDC, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

The Multiple Species Conservation Program (MSCP) is a comprehensive, long-term habitat conservation planning program that is designed to preserve native habitat for multiple species by identifying areas for development and areas to be conserved in perpetuity, referred to as the Multi-Habitat Planning Area (MHPA). The project site is included in the City's MSCP Subarea Plan.

As discussed in the Biological Resources Report, encroachments into the MHPA boundary would occur with the implementation of the Project specifically associated with the Specific Plan Phase 1 and Phase 4 residential development areas, the Spring Canyon drainage outfall associated with Phase 2, and an EVA road connecting to the southern boundary (Biological Resources Report, Figure 36.2) and require a MHPA Boundary Line Adjustment (BLA) and the addition of MHPA sensitive habitat lands.

Additionally, MHPA deletions would be required where the proposed Beyer Boulevard extension crosses the MHPA; however, the MHPA deletion would be limited to the manufactured slopes surrounding the surface of the roadway, as City linear utility projects are an allowed use in the MHPA pursuant to the City's LDC Section 143.0111. The City's Biology Guidelines and ESL regulations are the implementing ordinances for the MSCP and VPHCP. As detailed in the City's ESL regulations, LDC Section 143.0111(d), "outside the Coastal Overlay Zone, City linear utility projects are exempt from the development area regulations of the OR-1-2 zone in Section 131.0250(b) and the development area regulations for steep hillsides in Section 143.0142(a) and for sensitive biological resources in Section 143.0141(a)(5)".

The developed portion of the roadway would contain public water, sewer and stormwater infrastructure to support the Specific Plan area and, therefore, would be classified as City linear utilities, exempt from the ESL regulations. The linear utility portion of the roadway that is exempt from ESL regulations and considered an MHPA compatible use supports 0.24 acres of disturbed habitat and 0.13 acres of disturbed maritime succulent scrub.

MHPA encroachments total 14.88 acres and are associated with MHPA deletions within the proposed Specific Plan Phase 1 and 4 residential development areas, the Spring Canyon drainage outfall, the EVA road, and MHPA deletions associated with Beyer Boulevard slopes. Of this total, 12.82 acres are sensitive vegetation communities (SEIR Figure 5.1-6).

Land proposed to be added into the MHPA following a BLA would include 16.88 acres of sensitive habitats comprising maritime succulent scrub, disturbed maritime succulent scrub, Diegan coastal sage scrub, disturbed coastal sage scrub, non-native grassland, natural flood channel, disturbed wetland, and vernal pool (SEIR Figure 5.1-7). This represents a net gain of 4.06 acres of sensitive vegetation communities into the MHPA (SEIR Table 5.1-6) and is located outside of the Specific Plan area, south of PA 18.

The proposed MHPA BLA would be beneficial to the overall MHPA preserve in this area due to an increase in Tiers I and II and wetlands habitats, including ephemeral drainages (natural flood channels) (Biological Resources Report, Table 7a). The project proposes MHPA additions above and beyond the required 1:1 replacement standard. The net gain of 4.06 acres of sensitive vegetation communities would more than offset MHPA deletion areas. The proposed MHPA BLA received written concurrence by the USFWS and CDFW on January 31, 2025.

The MSCP contains general guidelines for the MHPA within the Otay Mesa and Otay River valley areas of the City. These guidelines include features that have been incorporated into the MHPA, and thus, were considered in the evaluation for species coverage and are required to be implemented for take of sensitive species.

Implementation of the proposed Beyer Boulevard extension, a planned circulation element roadway, would impact 19.36 acres of 100 percent conserved lands (APNs 645-061-1000 and 645-061-0200), as detailed in Table 7b of the Biological Resources Report, including 17.48 acres of sensitive upland vegetation communities and 0.06 acre of wetland vegetation communities, totaling 17.54 acres. Impacts to land identified as 100 percent conserved lands in the VPHCP require both mitigation consistent with the Biology Guidelines and replacement MHPA lands (e.g., non-MHPA lands to be added to the MHPA) of greater or equivalent value to be provided consistent with the VPHCP.

The proposed Beyer Boulevard extension has been the subject of extensive review, including evaluation of alternative project locations and design changes to minimize road width and associated impacts. The current roadway design reflects a two-lane constrained roadway that would cross 100 percent conserved lands. Documentation of the need for the roadway, the various alternatives considered, and the design reductions are detailed in Attachment 11 of the Biological Resources Report (Appendix C of the SEIR).

As shown in Figure 36.4 of the Biological Resources Report, the deletion of 100 percent conserved lands associated with Beyer Boulevard would include 11.79 acres of maritime succulent scrub and disturbed maritime succulent scrub, 3.21 acres of Diegan coastal sage scrub and disturbed coastal sage scrub, 2.48 acres of non-native grassland, 0.03 acre of natural flood channel (ephemeral drainage), 0.01 acre of disturbed wetland, 0.03 acre of vernal pool and 0.01 acre of vernal pool with fairy shrimp. As required by the VPHCP, replacement land is proposed to be added to the MHPA to account for the removal of 19.36 acres of 100 percent conserved lands.

Land proposed to be added into the MHPA (SEIR Table 5.1-7) in exchange for impacts to VPHCP conserved lands would include 27.37 acres of sensitive vegetation communities comprising 9.32 acres of maritime succulent scrub and disturbed maritime succulent scrub, 8.78 acres of Diegan coastal sage scrub, 9.09 acre of non-native grassland, 0.09 acre of natural flood channel (ephemeral drainage), 0.03 acre of disturbed wetlands, 0.04 acre of vernal pool, and 0.01 acre of vernal pools with fairy. Impacts to 100 percent conserved lands require non-MHPA replacement lands to be conserved that provide functional equivalency. The VPHCP equivalency analysis and conservation strategy are provided below.

As stated in Section 8.4.2 of the VPHCP, exchange of conserved lands within the VPHCP Plan Area may be made without the need for a Major Amendment to the VPHCP in cases where the new boundary results in an area of equivalent or higher

biological value in the MHPA. At the direction of the USFWS, a Major Amendment to the VPHCP will be prepared in the future in the form of an Addendum to the VPHCP and subject to approval by the City and USFWS.

Therefore, with the MHPA addition areas identified above, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The Project is over five miles east of the Pacific Ocean, with a minimum elevation of 230 feet mean sea level at the western end of the Project site. The Community Plan area is not located downstream of any large bodies of water. No coastal beaches, sensitive coastal bluffs or Special Flood Hazard Areas exist within the Project area.

Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

California Environmental Quality Act (CEQA) section 21081.6 requires that a mitigation monitoring and reporting program (MMRP) be adopted upon certification of an Environmental Impact Report (EIR) to ensure that the mitigation measures are implemented for significant or potentially significant impacts. The MMRP specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The analysis for the project-level components included implementing the Otay Mesa Community Plan Final Environmental Impact Report (FEIR), SCH No. 2004051076 Mitigation Framework through site-specific studies and identifying project-specific mitigation measures consistent with the FEIR Mitigation Framework. Project-specific mitigation measures were identified to address potentially significant impacts related to land use, biological resources, historical resources, human health/public safety/hazardous materials, noise, paleontological resources, traffic/circulation, and tribal cultural resources and the Project is conditioned to require compliance with the MMRP (SDP Condition No. 15).

According to the Biological Resources Report, the Project is required to provide 153.23 acres of upland mitigation and is providing 169.94 acres. The total proposed and required wetland mitigation is 1.45 acres, and an additional 95.29 acres of upland preservation are required to address impacts to CDFW conservation easements (APNs 645-061-1000 and 645-061-0200 considered VPHCP 100% conserved lands (Biological Resources Report, Table 10).

The project-level mitigation for significant impacts to land use, biological resources, historical resources, human health/public safety/hazardous materials, noise, paleontological resources, traffic/circulation, and tribal cultural resource is included in SEIR Section 10.2.4 and the MMRP, and the Project is conditioned to require compliance with the MMRP (SDP Condition No. 15). Several measures are summarized below:

PR-NOS-1: Interior Noise Analysis

Due to the magnitude of noise increases along the identified roadways, impacts at the project level would remain significant. Similar to the FEIR, no mitigation is feasible to reduce these impacts and thus, the impacts would be significant. Habitat-based mitigation for noise impacts on cactus wren and coastal California gnatcatcher habitat would reduce significant impacts to these species to below a level of significance.

Prior to the issuance of building permits for development on lots containing the buildings in PA 8, 10, 11, and 12, site-specific interior noise analyses demonstrating compliance with the interior noise compatibility standards of the City's General Plan and other applicable regulations shall be prepared for noise-sensitive land uses located in areas where the exterior noise levels exceed the noise compatibility standards of the City's General Plan (SEIR, Mitigation Measure PR-NOS-1).

PR-HIST-1: Data Recovery for CA-SDI-22, 936

Implementation of the project would impact resource CA-SDI-22,936, which would constitute a significant effect to a known historical resource.

Per State CEQA Guidelines section 15126.4(b)(3), preservation mitigation was considered to avoid significant impacts to CA-SDI-22,936. Although preservation in place is the preferred method of mitigation, it is not a feasible method of mitigation for the project due to existing development and environmental constraints that dictate the location of the proposed Caliente Avenue alignment. In addition, the proposed project requires disturbance and grading not just for the roadway but also for the placement of required utilities within the roadway. Furthermore, preservation in place through incorporation of CA-SDI-22,936 within parks, greenspace, or other open space, covering the site with a layer of chemically stable soil or deeding the site into permanent conservation easement is not feasible as the proposed Caliente Avenue alignment and utilities within the roadway are required for access to and the development of PA 8 through PA 10. Therefore, while preservation in place is the preferred method of mitigating impacts to archaeological sites; it is not feasible to preserve CA-SDI-22,936 in place.

The following project-specific measures would implement the remaining provisions of the Mitigation Framework HIST-1. Mitigation measure PR-HIST-1 shall be implemented to reduce impacts to CASDI-22,936. Mitigation measure PR-HIST-2 shall be implemented to reduce impacts due to inadvertent discovery of previously unknown historical resources during ground disturbing activities in the project-level areas

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, the applicant shall provide a letter of completion prepared by the Qualified Archaeologist (as defined in the Historical Resources Guidelines) that oversaw the recovery program that demonstrates, to the satisfaction of MMC, that the Archaeological Data Recovery Program (ADRP) for the archaeological site (CA-SDI-22,936) was completed (SEIR, Mitigation Measure PR-HIST-1 and PR-HIST-2).

Implementation of project-level mitigation measures PR-HIST-1 and PR-HIST-2 would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance. The presence of an archaeological and Native American monitor during ground disturbing activities would allow for the identification of buried resources to occur so that work can stop, and any resources be evaluated. If significant resources are recovered, implementation of a Research Design and Data Recovery Program would ensure significant resources are treated properly to reduce significant impacts. .

PR-TRA-1: Mobility Zone 4 Active Transportation In-Lieu Fee

At the project level, VMT per capita would be in excess of 85 percent of the regional mean. Thus, project-level VMT impacts would be considered significant, similar to the FEIR transportation impact conclusions.

Prior to the issuance of any building permit, the Owner/Permittee shall pay the current City of San Diego Active Transportation In-Lieu fee (ATILF) (SEIR, Mitigation Measure PR-TRA-1).

Even with the implementation of mitigation measure PR-TRA-1, impacts related to VMT at the project-level would be significant, consistent with the analysis incorporated by reference within the Findings and Statement of Overriding Considerations (SOCs) from the Complete Communities: Mobility Choices Final PEIR (City 2020; SCH No. 2019060003). Per these Findings and SOC, compliance with the City's Mobility Choices Program regulations are considered mitigation to the extent feasible.

After mitigation, all project-level impacts would be reduced to less than significant except land use plan consistency (noise compatibility) and consistency with historical resource regulations, historical resources, traffic-generated noise, traffic/circulation (VMT), tribal cultural resources which would be significant and unmitigated.

Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

C. SITE DEVELOPMENT PERMIT – San Diego Municipal Code (SDMC) Section 126.0505(c), Environmentally Sensitive Lands Deviations

1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

The Project has been designed to locate development on mesa areas and avoid landslide hazard areas, steep slopes and canyons in the Specific Plan. SEIR Section 10.2 and the MMRP for the project-level components implement mitigation consistent with the FEIR Mitigation Framework and the Project is conditioned to require compliance with the MMRP (SDP Condition No. 15).

After mitigation, all project-level impacts would be reduced to less than significant except land use plan consistency (noise compatibility) and consistency with historical resource regulations, historical resources, traffic-generated noise, traffic/circulation (VMT), and tribal cultural resources which would be significant and unmitigated. These conclusions are consistent with the FEIR, with the exception of the new land use, historical resources, and traffic/circulation (VMT) impacts.

As detailed in SEIR Sections 3.5.5.3 and 5.1.5.2.c, the Project would be consistent with the City's Brush Management Regulations, which ensure adequate fire buffers are provided between development areas and native and naturalized vegetation.

The Specific Plan identifies circulation network changes that require operational analyses to ensure the network still functions at the community level. Two circulation network changes are proposed:

1. Caliente Ave downgrade from a 6 Lane Major to a 4 Lane Modified Urban Collector between Central Ave and Beyer Blvd to avoid sensitive habitat, specifically a 1-acre City of San Diego-owned Vernal Pool Habitat Conservation Plan 100 percent conserved parcel.
2. Beyer Blvd will be downgraded from a 4 Lane Major to a 4 Lane Modified urban collector between Enright Dr and West Avenue and to a 4 Lane Urban Major between West Avenue and Caliente Ave. From Enright Dr to West Ave, Beyer Blvd will be constructed as a 2-lane roadway to avoid and minimize impacts to sensitive habitat, as requested by California wildlife agencies. From West Ave to Caliente Ave, Beyer Blvd will be constructed as a 4 Lane Urban Major.

As depicted in SEIR Figure 5.4-12, the Project includes and impacts Disturbed Wetland in portions of Beyer Boulevard West, Beyer Boulevard East, the Secondary Emergency Vehicle Access Road, Planning Areas 8, 9, and 12, and Wetland in the western portion of Beyer Boulevard West. The construction of the Caliente Avenue extension south of Central Avenue would impact 0.01 acres of disturbed wetlands inside the MHPA. Residential development would impact 0.12 acres of disturbed wetlands inside the MHPA. Residential development would also impact 0.03 acres of vernal pool inside the MHPA.

Deviations from the wetland regulations require processing one or more of the following three options: Essential Public Projects (EPP) Option, Economic Viability Option, and Biologically Superior Option (BSO) (SDMC section 143.0150). Impacts to wetlands within the Beyer Boulevard and Caliente Avenue alignments would be processed under the EPP Option because these roadways are identified in the Community Plan with regional function. Impacts to vernal pools outside of the MHPA do not require a deviation from the wetland regulations, as all impacts would be mitigated consistent with the VPHCP.

The majority (0.36 acre) of the requested deviation would qualify under the EPP Option for the development of the proposed Beyer Boulevard and Caliente Avenue extension. These roadways are City Mobility Element roadways identified in the Community Plan. Per the City's Biology Guidelines, a deviation to the ESL wetland regulations under the EPP Option may be granted, provided the project serves the community at large and not just a development project or property. Both Caliente Avenue and Beyer Boulevard are linear infrastructure identified as Mobility Element roadways in the adopted Community Plan, which meets the first two qualifications of the EPP Option.

An Alternatives Analysis was completed in Chapter 9 of the SEIR. In summary, the No Caliente Avenue North of Central Avenue Alternative and the Avoidance of Conserved Parcels Alternative (a Beyer Boulevard alternative) were both found to be infeasible wetland avoidance alternatives. The No Caliente Avenue North of Central Avenue Alternative was found infeasible because that segment of roadway is required to provide access to the Specific Plan area and this segment was already approved as a part of the Candlelight Tentative Map 114999 and is reasonably expected to be completed regardless of the proposed project considering that construction is already underway. The Avoidance of Conserved Parcels Alternative that avoids impacts due to Beyer Boulevard was rejected because the alternative alignments would be more impactful than the proposed alignment and due to infeasibility of other alignments due to landslide issues, location of Beyer Community Park, inability to meet design standards and conflicts with other conserved lands. The proposed Beyer Boulevard design includes minimization of wetland impacts to the extent feasible, as detailed in Attachment 10 of SEIR Appendix C.

The construction of the Caliente Avenue extension south of Central Avenue would impact 0.01 acres of disturbed wetlands inside the MHPA and qualify for a deviation under the EPP Option. Residential development would impact 0.12 acres of disturbed wetlands inside the MHPA, which was analyzed under BSO for a deviation. 0.03 acre of vernal pool inside the MHPA would be impacted by residential development, which was analyzed under BSO for a deviation.

Due to ESL impacts (e.g., steep slopes), a SDP is required for the Project, although exceptions and deviations may be allowed by the City if certain findings can be made. The Project has been designed to minimize impacts to ESL; however, encroachment into some steep slopes is unavoidable due to the existing site conditions and the need for erosion control. As allowed by LDC Section 143.0142(g), the temporary

encroachment areas would be graded for erosion control, but the slope grades would be restored and vegetation reestablished to the City's satisfaction once slopes are backfilled.

SEIR and MMRP Mitigation Measure PR-HIST-2 states the following: "If the resource is significant, the Principal Investigator shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor and obtain written approval from the Mitigation Monitoring Coordination. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA section 21083.2 shall not apply."

However, even with the implementation of mitigation measures PR-HIST-1 and PR-HIST-2, impacts associated with future development would remain significant, considering the nature of the loss (e.g., loss of a minimally disturbed habitat site in Otay Mesa where such resources are scarce), and 100% of the site would continue to be impacted. As noted in Finding D.2. incorporated here by reference and the SEIR, no additional feasible mitigation or project alternative has been identified that could reduce this impact.

Therefore, there are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.

See Findings A.2., A.3, B.1, D.2., and D.3 incorporated by reference.

The Project has been designed to locate development on mesa areas and avoid landslide hazard areas, steep slopes and canyons in the Specific Plan. Sensitive habitats are identified in the MHPA and VPHCP areas.

Given the topography of the Project area, it is anticipated that development of Southwest Village will require site-specific grading regulations that will supersede specific portions of the SDMC section 143.0142(a) and section II(C) of the Steep Hillside Guidelines. The overall goal of the grading regulations is to blend with existing or planned adjacent topography, provide for more natural appearing manufactured slopes, minimize grading quantities, and minimize the height of visible slopes. Slopes adjacent to major streets shall be landform graded regardless of the adjacent topography, except when necessary to minimize impacts to sensitive natural resources.

Caliente Avenue and Beyer Boulevard were designed with respect to the topography and location of conserved open space in the Specific Plan, which identifies preserved areas of open space. Most of the eastern areas identified as open space are included in the VPHCP. However, the Specific Plan would involve a VPHCP MA and MHPA BLA.

Impacts to wetlands within the Beyer Boulevard and Caliente Avenue alignments would be processed under the ESL deviation EPP Option because these roadways are identified in the Community Plan with regional function. Impacts to vernal pools outside of the MHPA do not require a deviation from the wetland regulations, as all impacts would be mitigated consistent with the VPHCP.

The remainder of the resources subject to a wetland deviation are processed under the BSO deviation option. The BSO analysis documented in the SEIR shows how the proposed project would be biologically superior to avoiding the wetland resources. The low quality of the impacted resources was considered in light of the proposed mitigation for vernal pools and wetlands that would provide higher functions and values than the impacted resources.

Implementation of project-level mitigation measures PR-HIST-1 and PR-HIST-2 would reduce impacts to CA-SDI-22,936 and unknown or buried cultural resources discovered during ground disturbance. The presence of an archaeological and Native American monitor during ground disturbance activities would allow for the identification of buried resources so that work can stop and any resources can be evaluated. If significant resources are recovered, implementation of a Research Design and Data Recovery Program would ensure that significant resources are treated properly to reduce significant impacts.

Therefore, the proposed deviations are the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.

D. SITE DEVELOPMENT PERMIT – San Diego Municipal Code (SDMC) Section 126.0505(g), Supplemental Findings – Historical Resources Deviation for Important Archaeological Sites and Traditional Cultural Properties

- 1. There are no feasible measures, including a less environmentally damaging location or alternative, that can further minimize the potential adverse effects on historical resources.**

A Historical Resources Investigation of the Southwest Village Specific Plan prepared by RECON Environmental, Inc. for applicant, Tri Pointe Homes, found that archaeological site CA-SDI-22,936 retained integrity and was eligible for historic designation on the California and San Diego Registers. The site, HRB #1537, was designated in September 2024 by the City of San Diego Historical Resources Board and was included on the San Diego Register under Criterion A as a special element of the City's and Otay Mesa's archeological and cultural development. Specifically, CA-SDI-22,936 likely functioned as a tool manufacturing location and could provide

enough data to answer regional research questions regarding site function, chronology and subsistence due to its high density subsurface cultural deposit and minimal disturbance within the central portion of the site.

The Southwest Village Specific Plan (Base Project or Specific Plan) would encroach into 100 percent of historical resource CA-SDI-22,936 as a result of the width and design of Caliente Avenue south of Central Avenue and associated grading. The extension of Caliente Avenue is required as one of the primary access roadways to the Specific Plan. Primary access to the Specific Plan must be taken from the extension of two existing key arterials: Caliente Avenue offering north-south access from Otay Mesa and Beyer Boulevard offering east-west access from San Ysidro. These roadways are both identified as Mobility Element roadways in the Community Plan. The need to connect with the existing Caliente Avenue and Beyer Boulevard roadways greatly reduces the options for providing vehicular access to the site. Additionally, the project anticipates Caliente Avenue to carry over 29,000 vehicular average daily trips (ADTs), requiring the roadway to maintain a certain width and number of lanes to accommodate anticipated traffic needs. The applicant also considered removing the Caliente Avenue extension entirely; however, Beyer Boulevard would not be able to be modified to accommodate anticipated traffic volumes. Additionally, both Beyer Boulevard and Caliente Avenue are required to provide primary fire/emergency access routes to the Specific Plan.

The width of Caliente Avenue within the Specific Plan cannot be further downgraded from the proposed 4-Lane Urban Collector Street due to anticipated traffic volumes. Caliente Avenue within the Specific Plan area was planned as a 6-Lane Major Arterial within the City's Community Plan (Figure 3-2). The Community Plan required that prior to consideration of any comprehensive development or rezoning proposals in the Southwest Village Specific Plan area that a Specific Plan to implement the land use framework be prepared. Accordingly, the Specific Plan identifies the mobility network for the Specific Plan area (Specific Plan Figure 4.1) and identifies Caliente Avenue between Central Avenue and Beyer Boulevard as a 4-Lane Urban Collector Street with a Class I bike path and Class II bike lane. This segment of Caliente Avenue, which would impact the historical resource, has already been downgraded from the Community Plan planned 6-Lane Major Arterial to a 4-Lane Urban Collector Street. Further downgrade to allow for avoidance of the historical resource would not be feasible due to the anticipated traffic volume of 29,000 ADTs (see discussion below).

Several other existing factors provide significant constraints for the roadway alignment within the Specific Plan area. The proposed alignment of Caliente Avenue immediately north of the Specific Plan area was approved as part of the Candlelight development (Project No. PTS 30320/691625) which established the location for Caliente Avenue. Therefore, the alignment of Caliente Avenue where it enters the Specific Plan area is established and cannot be modified without modifications to the Candlelight development approvals. Also, per the Community Plan (Figure 3-2), the Caliente Avenue alignment must connect to Beyer Boulevard in order to provide critical transportation connections between Otay Mesa and San Ysidro. Caliente

Avenue and Beyer Boulevard are the two major roadways providing regional access to the project site to and from Otay Mesa and San Ysidro. Therefore, the connection point between Beyer Boulevard and Caliente Avenue is necessary for project access and cannot be modified.

The Specific Plan alignment of Caliente Avenue cannot be shifted southward. A City conservation parcel (Assessor Parcel Number 645-074-0600) that is part of the Vernal Pool Habitat Conservation Plan preserve and acquired with United States Fish and Wildlife Service (USFWS) Endangered Species Act (ESA) Section 6 grant funding is located just south of the historical resource. Due to its funding source and its status as Vernal Pool Habitat Conservation Plan preserve, this parcel cannot be impacted by the road extension and must be avoided. As a result, the alignment of Caliente Avenue cannot be shifted as it is currently aligned to avoid this City conserved parcel, while staying within the Specific Plan boundary and connecting to Beyer Boulevard.

An analysis (Southwest Village Specific Plan Caliente Avenue Alternatives Analysis) of five different alternatives to the Base Project was prepared by RECON for the project applicant, Tri Pointe Homes (Alternatives Analysis). Alternative 1 studied the narrowing of the Caliente Avenue extension to reduce impacts to the archaeological site. Alternative 2 studied shifting the alignment of the Caliente Avenue extension to the north in an effort to avoid the archaeological site in its entirety. Alternative 3 studied a revised alignment of the Caliente Avenue extension that avoided the archaeological site by rerouting the road into areas with steep slopes, finger canyons, 100% conserved land and VPHCP/MHPA. Alternative 4 studied extending Caliente Avenue north to intersect with the existing Central Avenue then zigzagging before rejoining the existing portion of Caliente Avenue. Alternative 5 studied preserving, or “capping”, the archaeological site intact beneath Caliente Avenue. The five alternatives were evaluated for their regulatory, physical and technical feasibility versus that of the Base Project, and are summarized in the table below:

Alternative	Description	Environmental Impact	Project Impact
Base Project	Extension of Caliente Avenue as a 4-Lane (122 feet wide) Urban Collector Street with Class I bike path and Class II bike lane.	100% encroachment into CA-SDI-22,936	N/A
Alternative 1	Extension of Caliente Avenue as a 2 lane (62 feet wide) Urban Collector Street with Class II bike lane.	Reduced roadway impacts to CA-SDI-22,936	Alternative 1 would narrow Caliente Avenue and would not meet the transportation and mobility objectives of the Specific Plan and

Alternative	Description	Environmental Impact	Project Impact
			Otay Mesa Community Plan.
Alternative 2	Shifting the alignment of the Caliente Avenue extension to the north as a 4-Lane (122 feet wide) Urban Collector Street with Class I bike path and Class II bike lane.	Complete avoidance of CA-SDI-22,936	Alternative 2 presents engineering challenges due to a tight curve radius, and extension of roadway into land not owned or controlled by Tri Pointe Homes and would encroach upon areas planned for residential development.
Alternative 3	Extension of Caliente Avenue north as a 4-Lane (122 feet wide) Urban Collector Street with Class I bike path and Class II bike lane rerouted through areas with steep slopes, finger canyons, 100% conserved land, and VPHCP/MHPA.	Complete avoidance of CA-SDI-22,936	Alternative 3 would complicate road construction, reduce long-term road stability, and necessitate additional environmental analysis and coordination with wildlife agencies.
Alternative 4	Extension of Caliente Avenue north to intersect with Central Avenue north as a 4-Lane (122 feet wide) Urban Collector Street with Class I bike path and Class II bike lane.	Complete avoidance of CA-SDI-22,936	Alternative 4 would expand the anticipated traffic volumes along Central Avenue, and encroach into adjacent property not owned or controlled by Tri Pointe Homes, and would encroach upon areas planned for residential development.
Alternative 5	Extension of Caliente Avenue consistent with the Base Project and with preservation of the archaeological site below	CA-SDI-22,936 would remain intact beneath Caliente Avenue with	Reduced long-term road stability, ongoing disruption of site for public utility

Alternative	Description	Environmental Impact	Project Impact
	through resource capping.	excavation through site for utilities	installation, inspection, maintenance and repair.

Based upon the alternatives analysis, the Base Project is the only feasible option among those presented and the other less environmentally damaging alternatives studied are not feasible due to regulatory, physical and technical restraints as described in more detail below.

According to the alternatives analysis:

- Alternative 1 would narrow Caliente Avenue within its current alignment (from 122 feet to 62 feet) in an effort to reduce the extent of intrusion into the archaeological site. The segment of Caliente Avenue in question has already been downgraded from the Otay Mesa Community Plan's originally planned 6-Lane Major Arterial to a 4-Lane Urban Collector Street. Any further reduction in roadway width is not considered feasible due to projected traffic volumes exceeding the reduced roadway capacity and the functional classification needed to support long-term circulation demands in the Specific Plan area. From a critical multi-modal perspective, the baseline Caliente Avenue has 122 feet of right of way (ROW) to accommodate Class I Bike Paths, Class II Bike Lanes, sidewalks and buffers as required by the Community Plan. Reducing the ROW from 122 feet to 62 feet will result in a loss of two lanes of traffic. The reduction of Caliente Avenue to a 2-Lane Urban Collector Street would make it feasible to accommodate only 6,500 ADTs, far below the necessary 29,000 ADTs required to make the project feasible. Additionally, the grading associated with this alternative would impact portions of the important archaeological site. In view of the foregoing factors, alternative 1 is therefore not feasible.
- Alternative 2 would shift the alignment of Caliente Avenue to the north in an effort to avoid the archaeological site. However, the revised alignment presents engineering challenges due to geometric limitations including tight curve radii that do not meet standard design requirements. The minimum curve radius permitted for a 4-Lane Urban Collector is 380 feet with a 6% superelevation. A 6% superelevation is significant and would require a deviation from the City standards. It may not be possible to design this segment within the design requirements. As a result, deviations would be required for minimum curve radius and superelevation standards. In addition, this alignment would impact planned development within portions of Planning Area 8 (PA8) and extend onto property not owned or controlled by Tri Pointe Homes. These constraints introduce issues related to land acquisition, off-site improvements, and potential conflicts with adjacent development plans outside of the Specific Plan area. Alternative 2 is therefore not feasible. Additionally, as demonstrated by Alternatives Analysis, Figures 2 and 6, avoidance of the archaeological site would preclude the property

owner from realizing reasonable use of the land by encroaching on areas planned and designated for residential development resulting in the reduction of dwelling units within Planning Area 8.

- Alternative 3 would revise the alignment and geometry of Caliente Avenue to avoid the archaeological site by rerouting the road into areas with steep slopes, finger canyons, 100% conserved land, and VPHCP/MHPA. While this alignment may reduce direct impacts to the historical resource, it also introduces geological constraints that could complicate road construction and long-term road stability. Additionally, portions of the revised alignment would extend beyond the boundaries of the project-level environmental analysis area and introduce additional grading into sensitive resources, triggering the need for supplemental environmental studies and additional coordination with wildlife agencies. These factors could result in delays to project implementation and may require new or amended permits from the City and outside agencies. Vehicles would be required to use two “T-intersections” to reach this alternative Caliente Avenue alignment. The third leg of these T-intersections would either be a dead end or to a low volume connection. Each of these T-intersections would require either all-way stop control or a traffic signal. Moving the project’s anticipated 29,000 average daily trips through these T-intersections would require dual right and left turn lanes that would require additional ROW at the new intersections. In view of the foregoing factors, alternative 3 is not feasible.
- Alternative 4 proposes extending Caliente Avenue north to intersect with Central Avenue, then zigzagging before rejoining the existing Caliente alignment. Although this configuration aims to avoid the archaeological site, it is not considered feasible. Central Avenue is a 2-Lane Collector and lacks the capacity to accommodate the anticipated average daily trips (ADT) generated by Caliente Avenue, even over a short distance. The horizon year ADT would increase from 3,900 ADT to 24,900 ADT along Central Avenue between the Southwind Property and the existing Caliente Avenue alignment. This increase in ADT will require a 4-Lane Collector with 110-122 feet of ROW to operate at level of service (LOS) D. This segment of Central Avenue has 62 feet of ROW. A 4-Lane Collector would require 48-60 feet of additional ROW. Additionally, this alternative will create a significant number of left and right turning vehicles due to the zigzag route with this new alignment. Dual left and right turn lanes will be required at the new intersections of Caliente Avenue/Central Avenue adjacent to Southwind and at Central Avenue/Caliente Avenue at the existing Caliente alignment resulting in additional ROW needs. In addition, this realignment would affect planned development within Planning Area 8 (PA8) and require substantial encroachment onto the Southwind property, which lies outside of Tri Pointe’s ownership and control. Given these constraints, this alternative is not practical from either a traffic operations or land use perspective, Alternative 4 is therefore not feasible. Additionally, as demonstrated by Alternatives Analysis, Figures 2 and 8, complete avoidance of the archaeological site would preclude the property

owner from realizing reasonable use of the land by encroaching on areas planned and designated for residential development resulting in the reduction of dwelling units within Planning Area 8.

- Alternative 5 proposes to preserve the important archaeological site in place beneath the proposed Caliente Avenue extension by covering it with a geofabric followed by two feet of clean fill soils before adding project soils to the existing grade. Approximately a minimum of 16 feet of structural fill soil would need to be added above the two feet of clean fill soil to bring the terrain up to the grade required to construct Caliente Avenue. The area above the archaeological site, measuring approximately 127 by 75 feet by 3 to 4 feet deep of topsoil, would need to be left intact prior to the placement of structural fill soil. The intact topsoil would not provide a strong base for the fill soil and could introduce long-term settlement issues and distress to improvements built at the finished grade, including Caliente Avenue. Also, the project includes the construction of water, sewer, and storm drain facilities beneath Caliente Avenue that would impact the archaeological resource or the immediately adjacent area. These public utilities would require ongoing access for inspection, maintenance and repair with a high likelihood of disturbing the capped resource and undermining the intent of preservation in place. Given the inability to guarantee stable construction of Caliente Avenue and the likely need to trench through or adjacent to the preserved resource in order to install and maintain public utilities, Alternative 5 is not feasible.

As demonstrated by the alternatives analysis, the Base Project is the only feasible option due to the existing conditions of the site and surrounding properties outside the Specific Plan area and outside of the applicant's ownership and control. There is no other feasible location for the roadway extension that would serve the Community Plan and Specific Plan area objectives or support anticipated traffic volumes of 29,000 ADTs and avoid the historical resource. Removal and/or reduction of the road would render the Specific Plan development infeasible through its inability to support anticipated traffic needs. Additionally, it is not feasible to preserve the archaeological site intact beneath Caliente Avenue and construct a stable roadway. Therefore, for these reasons, there are no feasible measures, including a less environmentally damaging alternative that can further minimize the potential adverse effects on the designated historical resource.

2. **The proposed deviation is the minimum necessary to afford relief and accommodate the development and all feasible measures to mitigate for the loss of any portion of the resource have been provided by the applicant.**

The City's Historical Resources Regulations (HRR), San Diego Municipal Code Chapter 14, Article 3, Division 2, require that all important archaeological sites be protected and preserved consistent with the Secretary of the Interior's Standards. The HRR permit a deviation from the regulations with the approval of a Site Development Permit and associated findings. By encroaching into 100% of historical resource CA-SDI-22,936 as a result of the width and design of Caliente Avenue south of

Central Avenue, the proposed Base Project is a substantial alteration to a historical resource that is not consistent with the Standards; therefore, a deviation from the Historical Resources Regulations is being requested. As demonstrated by Finding D.1., incorporated here by reference and the RECON alternatives analysis prepared for the applicant (Alternatives Analysis), 100% encroachment into CA-SDI-22,936 is the minimum deviation from the City's Historical Resources Regulations necessary to afford relief and accommodate the development due to the existing conditions of the Specific Plan area.

As noted above, the extension of Caliente Avenue is required for the development of the Specific Plan. The applicant has provided mitigation measures to address the impacts to the historical resource. The environmental analysis for the Specific Plan is a Subsequent Environmental Impact Report (SEIR) to the FEIR, which anticipated development of the Specific Plan area in addition to the proposed Caliente Avenue extension. The FEIR found that impacts to known and unknown historical resources could occur anywhere within the planning area and that grading of original in situ soils could expose buried historical archaeological resources and features including sacred sites and human remains. The FEIR Mitigation Framework includes HIST-1: Archaeological Resources, Step 3 which states "if the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm shall be taken. For archaeological resources where preservation is not an option, a Research Design and Data Recovery Program is required."

The SEIR's project-level Mitigation Monitoring and Reporting Program requires a data recovery program as well as construction monitoring. PR-HIST-1 requires a Qualified Archaeologist to lead a data recovery program for CA-SDI-22,936. The data recovery program will systematically excavate the central area of the site that contains potential intact subsurface deposits as well as document and curate any artifacts found. The results will be documented in an Archaeological Data Recovery Program Final Report. The *Results of the Historical Resources Investigation of the Southwest Village Specific Plan, San Diego, California* (RECON Environmental, Inc. 2024) has outlined a research design and two-phased data recovery program that includes up to 2 percent recovery from the central area of CA-SDI-22,936 to comply with this mitigation measure. Mitigation measure PR-HIST-2 requires monitoring during construction by archaeological and Native American monitors. The mitigation measure outlines the steps and the process of managing discoveries during construction and requires preparation of a Final Monitoring Report which will be submitted to City staff. Implementation of these mitigation measures would minimize potentially significant impacts to buried archaeological resources during grading to the maximum extent feasible.

Therefore, the project is designed with the minimum necessary deviations to afford relief from the restrictions of the Historical Resources Regulations and accommodate the development and all feasible measures to mitigate for the loss of any portions of the historical resource have been provided by the applicant.

- 3. There are special circumstances or conditions apart from the existence of historical resources, applying to the land that are peculiar to the land and are not of the applicant's making, whereby the strict application of the provisions of the historical resources regulations would deprive the property owner of reasonable use of the land.**

The project includes the extension of Caliente Avenue to provide vehicular access to the Specific Plan area. The Caliente Avenue extension must connect to the existing terminus of Caliente Avenue and the planned terminus of Beyer Boulevard. The construction of Caliente Avenue north of Central Avenue was previously analyzed within the Candlelight FEIR (SCH No. 2013101036) that was approved by the City with a prior entitlement for the neighboring Candlelight development (Project No. PTS 30320/691625). Shifting the road alignment to the south to avoid the historical resource would not be feasible due to the City Vernal Pool Habitat Conservation Plan preserve lands including Assessor Parcel Number 645 074-0600, which was conserved with USFWS ESA Section 6 grant funding. There is no other location for the Caliente Avenue roadway extension while still serving the Specific Plan area, connecting to Beyer Boulevard, and avoiding the environmental resource. Additionally, it is not feasible to preserve the archaeological site intact beneath Caliente Avenue and construct a stable roadway.

As indicated in Findings D.1. and D.2. above, incorporated here by reference, Alternatives 1 through 4, which shift the location of the Caliente Avenue extension, would significantly and adversely impact overall circulation and undermine the Specific Plan's and community plan's mobility objectives. Furthermore, the impacts due to the construction of Caliente Avenue are not of the applicant's making as the general location of the roadway was planned as part of the Community Plan as a public road providing regional access and circulation consistent with the Community Plan (Figure 3-2). Additionally, the location of Caliente Avenue directly to the north of the Specific Plan area was approved as part of the Candlelight development and is currently under construction. The constraints that exist in the area, as documented in Findings D.1. and D.2. above, incorporated here by reference, are not of the applicant's making.

The location of the archaeological site, adjacent to a finger canyon, is fixed and it cannot be relocated like a historic or cultural resource from the built environment. As discussed in Finding D.1. Alternative 5, preserving the important archeological site beneath the proposed Caliente Avenue extension is infeasible due to the topographical constraints of the project site. In this scenario, a minimum of 16 feet of structural fill soil above two feet of clean fill soil would need to be added to the existing grade to bring the roadway above the site up to the proper elevation. This scenario was determined to be infeasible due to the unstable roadway that would be constructed above the archaeological site. Constraints due to the archaeological site's location and the topography of the surrounding area are not of the applicant's making.

Strict application of the Historical Resources Regulations would deprive the City of substantial future housing opportunities within the Specific Plan area. As discussed in Finding D.1., there are no other feasible alternatives that would have less of an impact on the important archeological site and meet the goals of the project. The strict application of the Historical Resources Regulations would require the removal, reduction, or relocation of the Caliente Avenue extension to avoid impacts to the important archaeological site. As noted in the Alternatives Analysis, the removal or reduction (Alternative 1) of the Caliente Avenue extension would significantly impair the ability to develop the Specific Plan area as envisioned in the Community Plan because it would be infeasible to accommodate anticipated traffic needs and provide sufficient fire/emergency access routes. Additionally, as demonstrated by the Alternatives Analysis, Figures 2, 6, and 8, avoidance of the archaeological site in Alternatives 2 and 4 would preclude the property owner from realizing reasonable use of the land by encroaching on areas planned and designated for residential development. Strict application of the Historical Resources Regulations would also deprive the property owners within the Specific Plan area of a reasonable use of the land when compared to the land uses envisioned in the Community Plan. The Community Plan identified the 490-acre Southwest Village Specific Plan area would be developed with a neighborhood village with a central town center of mixed uses with future roadway connections via Caliente Avenue and Beyer Boulevard.

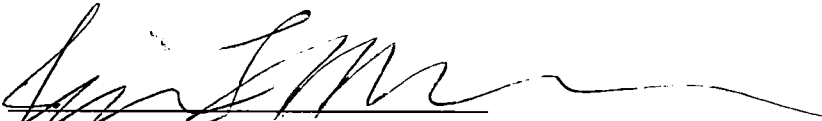
Therefore, there are special circumstances or conditions apart from the existence of historical resources, applying to the land that are peculiar to the land and are not of the applicant's making, whereby the strict application of the provisions of the historical resources regulations would deprive the property owner of reasonable use of the land.

2. The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated by this reference.

3. Based on these findings adopted by the Council, Site Development Permit No. PMT-2188971 is granted by the Council to the referenced Owner/Permittee, in the form, exhibits, terms, and conditions as set forth in Site Development Permit No. PMT-2188971, a copy of which is attached to and made a part of this Resolution by this reference.

APPROVED: HEATHER FERBERT, City Attorney

By



Jeanne L. MacKinnon
Deputy City Attorney

JLM:at:cm
May 27, 2026
Or.Dept: DSD
Doc. No. 4466428

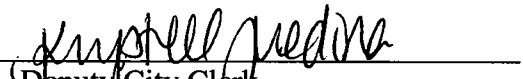
ATTACHMENT: Site Development Permit No. PMT-2188971

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on

JUL 06 2026

DIANA J.S. FUENTES
City Clerk

By



Deputy City Clerk

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24007991

SITE DEVELOPMENT PERMIT NO. PMT-2188971,
MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT
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 Pointe 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 (**Specific Plan Phase 1**) and includes 182.90 acres north of the United States/Mexico international border; east of Interstate 805 (I-805); south of State Route 905 (SR-905); and west of the Central Village Specific Plan area 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, Vernal Pools, Brush Management (Native/Naturalized Vegetation), the Very High Fire Hazard 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 City of San Diego, County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-04), together with Parcels 1, 2, 3 and 4 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 on March 27, 1978 (APN 645-061-06, 07, 08 and 09), 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 on December 10, 2020 as File No. 2020-70000416 (APN 667-010-34), together with the Northeast Quarter of the Southwest Quarter of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-02), together with Government Lots 3 and 4 of Section 31, Township 18 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-10), together with the Southeast Quarter of the Southeast Quarter and the Northeast Quarter of the

Southeast Quarter, both in Section 36, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 638-070-74) and together with the Southwest Quarter of the Southeast Quarter of Section 36, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 638-070-71).

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 (**Specific Plan 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 **Specific Plan Phase 2** (Planning Area 15 through Planning Area 20) and a portion of **Specific Plan Phase 4** (Planning Area 1, Planning Area 2, and Planning Area 7), 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 July 6, 2026, on file in the Development Services Department.

The project shall include:

- a. **Specific Plan Phase 1** (Planning Area 8 through Planning Area 14): 920 multiple dwelling (condominium) 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 Four-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 Four-Lane Urban Collector (built as Two-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 Four-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 Two-Lane Collector with buffered class II bike lanes from Caliente Avenue to Beyer Blvd.

- e. **Street A:** A Modified Two-Lane collector with buffered class II bike lanes from West Ave to the terminus of Street A.
- f. **West Avenue:** A Modified Two-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 **Specific Plan Phase 2** (Planning Area 15 through Planning Area 20) and a portion of **Specific Plan Phase 4** (Planning Area 1, Planning Area 2, and Planning Area 7).
- 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).
- 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 July 6, 2029.
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. 0614791/SCH No. 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 No. 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 Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan prepared by Recon Environmental, 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 Planning Area (PA) 10 (Vesting Tentative Map (VTM) No. PMT-2188969) 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 (VTM No. PMT-2188969) 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 (VTM No. PMT-2188969) 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, which 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 from West Avenue 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 from the eastern terminus of Beyer Boulevard East to Rail Court.

26. The Site Development Permit No. 2188971 shall comply with all conditions of VTM No. PMT-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. Per Section 5.2 of the VPHCP Indirect impacts to conserved vernal pools shall be minimized and development projects adjacent to the hard line preserve shall 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 (except 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. Owner/Permittee is responsible for funding an endowment for the long-term management of the vernal pool preserve, including vernal pool mitigation lands, to be transferred to the City. Management and monitoring cost for each mitigation area and transferred lands will be defined in a Property Analysis Record (PAR) included as part of the long-term management plan. If an endowment is used for the funding, the endowment shall be held by City of San Diego Funds Commission or another qualified entity approved by the City of San Diego. 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.

MULTIPLE SPECIES CONSERVATION PROGRAM REQUIREMENTS:

48. Prior to the issuance of any construction permits for Phase 1, the Owner/Permittee shall convey the on-site Multi-Habitat Planning Area [MHPA] to the City's Multiple Species Conservation Program [MSCP] preserve pursuant to MMRP PR-BIO-15 through either fee title to the City, or otherwise protect the lands through a Covenant of Easement granted in favor of the City and the U.S. Fish and Wildlife Service [USFWS] and the California Department of Fish and Wildlife [CDFW], as shown on Exhibit "A." Conveyance of any land in fee to the City shall require approval from the Parks and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. The Owner/Permittee shall schedule an inspection with the Parks and Recreation Department Open Space Division to ensure all property approved for conveyance in fee

title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreements and/or liens. For any on-site MHPA lands that are not dedicated in fee title to the City, the Owner/Permittee shall grant a covenant of easement in favor of the City, USFWS, and CDFW. The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.

49. Prior to issuance of any construction permits for extension of Beyer Boulevard from West Avenue to Enright Drive (Beyer Boulevard extension), the Owner/Permittee shall coordinate with and provide to the City of San Diego all needed materials related to the processing of a Major Amendment to the City's Vernal Pool Habitat Conservation Plan (VPHCP) to address impacts within APN 645-061-10 (West Otay A), APN 645-061-02 (West Otay B), and APN 638-070-74 (Furby-North Preserve) due to the proposed Beyer Boulevard extension. The VPHCP Major Amendment shall be processed as an amendment to the Incidental Take Permit issued to the City under section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, as amended (Permit Amendment), and in accordance with all applicable Federal and State statutory and regulatory requirements.

50. Prior to issuance of any construction permits for the extension of Beyer Boulevard from West Avenue to Enright Drive (Beyer Boulevard extension) following final approval by the City and USFWS of a VPHCP Major Amendment for impacts due to the Beyer Boulevard extension within West Otay A and West Otay B memorialized through an addendum to the VPHCP and the associated Permit Amendment, the Owner/Permittee shall preserve through either fee title to the City, or through a Covenant of Easement, 103.27 acres of upland and aquatic resources, including 95.29 acres identified as Additional Habitat Preservation and 7.98 acres identified as Furby North Exchange Lands as shown on Final SEIR Figure 5.4-9, to offset impacts to 100 percent conserved lands and the Furby-North Preserve conservation parcel within APN 645-061-10 (West Otay A), APN 645-061-02 (West Otay B), and APN 638-070-74 (Furby-North Preserve) by the Beyer Boulevard extension.

51. Prior to issuance of any construction permits for the Beyer Boulevard extension, including but not limited to, the first Grading Permit, the owner/permittee shall prepare documents identifying conservation easement areas to be impacted and replacement conservation easement area, including but not limited to, plot map of all impacted and replacement easement areas, and legal description of the Beyer Boulevard impact area and replacement easement area to the satisfaction of the Director of the Economic Development Department, Director of the City Planning Department and Environmental Designee of the Development Services Department as required to demonstrate compliance with applicable provisions, procedures, and agency approvals of the California Government Code, Code of Civil Procedure and Fish and Game Code, for the amendment, modification, or vacation of Conservation Easements affecting real properties designated as APN 645-061-10 (West Otay A) and APN 645-061-02 (West Otay B), granted in favor of the State of California, acting by and through its Department of Fish and Wildlife.

52. Prior to issuance of any construction permits for the Beyer Boulevard extension, including but not limited to, the first Grading Permit, the Owner/Permittee shall demonstrate adequate right-of-way (ROW) has been acquired from the County of San Diego across APN 638-070-74 (Furby North Preserve) for the construction of Beyer Boulevard West (including installation of wildlife crossings) from West Avenue to Enright Drive as a 44 foot curb to curb width on 53 feet of ROW for a Modified Four-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 as described in and by reference to the concurrently approved Exhibit "A", Vesting Tentative Map No. PMT-2188969.

53. Prior to issuance of any construction permits for the Beyer Boulevard extension, including but not limited to, the first Grading Permit, the Owner/Permittee shall demonstrate adequate right-of-way has been acquired from National Enterprises, Inc. across APN 645-061-10 (West Otay A) for the construction of Beyer Boulevard West (including installation of wildlife crossings) from West Avenue to Enright Drive as a 44 foot curb to curb width on 53 feet of ROW for a Modified Four-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 as described in and by reference to the concurrently approved Exhibit "A", Vesting Tentative Map No. PMT-2188969.

54. Prior to issuance of any construction permits for each Phase of development, the Owner/Permittee shall submit a Compliance Matrix for each respective Phase to demonstrate status/compliance with MMRP/SDP/VTM measures/conditions applicable for each Phase of development.

PLANNING/DESIGN REQUIREMENTS:

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

56. Prior to the issuance of any building permit, the Owner/Permittee shall include the Specific Plan Implementation Tracking Table as shown in Appendix C of the Specific Plan. This table shall be located on the title sheet of the construction plans and include the Planning Area, dwelling unit count, commercial square footage, average daily trips, AM peak hour trips, and PM peak hour trips for the overall Project at the time of building permit issuance.

57. 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 Hillsides 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".

58. 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.

59. 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.

60. All signs associated with this development shall be consistent with sign criteria established by the Southwest Village Specific Plan or City-wide sign regulations.

61. 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:

62. 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, 2,253 out) peak hour trips at project buildout. A traffic Monitoring Worksheet per Appendix C of the Specific Plan 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.

63. 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 No. PMT-2188969 to the satisfaction of the City Engineer.

64. 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 VTM No. PMT-2188969, to the satisfaction of the City Engineer.

65. 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 through 10 of VTM No. PMT-2188969.

66. 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.

67. 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 Six-Lane Major (striped as a Five-Lane Major with 2 southbound lanes and 3 northbound lanes due to the southbound Two-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.

68. 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.

69. 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 Two-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.

70. 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.

71. 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.

72. 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 represent a total of 699 dwelling units within Planning Areas 8 through 10 and 11 through 14 of VTM No. PMT-2188969.

73. 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).

74. 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 Ave) 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).

75. 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).

76. 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).

77. 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).

78. 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).

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 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 Two-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).

80. 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 Two-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).

81. 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 Two-Lane Collector 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 Phase 1b (201st dwelling unit).

82. 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 Two-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 Phase 1b (201st dwelling unit).

83. 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 Two-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 Phase 1b (201st dwelling unit).

84. 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 in Phase 1b (201st dwelling unit).

85. 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 Phase 1b (201st dwelling unit).

86. 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 stop-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 through 10 and 11 through 14 of VTM No. PMT-2188969.

87. 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 two (2) 26-foot-wide driveways along West Avenue within Planning Areas 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 1c (700th dwelling unit).

88. 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 Four-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 as described in and by reference to the concurrently approved Exhibit "A", Vesting Tentative Map No. PMT-2188969. These improvements shall be completed and operational prior to first occupancy in Phase 1c (700th dwelling unit).

89. 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 Two-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).

90. 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).

91. 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:

92. 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.

93. 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.

94. 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.

95. 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.

96. 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.

97. Prior to the construction of the 801st 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 No. PMT-2188969 Water Study in the City of San Diego, in a manner satisfactory to the Public Utilities Department and the City Engineer.

98. 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.

99. 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 No. PMT-2188969 Water Study in the City of San Diego, in a manner satisfactory to the Public Utilities Department and the City Engineer.

100. 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 No. PMT-2188969 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.

101. 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 No. PMT-2188969 Project in the City of San Diego, in a manner satisfactory to the Public Utilities Department and the City Engineer.

102. 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.

103. 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 Project VTM No. PMT-2188969 in the City of San Diego, in a manner satisfactory to the Public Utilities Department and the City Engineer

104. 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.

105. 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.

106. 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.

107. 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:

108. 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, cut slopes 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.

109. 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:

110. Prior to issuance of any construction permits (either grading or building permit), 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 to the satisfaction of the Parks and Recreation Department Director.

111. Prior to issuance of any construction permits (either grading or building permit), 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 to the satisfaction of the Parks and Recreation Department Director.

112. Prior to issuance of any construction permits (either grading or building permit), the Owner/Permittee shall ensure that there are no temporary or permanent construction impacts to adjacent City fee-owned open space excluding off-site improvements for the extension of Beyer Boulevard West to the satisfaction of the Parks and Recreation Department Director.

113. Prior to issuance of any construction permits (either grading or building permit), 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, excluding the off-site improvements for the extension of Beyer Boulevard West, or on open space parcels to be conveyed to the City to the satisfaction of the Parks and Recreation Department Director.

114. Prior to issuance of any construction permits (either grading or building permit), 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 to the satisfaction of the Parks and Recreation Department Director.

115. Prior to issuance of any construction permits (either grading or building permit), the Owner/Permittee shall ensure Parks and Recreation Department review and approval of any grading plans or public improvement plans prior to permit issuance to the satisfaction of the Parks and Recreation Director.

116. Prior to issuance of any construction permits (either grading or building permit), the Owner/Permittee shall enter into a maintenance agreement that requires the Owner/Permittee to provide yearly maintenance and monitoring of any stormwater discharge facilities that outfall onto City-fee owned parkland 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.

117. 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 to the satisfaction of the Parks and Recreation Director or designee. All public pedestrian pathways and vehicular access drives shall be maintained by the Owner/Permittee, Homeowners Association or other private maintaining party.

118. 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.

119. Prior to final inspection of the first dwelling unit in the development, the Owner/Permittee shall 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 to the satisfaction of the Parks and Recreation Director or designee, and 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.
- d. The Parks and Recreation Department shall retain responsibility for the permitting and operations of the 5.61 acres of recreational facilities satisfying population-based requirements.
- e. 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.

- f. 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.

120. 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 to the satisfaction of the Parks and Recreation Director or designee

121. Prior to issuance of any construction permits (either grading or building permit, 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 to the satisfaction of the Parks and Recreation Director or designee.

122. 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 Owner/Permittee shall ensure that Parks and Recreation Department shall review and approve of grading, public improvement, and park construction plans to the satisfaction of the Parks and Recreation Director or designee.

123. 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.

124. Prior to issuance of any construction permit for Beyer Boulevard West, 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 does not exceed 1.82 acres to the satisfaction of the Parks and Recreation Director or designee.

125. 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 Community 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 APN 638-070-71 to the satisfaction of the Parks and Recreation Director or designee and 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 \$13,694,205.00.

126. The final built condition of the future right of way of Beyer Boulevard West extension shall not require more than 1.82 acres of the Beyer Community Park parcel APN 638-070-71. If the final built condition of the future right of way of Beyer Boulevard West extension does require or take more than 1.82 acres of the Beyer Community Park parcel APN 638-070-71 and results in the loss or diminution of grant funding, or the California State Parks Office of Grants and Local Services (OGALS) Grant Deed Restriction recorded by the City over APN 638-070-71 needs to be amended for any reason triggering a conversion under NEPA Section 106, the Owner/Permittee shall be required to reimburse any and all loss or diminution in grant funding up to the total awarded grant amount of \$13,694,205.00, to the satisfaction of the Parks and Recreation Department or designee, prior to the issuance of any construction permit for Beyer Boulevard West.

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

128. Prior to issuance of any construction permit for Beyer Boulevard West, the Owner/Permittee shall ensure that all off-site improvement construction plans for the extension of Beyer Boulevard West do not adversely impact the Beyer Community Park future improvements and do not encroach into the limit of grading boundary indicated on the approved Exhibit A drawings to the satisfaction of the Parks and Recreation Director or designee.

129. Prior to issuance of any construction permit for Beyer Boulevard West, 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 undercrossings is directed, channeled, and treated separately to ensure the improvements do not adversely impact the Beyer Community Park drainage facilities. Beyer Boulevard West Road improvements, including the regional basin adjacent to Beyer Community Park shall not modify any park improvements constructed with California State Parks Office of Grants and Local Services (OGALS) Grant funding associated with the Beyer Community Park Capital Improvement Projects to the satisfaction of the Parks and Recreation Director or designee.

130. Prior to issuance of any grading or building permit on City fee-owned parkland parcels, 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 (Otay Mesa B Open Space) or designated parkland (Beyer Community Park) 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.

131. Prior to City acceptance of any property, 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 to the satisfaction of the Parks and Recreation Director or designee.:

- 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.

132. Prior to City acceptance of any land proposed for dedication in fee title identified in SEIR MMRP mitigation measures PR-BIO-2, PR-BIO-3, PR-BIO-15, PR-BIO 16a and 16b, or City acceptance of any land proposed for dedication in fee title for long term management or City acceptance of management and monitoring responsibilities, and upon Council of the City of San Diego approval of a non-wasting endowment fund and acceptance of endowment funds, the Owner/Permittee shall deposit endowment funds in an amount to be determined at or before acceptance to generate funds in perpetuity for the City to manage the lands in accordance with this permit. No later than six months prior to City acceptance of the endowment funds, the Owner/Permittee shall submit a Property Analysis Record (PAR) for the establishment of a non-wasting endowment to the Parks and Recreation Department for review and approval. The PAR estimate shall include City of San Diego fully loaded City staffing and consultant rates for the fiscal year of land transfer in fee title to the City. The PAR estimate shall provide for 100% of the City's costs to manage the dedicated lands consistent with Section 1.5, Preserve Management of the City's MSCP Subarea Plan and/or Section 5.3.2 and Chapter 7 of the VPHCP, including but not limited to total estimated annual maintenance and/or monitoring cost, a 10% contingency, administrative cost, and a total amount necessary to produce annual income for management in perpetuity to the satisfaction of the Parks and Recreation Department Director. Land proposed for dedication in fee title to the City with long-term management responsibilities, and eligible for endowment funding, as depicted in SEIR Figure 5.4-9, shall include but not be limited to the following lands:

- a. Upland Mitigation (169.64 acres)
- b. Wildlife Crossing
- c. Otay Tarplant/Native Grassland Mitigation (0.96 acres)
- d. Wetland Mitigation (2.18 acres)
- e. Vernal Pool and Quino Checkerspot Butterfly Restoration (33.71 acres)

133. Prior to City acceptance of any land proposed for dedication in fee title or City acceptance of long term management responsibilities related to the VPHCP Major Amendment, including additional habitat preservation land, and the Furby North Preserve Exchange parcel, and upon Council of the City of San Diego approval of a non-wasting endowment fund and acceptance of endowment funds, the Owner/Permittee shall deposit endowment funds in an amount to be determined at or before acceptance in a non-wasting endowment to generate in perpetuity funds for habitat management for the City to manage the lands in accordance with the VPHCP Major Amendment. No later than six months prior to City acceptance of the endowment funds, the Owner/Permittee shall submit a Property Analysis Record (PAR) or equivalent funding estimate for the establishment of a non-wasting endowment or other City agreed upon funding mechanism to the Parks and Recreation Department for review and approval. The PAR or PAR equivalent funding estimate shall provide for fully loaded City of San Diego staffing and consultant rates for the fiscal year of land transfer in fee title to the City. The PAR estimate or equivalent funding estimate shall provide for 100% of the City's costs to manage the dedicated lands consistent with Section 1.5, Preserve Management of the City's MSCP Subarea Plan and/or Chapter 7 of the VPHCP, including but not limited to total estimated annual maintenance and/or monitoring cost, a 10% contingency, administrative cost, and a total amount necessary to produce annual income for management in perpetuity to the satisfaction of the Parks and Recreation Department Director. Land proposed for dedication in fee title to the City or City acceptance of long-term management responsibilities, and eligible for endowment funding, as depicted in SEIR Figure 5.4-9, shall include but not be limited to the following lands:

- a. Additional Habitat Preservation (95.29 acres)
- b. Furby North Exchange Land (7.98 acres)

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 JUL 06 2026 by Resolution No. R- 316859.

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.

Tri Pointe Homes IE-SD, Inc.
Owner/Permittee

By _____
Allen Kashani
Assistant Secretary

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

Passed by the Council of The City of San Diego on July 6, 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☐	☒	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Henry L. Foster III	☒	☐	☐	☐
Marni von Wilpert	☐	☒	☐	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☐	☐	☐	☒
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage 'JUL 06 2026.

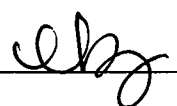
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number **R-316859**